

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #5

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2002 JUL -2 P 3:47

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

CITE AUTHORITY: W. Va. Code §18-26-B

RULE TYPE: PROCEDURAL  INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

\_\_\_\_\_

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

\_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 27

TITLE OF RULE BEING PROPOSED: Financial Assistance to Athletes

\_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS August 1, 2002

  
Authorized Signature

**SCANNED**

**TITLE 133  
PROCEDURAL RULES  
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

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**SERIES 27  
FINANCIAL ASSISTANCE TO ATHLETES**

OFFICE WEST VIRGINIA  
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**SECTION 1. General**

- 1.1. Scope. -- Policy regarding the awarding and retention of financial assistance to athletes.
- 1.2. Authority. -- W. Va. Code §18-26-8
- 1.3. Filing Date. -- July 2, 2002
- 1.4. Effective Date. -- August 1, 2002
- 1.5. Repeal of Existing Rule: Repeals and replaces Title 128, Series 61 and Title 131, Series 61

**SECTION 2. Awarding Financial Assistance**

Student athletes may be considered for all student aid programs available at the institution including, but not limited to, athletic grants, need-based grants, student employment, loans, and merit-based aid awarded for talents other than athletic ability. In awarding financial assistance to athletes, West Virginia public colleges and universities shall follow the regulations relating to the various forms of aid awarded (e.g., institutional policies relating to academic standards and satisfactory progress, state and federal student aid regulations, and applicable policies promulgated by such athletic organizations as the National Collegiate Athletic Association and state or regional affiliates of such organizations).

**SECTION 3. Retaining Financial Assistance**

Financial assistance which is awarded on a basis other than athletic ability or participation shall be retained by the student athlete according to regulations applicable to the type of assistance awarded, and shall not be conditioned in any way upon athletic participation.

Students shall retain athletic grants and other forms of student assistance awarded on the basis of athletic ability or participation in accordance with the following:

- 3.1. Injury - Athletic aid may not be canceled or reduced at any point during the period for which the award was made in situations where a bona fide

injury or physical condition prevents the student athlete from participating in practice sessions or intercollegiate athletics.

- 3.2. Contribution to team - Athletic aid may not be canceled or reduced at any point during the period for which the award was made on the basis of a student athlete's ability or contribution to the team's success.
- 3.3. Other - Athletic aid may be reduced or canceled if the recipient (i) renders himself/herself ineligible for intercollegiate competition; (ii) fraudulently misrepresents any information on an application, letter of intent or other document; (iii) engages in serious misconduct warranting substantial disciplinary penalty; or (iv) voluntarily withdraws from athletic participation for personal reasons. Any such reduction or cancellation of athletic aid is permissible only if such action is taken for proper cause by the regular disciplinary or student financial aid authorities of the institution and the student athlete is afforded the opportunity for a hearing through the regular disciplinary or student aid appeal procedures. Subject to the applicable regulations, provisions and exceptions set forth by the duly recognized agency (e.g. National Collegiate Athletic Association) then having jurisdiction, when a student voluntarily withdraws from athletic participation, such cancellation or reduction of the athletic aid may occur only within the terms under which the award was made.