

1973 WL 27718 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 9, 1973

*1 Mr. Bo Hagan
Administrative Assistant
Department of Athletics
University of South Carolina
Columbia, South Carolina 29208

Dear Mr. Hagan:

You have asked for an opinion on Section 3-4(d) of the N.C.A.A. Constitution. This paragraph concerns the mechanics member institution must use in making a determination of whether or not to renew a scholarship or a grant-in-aid award. In reviewing Section 3-4(d), the followings steps are specifically required:

1. The decision concerning renewals of scholarships or grante-in-aid shall be made on or before July 1 prior to the academic year they are to be made effective.
2. Prior to July 1, the institution shall notify each student athlete who received the award the previous academic year and who is eligible to receive an award the ensuing academic year whether his grant has been renewed or not.
3. In the event the institution has determined that a student athlete's scholarship will not be renewed, the following additional requirements must be met:
 - (a) On or before July 1, the institution must inform the student athlete that as of the ensuing academic year, the grant will not be renewed.
 - (b) The institution must inform the student athlete, that is he (the student athlete believes the grant has been denied renewal for questionable reasons he may request and shall have a hearing before the institutional agency making the financial award.
 - (c) The institution must have established procedures for holding a hearing upon such a request.

Section 3-4(d) provides Due Process guarantees for the student athlete. The Constitutional language would seem to indicate that the student's right to a hearing is an absolute one and that any student athlete demanding a hearing must be given the opportunity to have one.

However, this does not saddle the institution with any affirmative requirement to justify its reasons not to renew the grant-in-aid. Instead the student athlete is entitled to the following:

1. The reasons why the grant-in-aid is not being renewed;
2. An opportunity to present evidence in his own behalf;
3. A decision by the hearing board giving its reasons for denying any relief, if such is its decision.

The only time the institution would be required to substantiate its reasons for not renewing the grant-in-aid would be when the hearing board determined such was necessary. However, there is no requirement that the hearing board either take evidence supporting the institution's reasons for not renewing the grant-in-aid to allowing the student athlete an opportunity to cross-examine. by evidence and equally applied to all student-athletes.

It is suggested that when the student-athlete being notified that his award will not be renewed, be read and required to sign something to the effect:

(1) I have been informed that my scholarship will not be renewed for the academic year starting ____.

*2 (2) I also understand that I have the right to a hearing before the scholarship committee and I further understand that I must make this request within ten (10) days or this right is waived.

Sincerely yours,

A. Camden Lewis
Assistant Attorney General

1973 WL 27718 (S.C.A.G.)

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.