

August 13, 2020

Dear NCAA Staff:

Please accept this correspondence as a request to waive transfer legislation for Men's Basketball student-athlete, Nike Sibande. The University is confident the staff will agree the facts and mitigating circumstances warrant a waiver for Nike to gain immediate eligibility to compete following his transfer to Pitt.

### Facts

Nike Sibande was born and raised in Indianapolis, Indiana. After graduating high school in 2017, Nike accepted an athletic scholarship to attend Miami University ("Miami") in Oxford, OH, as a member of the men's basketball team. Nike was ecstatic about the opportunity he had to receive a higher education, while pursuing his athletic dreams. Throughout Nike's time at Miami (OH), he had many landmark occasions on the court, but the one landmark that affected him the most occurred off the court.

Right at the beginning of his junior year, Nike's whole life changed. On September 5, 2019, Oaklynn Sibande, Nike's daughter, was born. Nike knew balancing school, basketball, and new fatherhood would be a challenging adjustment, but he credits the birth of his daughter as an inspiration for his desire to succeed. He, however, could not anticipate what lay ahead just a few months after becoming a father for the first time. The news of the novel coronavirus, later named "COVID-19," became more and more commonplace in everyday life. Late in January 2020, Nike was shocked and disconcerted when he learned that a home contest was cancelled due to concerns related to COVID-19. At the time, very little was still known about COVID-19, and Nike remembers feeling scared. He was no longer concerned with his own wellbeing, but he now had his daughter to think about.

The next several weeks after that game cancellation were a stressful time. As the country learned more about COVID-19, and the world as Nike knew it began to change at a rapid pace, he continued to keep Oaklynn's welfare in mind. When Nike returned to Indianapolis after a sudden ending to his junior season, he had time to think; mainly about his daughter and what would be best for her. Nike did not know what laid ahead, but he did know he was not comfortable asking Oaklynn and her mother to move to Oxford, OH. The stress of the changes relating to COVID-19 that Nike witnessed so early on weighed heavily on his mind. After careful consideration, Nike made the decision to enter the transfer portal, which he based solely off of his desire to keep his family safe.

The recruitment landscape during this time was an added stressor. Because of COVID-19 recruiting restrictions, Nike was unable to physically visit any potential institutions. Additionally, with the safety of Oaklynn and his family at the forefront of his mind, it was crucial to Nike to transfer to an institution where he feels supported so that he, in turn, can support his daughter.

Despite other options that were closer to Indianapolis, Nike was drawn to Pittsburgh. Nike quickly developed a strong relationship with the Pitt Men's Basketball coaching staff. The budding relationship with the coaching staff along with the University of Pittsburgh's hospital system were two major factors that swayed Nike to commit to Pitt over his other offers.

### Mitigating Circumstances

1. Shared responsibilities raising Oaklynn: Nike and Oaklynn's mother will be sharing day-to-day childcare responsibilities for Oaklynn. Oaklynn and her mother moved to Pittsburgh shortly after Nike arrived. During July 2020, Nike drove back to Indianapolis in order to sign Oaklynn's birth certificate to be officially designated as her parent. Nike's unwavering commitment to his daughter and making sure she has a safe and steady life is apparent when he speaks about her. When Nike made the decision to transfer, he carefully considered every factor through the lens of "father."
2. COVID-19 concerns: earlier in 2020, Nike experienced some of the earliest effects of COVID-19. While the rest of the country had only heard whispers of the new, flu-like virus, Nike lived through an experience that came to be the norm for everyone in the intercollegiate athletic. The cancellation of a home game out of concern for COVID-19 presence was shocking and a grim indicator of things to come. This experience made Nike realize more than ever that he wanted to create a safe and nurturing environment for his daughter. Nike aimed to find a new home and school in an area that is prioritizing the health of its citizens. Pittsburgh and namely, the University of Pittsburgh, has one of the largest and prestigious hospital systems in the country. Compared to the locale of Nike's previous institution, Allegheny County's hospital bed ratio is higher than Butler County, OH. In Allegheny County, there is approximately one hospital bed for every 171 residents. In Butler County, there is approximately only one hospital bed for every 484 residents. Pittsburgh is much better equipped to handle an influx of COVID-19 cases, thus the basis of its appeal to Nike and his family. Additionally, Allegheny County has a lower number of confirmed COVID-19 cases per 100,000 residents (741) than Butler County does (777).
3. Timing: Nike transferred to Pitt at the first opportunity after the birth of Oaklynn. Nike began the fall 2019 term at Miami (OH) on August 26, 2019, and his daughter Oaklynn was born on September 5, 2019. By that stage, Nike could not leave Miami (OH) immediately, as it would have negatively affected his academic progress to transfer mid-term. Further, by leaving at semester, Nike would have been leaving his team mid-season.
4. Proximity: Oaklynn and her mother will live with Nike in Pittsburgh. Therefore, Pitt is the closest institution to Oaklynn to offer a participation opportunity.

### Request for Relief

Given the mitigating circumstances surrounding Nike's decision to transfer, The University of Pittsburgh requests full relief from Bylaw 14.5.5.2.10 to allow Nike to immediately compete with the Pitt Men's Basketball team.

Closing

Thank you for your time and review of this request and your consideration of these significant mitigating circumstances; we ask that you consider this case with empathy and compassion. Pitt asks the staff to look at the entire scope of this request and to consider the unique decisions that Nike has encountered as he continues his educational and athletic pursuits, and navigates the path of fatherhood. This is Nike's chance to contribute to and make an immediate impact with the Pitt Men's Basketball team while working hard to earn a prestigious degree, and raise his daughter in an environment where he feels that he can provide the best for her safety and well-being. Should you have any additional questions on this matter, please feel free to contact me directly.

Sincerely,

Laura E. Fink  
Assistant Athletic Director for Compliance  
(412) 613-7402