NCAA DIVISION I WORKING GROUP ON COLLEGIATE MODEL -- RULES

Short Discussion Reminders and Guidelines

Rules Working Group

- Charge: Review and amend the NCAA Division I Manual to reduce the volume of the unenforceable and inconsequential rules that fail to support our enduring values and place emphasis on the most strategically important.
  - The group will also recommend processes and procedures that ensures new legislation aligns and addresses our enduring values.

Commitment to Fair Competition

- Bylaws of the Association shall be designed to promote the opportunity for institutions and eligible student-athletes to engage in fair competition. The concept of fair competition requires that all member institutions compete within the framework of the collegiate model of athletics where athletics competition is an integral part of the student-athlete's effort to acquire a degree in higher education. Areas to be regulated include but are not limited to personnel, eligibility and amateurism, recruiting, financial aid, the length of playing and practice seasons and the number of institutional competitions per sport. Fair competition does not support rules or regulations that prevent or reduce the advantages that arise from a student-athlete's level of talent or an institution's financial or other natural advantages.

Operating Bylaws -- Discussion Points

- Is the bylaw meaningful and of consequence?
  - Is it an issue that merits a national regulation or can it simply be addressed by institutions or conferences?
  - Does it support one or more commitments?
  - Is the rule necessary?

Operating Bylaws -- Discussion Points

- Is the bylaw enforceable?
  - Does the rule present significant challenges either in monitoring compliance or proving violations ?
- Does the bylaw further student-athlete success?
  - Academic and/or athletics success.
- What challenges or consequences may arise as a result of the change?

NCAA Working Group on Collegiate Model - Rules
Timeline and Items of Focus Overview

Time Period and Key Dates	Items of Focus
Now through April 20, 2012	Outreach with membership to collect feedback on Commitments and concepts. Specific items: • Commitments. • NCAA Bylaw 11 (athletics personnel). • Bylaw 13 (recruiting). • Bylaw 16 (awards, benefits and expenses).
April 12, 2012 (10 to 11:30 a.m.) NCAA Working Group on Collegiate Model - Rules Teleconference	• Provide summary of feedback received on Commitments, Bylaws 11 (athletics personnel), 13 (recruiting) and 16 (awards, benefits and expenses). • Review initial draft of concepts for Bylaws 12 (amateurism) and 14 (eligibility). • Review initial action plans for Bylaws 15 (financial aid) and 17 (playing and practice seasons).
April 26, 2012 NCAA Division I Board of Directors Meeting	*Progress report; no legislative action anticipated.*
May 3, 2012 (9:30 to 11 a.m.) Rules Working Group Teleconference	• Key insights on Commitments, Bylaws 11 (athletics personnel), 13 (recruiting) and 16 (awards, benefits and expenses): • Finalize concepts to be sent to membership for feedback on Bylaws 12 (amateurism) and 14 (eligibility). • Update on academic fraud and incentives.
May 7 through June 22, 2012 • Conference Meetings • Governance Meetings • NCAA Regional Rules Seminars	Additional outreach on concepts in Bylaws 11 (athletics personnel), 13 (recruiting) and 16 (awards, benefits and expenses) that require additional discussion. Outreach with membership to collect feedback on: • Bylaw 12 (amateurism). • Bylaw 14 (eligibility).
July 12-13, 2012 Rules Working Group Meeting	• Review re-written bylaws and draft legislative proposals related to Bylaws 11 (athletics personnel), 13 (recruiting) and 16 (awards, benefits and expenses). • Key insights on Bylaws 12 (amateurism) and 14 (eligibility) and other items sent to the membership for feedback. • Finalize plans for Bylaws 15 (financial aid) and 17 (playing and practice seasons) reviews after receiving cabinet input.
August 2, 2012 NCAA Division I Board of Directors Meeting	*Progress report; no legislative action anticipated.*
Fall Governance Meetings	Continued outreach and communication.
**October 30 Board of Directors Meeting* *OR* *January 19, 2013 Board of Directors Meeting*	*Legislative action anticipated on Rules Working Group recommendations for Commitments and Bylaws 11 (athletics personnel), 12 (amateurism), 13 (recruiting), 14 (eligibility) and 16 (awards, benefits and expenses).*
TBD Board of Directors Meeting	*Legislative action anticipated on Bylaws 15 (financial aid) and 17 (playing and practice seasons).*

**Fall/winter Rules Working Group meeting to review re-written bylaws and draft legislative proposals related to Bylaws 12 (amateurism) and 14 (eligibility).*

NCAA WORKING GROUP ON THE COLLEGIATE MODEL – RULES
PROPOSED CHANGES TO NCAA CONSTITUTION (ART. 2)

As part of this Working Group's charge, it is necessary to review certain provisions of the NCAA Constitution. Specifically, Article 2 of the Constitution is entitled "Principles for Conduct of Intercollegiate Athletics" and describes 16 different Principles "to which the members are committed." Constitution 2.01.[1] Some of those Principles address matters not strictly within the purview of this Working Group. These include Principles 2.3 (Gender Equity), 2.4 (Sportsmanship and Ethical Conduct), 2.6 (Nondiscrimination) and 2.7 (Diversity within Governance Structures). While those provisions are addressed below (see new Commitments 2.4 and 2.9), the focus of this Group is on provisions most directly related to Articles 11-17.

Provisions in Article 2 outline broad commitments of the Association. They are designed to articulate the priorities and set the overall direction for the Association, as expressed by member institutions. They are intentionally broad, as implementing detail is provided in supporting and specific bylaws. All bylaws in the Manual, and all future legislation, should advance one or more of these provisions. Thus, there is a thread that runs from the broad commitments in Article 2, through the general provisions of each Article and into every bylaw ultimately adopted by the membership.

The proposed revisions that follow generally use current language from Article 2 as a starting point. Recommended changes are designed to (1) more accurately capture the fundamental principles of the Collegiate Model, (2) update arguably obsolete language, and (3) streamline and simplify provisions in Article 2. The revisions are also designed to reduce confusing overlap of common terms presently used in the Manual. For example and for purposes of discussion, "principles" in Article 2 could be called "commitments" and references to "rules," "regulations," or "rules and regulations" could be replaced with a simple reference to "bylaws."

In addition to language changes, this recommendation removes several stand-alone sections of Article 2 for purposes of discussion. These include Constitution 2.12 (Eligibility), 2.13 (Financial Aid), 2.14 (Playing and Practice Seasons) and 2.15 (Postseason Competition). While these items clearly support the Collegiate Model, they do not necessarily require individual constitutional provisions because each is addressed by other commitments. Notes about how these provisions fit within Article 2 follow related commitments.

Specific questions regarding individual commitments are embedded in the recommendations below. In addition, general questions to consider include the following:

1. Are there additional commitments that should be included in the NCAA Constitution?

[1] Citations are to numbers and titles appearing in the 2011-12 Division I Manual.

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2. Should these commitments be reworded to be more specific or less specific?

3. Are these commitments understandable and consistent with the Collegiate Model?

4. Are any of these commitments unique to Division I, or are they all Association-wide?

In conclusion, reasonable minds can and do differ about the NCAA's enduring values and how they should be articulated. These draft proposals are designed to encourage productive feedback about furthering the Collegiate Model of athletics. Accordingly, further debate and analysis will be important.

CONSTITUTION, ARTICLE 2

Elements of the Collegiate Model

2.1 ENACTMENT OF BYLAWS

Bylaws enacted by the Association's members governing the conduct of intercollegiate athletics shall be designed to advance the Collegiate Model, foster competition in amateur athletics and promote the Association's enduring values set forth in this Constitution. In some instances, a careful balancing of these values may be necessary to help achieve the purposes of the Association.

[*Note: This provision is derived from current Constitution 2.01 (General Principle).*]

- *Does this make sufficiently clear that subsequent bylaw proposals need to support the NCAA's most basic principles and commitments?*

2.2 THE COMMITMENT TO AMATEURISM

Member institutions shall conduct their athletics programs for students who participate as a part of their educational experience, thus maintaining a line of demarcation between student-athletes who choose to participate in the Collegiate Model from athletes competing in the professional model.

[*Note: This provision updates and clarifies Constitution 2.9 (Amateurism). It is designed to clearly state the membership's dedication to amateur competition, while allowing flexibility for implementing definitions and bylaws. It is also broad enough to capture portions of Constitution 2.13 (Financial Aid) and, when combined with other commitments, would allow that provision to be removed as a stand-alone section in Article 2.*]

- *Are there specific subjects that should be added here in support of amateurism?*

2.3 THE COMMITMENT TO FAIR COMPETITION

Alternative 1:

Bylaws of the Association shall be designed to promote the opportunity for institutions and eligible student-athletes to engage in fair competition. Member institutions shall abide by uniform bylaws in areas impacting athletics competition including but not limited to personnel, eligibility and amateurism, recruiting, financial aid, the length of playing and practice seasons and the number of institutional competitions per sport. However, bylaws shall not be designed to foreclose advantages that may arise from an institution's decisions regarding allocation of resources or from advantages or disadvantages that may arise from geographical location.

Alternative 2:

The member institutions are committed to the principle of competitive fairness. Competitive fairness requires that student-athletes compete against their peers. This requires that all member institutions compete within the framework of the collegiate model of athletics where athletic competition is an integral part of the student-athlete's effort to acquire a degree in higher education. Competitive fairness suggests that the framework for the student's experience should be one in which academic pursuit is expected and reinforced, where the student-athletes are competing against amateurs like themselves rather than against professionals, and where the rules of the game as well as rules relating to recruitment, eligibility, financial aid and benefits, and conduct do not impose burdens on any team or individual that are not imposed on all teams or individuals. Competitive fairness does not support rules or regulations that prevent or reduce the advantages that arise from a student-athlete's level of talent or an institution's financial or other natural advantages.

[*Note: These alternatives are designed to update and clarify Constitution 2.10 (Competitive Equity). They are also designed to capture portions of Constitution 2.12 (Eligibility), 2.13 (Financial Aid), 2.14 (Playing and Practice Seasons) and perhaps 2.15 (Postseason Competitions) and 2.9 (Amateurism).*]

1. *Feedback on the scope of "fair competition" and the level of specificity to include in this provision would be helpful.*

2. *Please also provide feedback on whether this provision should include the proposed language clarifying that "fair competition" does not mean removing all advantages that may inure to a member institution based on its resources or other factors.*

2.4 THE COMMITMENT TO INTEGRITY AND SPORTSMANSHIP

It is the responsibility of each member institution to conduct its athletics programs and manage its representatives and student-athletes in a manner that promotes the ideals of higher education and the integrity of intercollegiate athletics. Member institutions are committed to encouraging behavior that advances the interests of the Association, its membership and the Collegiate Model. All individuals associated with intercollegiate athletics programs and events should adhere to such fundamental values as respect, fairness, civility, honesty and responsibility. These values should be manifest not only in athletics participation, but also in the broad spectrum of activities affecting the athletics programs.

[*Note: This would represent a new addition to Article 2, derived in part from Constitution 2.4 (Sportsmanship and Ethical Conduct).*]

- *Please provide feedback on whether this language captures the overall concepts of integrity and sportsmanship and, if not, what should be added.*

2.5 THE COMMITMENT TO INSTITUTIONAL CONTROL AND COMPLIANCE

It is the responsibility of each member institution to monitor and control its athletics programs, its representatives and its student-athletes to assure compliance with the Constitution and bylaws of the Association. It is also the responsibility of each member institution to report all instances of noncompliance to the Association and cooperate with the Association's enforcement efforts. Upon a finding of one or more violations, an institution shall be subject to such disciplinary and corrective actions as may be recommended by the Association on behalf of the entire membership.

[*Note: This contains elements of Constitution 2.1 (Institutional Control and Responsibility) and 2.8 (Rules Compliance).*]

- *Please provide feedback on whether this provision makes clear the general responsibility of member institutions to comply with applicable bylaws, and to cooperate in related investigations.*

2.6 THE COMMITMENT TO STUDENT-ATHLETE WELL-BEING

Intercollegiate athletics programs shall be conducted in a manner designed to enhance the well-being of student-athletes who choose to participate and to prevent undue commercial or other influences that may interfere with their scholastic, athletics or related interests. It is the responsibility of each member institution to establish and maintain an environment in which student-athletes' activities, in all sports, are conducted as an integral part of the educational experience. Each member institution should also provide an environment that fosters fairness, sportsmanship, honesty and positive relationships between student-athletes and representatives of the institution.

[*Note: Portions of this language are borrowed from current Constitution 2.2 (Student-Athlete Well-Being) and 2.11 (Recruiting). The provision is also designed to capture portions of Constitution 2.14 (Playing and Practice Seasons) and 2.15 (Postseason Competition) and, when combined with other commitments, would allow those to be removed as stand-alone provisions in Article 2.*]

- *Please provide feedback about whether the first sentence fits better in this section or in the Commitment to Amateurism.*

2.7 THE COMMITMENT TO SOUND ACADEMIC STANDARDS

Standards of the Association governing participation in intercollegiate athletics, including postseason competition, shall be designed to assure proper emphasis on educational objectives and the academic success of student-athletes who choose to participate at a member institution. Intercollegiate athletics programs shall be maintained as a vital component of the educational program, and student-athletes shall be an integral part of the student body. Each member institution's admission and academic standards for student-athletes shall be consistent with the standards adopted by the institution for the student body in general.

[*Note: This language contains elements found in Constitution 2.5 (Sound Academic Standards) and 2.12 (Eligibility). It is broad enough to cover initial and continuing eligibility standards that are tied directly to academic readiness and performance. Other eligibility standards (such as rules about seasons of competition, transfers, outside competition and certain promotional activities) can fall within the Commitment to Fair Competition.*]

- *Please provide feedback on whether additional educational goals should be included in this provision.*

2.8 THE COMMITMENT TO RESPONSIBLE RECRUITING STANDARDS

Recruiting bylaws shall be designed to promote informed decisions and balance the interests of prospective student-athletes, their educational institutions and the Association's member institutions.

[*Note: This provision is largely subsumed by the Commitments to Fair Competition and Student-Athlete Well-Being. However, it is included as a stand-alone section here given its importance to the membership and the importance of balancing different interests.*]

- *Please provide feedback on whether this should remain a stand-alone provision or, alternatively, whether additional detail is warranted.*

2.9 THE COMMITMENT TO DIVERSITY AND INCLUSION

The Association shall promote an atmosphere of respect for and sensitivity to the dignity of every person. The Association should not adopt bylaws that would prevent member institutions from promoting diversity or from complying with applicable laws, ordinances or policies regarding civil rights.

2.9.1 Nondiscrimination. It is the policy of the Association to refrain from discrimination with respect to its educational programs, activities and employment policies, including on the basis of age, color, disability, gender, national origin, race, religion, creed, sexual orientation, genetic information or any other classification protected by federal law. It is the responsibility of each member institution to comply with applicable laws regarding nondiscrimination and to determine independently its own nondiscrimination policies.

2.9.2 Governance Diversity. The Association shall promote diversity of representation within its governance structure. This includes assuring diverse membership in Association-wide bodies, each divisional governing body and their supporting committees, cabinets, councils and other groups.

[*Note: This language combines provisions currently located in Constitution 2.3 (Gender Equity), 2.6 (Nondiscrimination) and 2.7 (Diversity Within Governance Structures). This provision is not specifically within the purview of this Working Group. These provisions are included to demonstrate how Article 2 might look upon completion.*]

- *Please provide feedback on whether these provisions adequately address the NCAA's commitment to diversity and inclusion.*

Please click the following button to attach this form to an email: **rulesworkinggroup@ncaa.org**

James Barker knows what success will look like.

If his team achieves its goals, the chair of the Collegiate Model: Rules working group said that Division I members will no longer be forced to follow insignificant, unenforceable rules designed to create an unattainable level playing field. Every rule will be attached to a tenet of Division I or a principle of the overall Association.

Barker

Everyone in college sports – from the president down to the prospect – will know what behavior is expected, what behavior is unacceptable and what the consequences will be for stepping outside those lines.

"The goal is not to create a Wild West with no rules," said the Clemson president, "nor is it to build a regulatory structure that will allow the Division I Manual to expand so much that five years from now, you won't be able to recognize that we've done any work at all.

"The group is creating a structure that will allow the members to connect every single rule back to a core Division I belief and, ultimately, the values of the NCAA as a whole."

Frequently asked questions about the work of the Collegiate Model: Rules working group

How will I know if I broke a rule?

Division I members will still have rules to follow, and the rules will still be clear enough to know whether or not you've broken one. The difference is the number of rules will significantly decrease and the ones that remain will be about the things that matter most to the Association and the division.

How will we achieve competitive equity if there are no limits on things like paying for recommended books and how many times you can call a recruit?

The new regulatory structure will promote the opportunity for student-athletes and institutions to engage in fair competition and to derive the benefits from participation in intercollegiate athletics. However, Division I rules will not be designed to prevent the inherent advantages that may arise from an institution's decisions regarding allocation of available financial resources.

To what extent are rules-compliance experts involved in the process?

Both the rules and enforcement working groups are representative of several NCAA constituencies, including presidents, administrators, coaches, faculty and compliance professionals. The work has also been presented to the National Association for Athletics Compliance and the Collegiate Commissioners Association Compliance Administrators group. NCAA staff will present the work at the Regional Rules Seminars in the spring and invite dialogue with the attendees about the concepts discussed in both the rules and enforcement groups. Rules compliance experts are invited to review the work already in concept at www.ncaa.org/workinggroups and provide feedback to the groups.

When will we see this work in the form of legislative proposals?

By the April 26, 2012, Board of Directors meeting, the group will finalize the recommended framework of the rules structure and agree on parameters and criteria for future legislation. By the August Board meeting, the group would like to present the presidents with revised Bylaws 11 (Conduct and Employment of Athletics Personnel), 13 (Recruiting) and 16 (Awards, Benefits and Expenses for Enrolled Student-Athletes). Members can

Barker knows the task is herculean. Creating a Manual that emphasizes broader themes, acknowledges the vast diversity within the division and eliminates nonessential areas of regulation is difficult. It is completely different from anything that has been tried before, and the Division I membership is waiting to see what emerges. While the group initially hoped to be finished this spring, the timeline has been extended in a nod to the complexity of the assignment and the need to fully vet proposed changes with the membership.

If a new rules structure like the one under consideration is adopted, Division I regulations will be less prescriptive and will encourage an environment of shared responsibility. In some cases, it will be quite different from the current rule book, which dictates things such as appropriate recruiting modes and what kind of academic and career counseling support can be given to student-athletes. In the new version, the responsibility would be shared among the individual, the institution, the conference office and the NCAA national office. In many cases, institutions would have discretion to do what they believe is necessary for the educational and personal well-being of student-athletes.

Barker said the working group is building a new administrative culture that would allow compliance administrators to get out of the weeds of daily tasks, such as policing communication with recruits. Instead, they would have more time to pay attention to the most important rules that really impact the values of Division I.

"People will do things at a higher level because our new rules

comment on proposed changes in those bylaws now. The group will also begin seeking membership feedback on Bylaws 12 (Amateurism), 14 (Eligibility: Academic and General Requirements), 15 (Financial Aid) and 17 (Playing and Practice Seasons), with the goal of having those bylaws presented to the Board in April 2013.

> If the presidents adopt this, when will the changes be official?

The goal is to have the changes effective August 1, 2013. Some changes may be effective in August 2012, but only with the strong agreement of the membership that those changes can be immediate. The working group will be sensitive to implementation and operational issues on campus, and the group will be as transparent as possible to allow for a thorough vetting of its work before any final changes are adopted.

> What will the new process for modifying rules look like?

While the final process for Division I legislative process has yet to be adopted, the group supports the creation of an overlapping two-year rules structure as proposed by the Legislative Council. The group also supports limits on the number of proposals that can be submitted annually, as well as the creation of guidelines to assist conferences and cabinets in determining whether proposed legislation is enforceable, consequential, national in significance and supportive of student-athlete success and well-being.

> If a more principle-based approach is approved, the governance structure might be inclined to reintroduce more specificity. What can be done to guard against a slow return to the current version of the Manual?

The working group will propose a new legislative process aimed at slowing the addition of new rules and requiring each new proposal to tie back to one of the Association's core values or the Division I commitments.

> What will happen to existing proposals that the Legislative Council has tabled?

In January, the Legislative Council tabled more than 50 proposals associated with the 2011-12 legislative cycle. That action was taken in deference to the working group's charge. The proposals were tabled with the understanding that the proposals could be acted on in April, or at a later date if appropriate, once the working group had developed its recommendations. Since the Legislative Council's January meeting, in response to membership request and feedback, the working group's timeline has been slowed, and the August 2012 Board meeting is now being targeted as the time when the Board will likely take action on the first series of legislative recommendations. This new timeframe will provide the membership the opportunity to review, provide feedback and comment on concepts as the working group develops them over the course of the next several months. However, that delay necessitates that several proposals remain on the table. Those that do remain on the table could compromise the final outcome of the rules working group or may not address the full scope of a particular concept.

structure freed them up to do it," Barker said. "For example, compliance people might be able to say, 'Now I'm getting to know the young men my basketball coach is recruiting, finding out if they are a good fit for our institution, instead of spending hours counting how many times he calls them.' We don't need to decide what books a student-athlete needs or tell people how many coaches can be off-campus recruiting at one time."

The Committee on Infractions and enforcement staffs will have to enforce the new approach. Will they be involved in the process?

The Collegiate Model: Enforcement group is receiving regular updates on the rules group's progress, and members of the two groups will collaborate closely while they are developing both the rules framework and the enforcement structure that will support it. The enforcement group is using some of the same methods to gather feedback, and it also developed a survey instrument to ask the membership about its proposed changes. The rules group frequently taps NCAA Vice President for Enforcement Julie Roe Lach for advice and guidance on how to approach specific rules from an enforcement perspective. The two groups are working together to create a seamless regulatory structure: a smarter set of rules with stronger means of enforcement.

Barker believes the new structure also will allow institutions to decide independently how to use their resources.

Clemson's James Barker explains the efforts of the rules working group.

"We will help define what the division cares about as a whole," he said. "Then it will be up to you to decide who you recruit, how you spend your time and how you spend your money to help your school and your student-athletes.

"We've built an entire structure on our campuses around the rule book. We're really going to shake that up and shift the focus to campuses."

That kind of freedom will be unfamiliar for administrators and compliance professionals who have relied on the Manual and NCAA staff to be the definitive answer. Barker acknowledges a new regulatory culture will present challenges, but he said the benefits will far outweigh the uncertainty. Keeping the rules simple and focused on the values is vital to ultimate success, he said.

To keep the membership at large involved in the discussion, the working group has created a website to present its work – both high level (defining the Division I commitments) and more technical (actual versions of bylaws, old and with proposed changes). Eventually, the site will present ideas for a new approach for considering legislative changes in Division I, which could include a two-year overlapping rules cycle and more rigorous review of potential legislation's tie to the Association's values and division's commitments.

The group will be transparent. In addition to the website, the NCAA staff has already done presentations to various outside groups and will continue gathering feedback for the rules group during open dialogue sessions at the spring Regional Rules Seminars. The goal is to thoroughly vet each concept with the membership before presenting it to the presidents for adoption.

Barker said that while a consensus among Division I members may not be possible on all points, he believes the membership can recognize that the work is necessary, valuable and significant.

The group is seeking feedback from any members who care to comment and is willing to make changes in early proposals if the membership has clear, significant objections. That feedback will be carefully considered as the group moves closer to presenting the Board of Directors with its proposals for a new regulatory structure.

“Progress is being made, but everything is still under discussion,” Barker said. “This is a work that it still under construction, and we won’t present it to the Board for approval until it’s complete. Part of that construction is feedback from the membership, and we intend to pay close attention to what they are saying.”

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