REPORT OF THE
NCAA DIVISION I AMATEURISM CABINET
SEPTEMBER 23-24, 2008, MEETING

***INFORMATIONAL ITEMS*.**

1. Legislative – Comments on Proposals to be initially considered by the Legislative Council in October 2008.

a. Proposal No. 2008-13 – Amateurism – Exception For Prize Money For Student-Athletes – Outside The Playing Season During An Official Vacation Period – Individual Sports. The cabinet supports Proposal No. 2008-13, which would permit, in individual sports, a student-athlete to accept prize money based on his or her place finish or performance in an open athletics event (an event that is not invitation only), provided the competition occurs outside the institution's declared playing and practice season during any official vacation period and the prize money does not exceed actual and necessary expenses and is provided only by the sponsor of the open event.

2. Nonlegislative.

a. NCAA Division I governance structure. The staff conducted a review of the changes to the NCAA Division I governance structure for the cabinet. During this discussion, the staff reviewed the three-to-five year national office strategy and issues on the Division I agenda.

b. Discussion of Vice Chair. The cabinet was informed that pursuant to the new Division I governance structure, each cabinet has discretion to appoint a vice chair if it is determined that the assignment of such a position would be helpful to the cabinet's work. The cabinet made no decision at this time on a vice chair given that this was the first meeting of this group.

c. NCAA Division I Communications and Coordination Committee report. The cabinet reviewed the August 27, 2008, report from the Division I Communications and Coordination Committee. The cabinet was informed by the chair that enhanced communication is intended to be one of the hallmarks of the new Division I governance structure. Also the committee will help coordinate consideration of issues and legislative concepts among the various Division I governance bodies.

d. Review of NCAA Division I Bylaws 12 legislation. The staff led an educational review of Bylaw 12 legislation and interpretations for the cabinet. The education session was primarily focused on the legislation pertaining to the definition of a professional team, competition with professionals and other activities that would cause an individual to lose amateur status and eligibility for Division I intercollegiate competition. In addition, the staff reviewed legislation and issues surrounding agents and advisors.

e. **Informational Session with Eligibility Center and Student-Athlete Reinstatement Staff.** The NCAA Eligibility Center staff provided an overview of the amateurism certification process (ACP) and reinstatement process for prospective student-athletes subject to penalty. The staff discussed the challenges that they encounter when certifying thousands of prospective student-athletes; specifically the difficulty of certifying international student-athletes. The ACP shared information relating to the most penalized sports, the bylaws most frequently violated and the most common Division I penalties resulting from such violations.

f. **Update on the Task Force on Commercial Activity in Intercollegiate Athletics.** Kevin Lennon, vice president for membership services, and Wally Renfro, vice president and senior advisor to President Myles Brand, provided the cabinet an update on the work of the Task Force. The cabinet reviewed a historic narrative entitled "Bringing Balance to Commercial Activity in Intercollegiate Athletics," which was originally prepared to assist the Task Force in its review of commercial activities associated with intercollegiate athletics with the rest of higher education. The narrative was reviewed with the cabinet as an educational tool to provide historical context to facilitate the cabinet's future discussions on issues relating to commercial activities. The cabinet asked the staff to prepare an educational review of current promotional activities legislation for its next in-person meeting.

g. **Fantasy League.** The cabinet received a report about the recent ruling by the 8th Circuit Federal Court of Appeals in the case of CSC Distrib. And Mkting. Inc. v. Major League Baseball Advanced Media L.P., in which the court applied Missouri state law to professional fantasy leagues, has lead fantasy sports games distributors to conclude that offering a college football fantasy game that includes names and game statistics of college student-athletes would be consistent with the ruling. The cabinet was informed of a July 2008 NCAA rule interpretation which states the use of a student-athlete's name in connection with a fantasy sports game even when there is not an entry fee or prize associated is a violation of NCAA bylaws. Additional information and guidance will be provided by the Task Force in the future.

Identification of Future Agenda Items.

a. Definition of Professional Team and Competition with Professionals. The cabinet discussed the definition of a professional team and how one may become ineligible based on benefits received by a teammate as well as issues related to competition with professionals. The cabinet was in agreement that changes to this legislation were warranted. Specifically, the cabinet believes that the current definition of a professional team is too broad and unfairly penalizes prospective student-athletes who never intended to professionalize themselves (e.g. never received more than actual and necessary expenses)

and for whom sports has been an avocation. The cabinet agreed to consider alternatives to this legislation.

b. The cabinet identified the issue of agents and advisors interaction with prospective student-athletes and student-athletes and the potential problems that can jeopardize one's eligibility. The staff disseminated new postenrollment agent and disability insurance educational materials that are available to the membership. The cabinet agreed to examine this issue at future meetings.

c. The cabinet participated in a discussion of amateurism certification challenges facing institutions and the Eligibility Center. The challenges impact institutional recruiting and certification efforts and the Eligibility Center's ability to process certifications in an efficient and timely manner. The cabinet discussed numerous concepts that might mitigate the challenges and agreed to discuss the concepts in greater detail during its February 2009 meeting.

Cabinet Chair: *Mike Rogers, Baylor University, Big 12 Conference*
Staff Liaison(s): *Rachel Newman Baker, Agent, Gambling and Amateurism Activities*
Angie Cretors, Agent, Gambling and Amateurism Activities
Geoff Silver, Membership Services