REPORT OF THE NCAA DIVISION I AMATEURISM CABINET

The NCAA Division I Amateurism Cabinet submits this report from it February 19-20, 2009, in-person meeting in San Antonio, Texas.

***KEY TAKE AWAYS*.**

1. The cabinet continued discussions from its September 2008 in-person meeting and December 2008 teleconference regarding the current definition of a professional team and its impact on the eligibility status of prospective and enrolled student-athletes. As is noted in more detail below, the cabinet unanimously agreed to forward the following interrelated legislative concepts to the NCAA Division I Leadership Council for comment before sponsoring legislation in June:

a. To permit an individual, prior to initial full-time collegiate enrollment, to compete on a professional sports team without jeopardizing his or her amateur status, even if one or more members of the team received more than actual and necessary expenses to compete on the team. However, an individual's amateur status would be jeopardized if he or she receives more than actual and necessary expenses to compete on the team.

b. A prospective student-athlete who does not initially enroll full-time in a collegiate institution within one year following the high school graduation date of the prospective student-athlete's class and participates in organized events after the one-year period shall be charged with a season of intercollegiate competition for each year of participation and shall fulfill an academic year in residence on matriculation at the certifying institution before being eligible to represent the institution in intercollegiate competition.

2. The cabinet reviewed the final report of the Task Force on Commercial Activity in Intercollegiate Athletics. The cabinet was informed that the Division I Board of Directors will charge the Leadership Council with managing consideration of the broad range of issues through the governance structure and the membership. The cabinet, given its unique knowledge and background in issues pertaining to the amateur status of student-athletes was charged with becoming familiar with the Statement of Principles and should anticipate being called upon to make recommendations regarding the necessary implementation details relative to that portion of the principles pertaining to the amateurism rules. The cabinet also reviewed and discussed current legislation pertaining to the use of student-athlete name/picture/likeness in promotional activities.

3. The cabinet agreed to support a 12-month pilot program that designates the U.S. Census Bureau Web site as the source for expense valuation determinations in those cases where the Eligibility Center and the institution cannot reach an agreement when determining the value of actual and necessary expenses under Bylaw 12.02.4.

4. The cabinet did not support Proposal 2008-79 as written; however, noted that they would be supportive of an early to mid-May deadline. The cabinet requested that the staff prepare a white paper outlining alternatives and points of consideration for each alternative.

***INFORMATIONAL ITEMS*.**

1. Legislative - Concepts Supported by Cabinet for 2009-10 Legislative Cycle.

a. Pre-Enrollment Amateur Status. The cabinet continued its discussions of the current definition of a professional team and its impact on the amateur status of prospective student-athletes. The cabinet unanimously supports a legislative concept to specify that prior to initial full-time collegiate enrollment, an individual may compete on a professional sports team without jeopardizing his or her amateur status, provided he or she does not receive more than actual and necessary expenses from the professional sports team. The cabinet agreed that it is more fair and appropriate to determine a prospective student-athlete's eligibility based on the specific circumstances of the prospective student-athlete (as opposed to the prospective student-athlete and any of his or her teammates). Under this approach, a prospective student-athlete would also be permitted to sign a contract with a professional sports team, provided the terms of the contract do not allow for the receipt of more than actual and necessary expenses. The cabinet is asking for feedback from the Leadership Council before sponsoring legislation to address this issue in June.

b. Seasons of Competition and Delayed Enrollment. As part of its discussion regarding pre-enrollment amateur status, the cabinet discussed the issue of prospective student-athletes who delay their enrollment into collegiate institutions after graduating from high school. The cabinet unanimously agreed that with the increased flexibility in pre-enrollment participation opportunities provided by the proposed legislative concept noted above, it is appropriate and necessary to place additional restrictions on current organized competition legislation applicable to prospective student-athletes' athletics activities subsequent to their high school graduation date and prior to initial full-time collegiate enrollment. Specifically, the cabinet supports a legislative concept to specify that a prospective student-athlete who does not initially enroll full-time in a collegiate institution within one year following the high school graduation date of the prospective student-athlete's class and participates in organized events after the one-year period shall be charged with a season of intercollegiate competition for each year of participation and shall fulfill an academic year in residence on matriculation at the certifying institution before being eligible for intercollegiate competition. The cabinet is also asking for feedback from the Leadership Council before sponsoring legislation to address this issue in June.

2. Legislative - Cabinet Sponsored Proposal for the 2009-10 Legislative Cycle.

NCAA Bylaw 12.2 – Involvement with Professional Teams – Tryouts. The cabinet sponsored legislation to permit, in men's ice hockey, prospective and enrolled student-athletes to accept actual and necessary expenses from a professional sports organization to attend the National Hockey League (NHL) Scouting Combine regardless of the length of the combine. Currently, men's basketball prospective and enrolled student-athletes are permitted to receive expenses from a professional sports organization to attend the NBA Predraft Basketball Camp regardless of the length of the camp. Men's ice hockey prospective and enrolled student-athletes, however, must limit their tryout activities to a 48-hour period to avoid jeopardizing their eligibility if they receive expenses for the tryout from a professional sports organization. As a result, individuals taking part in the combine (which does not include any on-ice activities) have attempted to conduct as many interviews as possible during the 48-hour time period, during which medical screenings and a physical fitness evaluation also take place. This over-scheduling results in student-athletes not performing to their utmost abilities. Accordingly, the cabinet agreed that men's ice hockey prospective and enrolled student-athletes should be permitted to receive expenses from a professional sports organization for the combine even if the individual's visit exceeds 48 hours.

3. Legislative - Review of Proposals Scheduled for Final Consideration at the April 2009 Legislative Council Meeting.

a. NCAA Proposal 2008-13-B -- Amateurism -- Exception for Prize Money for Student-Athletes -- Outside the Playing Season During the Summer Vacation Period -- Individual Sports. The cabinet agreed to support Proposal No. 2008-13-B, which would permit student-athletes in individual sports to accept prize money based on place of finish or performance in an open athletics event, provided the competition occurs outside the institution's declared playing season during the institution's summer vacation period and the prize money does not exceed actual and necessary expenses and is provided only by the sponsor of the open event. The cabinet previously supported Proposal No. 2008-13-A, which was defeated, and would have allowed for the receipt of such expenses during any institutional vacation period.

b. NCAA Proposal 2008-25-D – Recruiting – Letter of Intent Programs – Requirements for Offers of Athletically Related Financial Aid – Completion of Amateurism Certification Questionnaire – Delayed Effective Date. The cabinet agreed to support Proposal No. 2008-25-D, which would specify that an institution shall not provide a high school, preparatory school or transfer prospective student-athlete a written offer of athletically related financial aid until he or she has

completed the amateurism certification questionnaire administered by the Eligibility Center. The cabinet noted that Proposal No. 2008-25-A, which was defeated, was co-sponsored by the NCAA Division I Academics/Eligibility/Compliance Cabinet Subcommittees on Agents and Amateurism and Recruiting.

c. **NCAA Proposal No. 2008-79 – Amateurism – Involvement with Professional Teams – Professional Basketball Draft – Four-Year College Student-Athlete – Men's Basketball**. The cabinet reviewed Proposal No. 2008-79, which would specify that in men's basketball, an enrolled student-athlete may enter a professional league's draft one time during his collegiate career without jeopardizing eligibility in the sport, provided the student-athlete requests that his name be removed from the draft list and declares his intent to resume intercollegiate participation by the end of the day prior to the first day of the spring National Letter of Intent signing period for the applicable year; the student-athlete's declaration of intent is submitted in writing to the institution's director of athletics; and the student-athlete is not drafted. The cabinet expressed concern that the timeline provided in the proposal would not provide student-athletes with sufficient time to make an informed decision about their futures. The cabinet discussed whether an early- to mid-May deadline (e.g., May 8) would be more appropriate as it would provide student-athletes more time to gather information about their draft status and would still allow institutions time to sign prospective student-athletes to athletics tenders prior to the conclusion of the National Letter of Intent spring signing period. The cabinet requested that staff prepare a white paper outlining alternatives and points of consideration for each alternative.

4. Nonlegislative - Expense Valuation Methodology for Analyses Involving Bylaw 12.02.4.

The cabinet reviewed the report of the Amateurism Certification Process (ACP) staff of the NCAA Eligibility Center regarding expense valuation issues involving Bylaw 12.02.4. The ACP staff recommended that the U.S. Census Bureau Web site (including hyperlinks to validated country-specific information) should be the resource for obtaining data to establish fair market value calculations when issues arise regarding an expense valuation within a Bylaw 12.02.4 professional team analysis.

The cabinet noted that using a single objective source for this type of data would help bring consistency to the process and agreed to support a 12-month pilot program that designates the U.S. Census Bureau country-specific links as the source for expense valuation determinations in those cases where the ACP staff and member institution (on behalf of the prospective student-athlete) cannot reach an agreement on a reasonable valuation. In the event a range of reasonable valuations is generated from the information available on such links, the ACP staff and member institution will attempt to reach agreement on an

appropriate designated value. If an agreement cannot be reached, the case may proceed to the fact-finding committee to determine which values from the given range should be used.

The cabinet charged the ACP staff to seek to identify other potential objective sources of country-specific expense valuation information in addition to tracking all instances impacted by the adoption of this pilot program. Further, the cabinet asked to receive periodic updates regarding the implementation of the 12-month pilot program.

Cabinet Chair: *Mike Rogers, Baylor University, Big 12 Conference*
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