A G E N D A

National Collegiate Athletic Association

Division I Amateurism Cabinet

NCAA National Office
Indianapolis, Indiana

June 22 and 23, 2009

1. Opening remarks and review of schedule. [Supplement No. 1]

2. Review of February 19 and 20, 2009, Division I Amateurism Cabinet meeting report. [Supplement No. 2]

3. Guiding principles.

4. Review of recently adopted legislation.

5. Conflict of Interest Statement. [Supplement No. 3]

6. Definition of a professional team.

   a. Report from coaches associations. [Supplement No. 4]

   b. Consideration of legislative concept. [See Supplement No. 2]

7. National Hockey League Scouting Combine. [See Supplement No. 2]

8. Disability Insurance. [Supplement No. 5]

9. Policies and Practices Task Force update.

10. Basketball Focus Group update.

11. Student-athlete likeness issue. [Supplement No 6]

12. Report on message boards.

13. Review of May 12, 2009, Division I Communications and Coordination Committee report. [Supplement No. 7]

14. Student-Athlete Advisory Committee report.

15. National Association for Athletics Compliance (NAAC) representative update. [Supplement No. 8]

16. Eligibility Center report.

    a. General update.

    b. Penalty cases update.

    c. New registration update.

    d. Amateurism Fact-Finding Appeals Committee.

    e. Policies and procedures. [Supplement No. 9]

    f. Additional expense comparison research related to pilot program. [Supplement No. 10]

17. Bylaws and Practices Review. [Supplement No. 11]

18. News articles. [Supplement No. 12]

19. Summary of key items and takeaways.

20. Other business.

21. Future meeting dates.

a. September 24 and 25, 2009, NCAA National Office, Indianapolis, Indiana.

b. February 25 and 26, 2010, NCAA National Office, Indianapolis, Indiana.

22. Adjournment.

Schedule for June 22 and 23, 2009, Meeting of the Division I Amateurism Cabinet NCAA National Office Indianapolis, Indiana

Sunday, June 21		**Meeting Room**
Cabinet members arrive in Indianapolis - dinner on your own.		
Monday, June 22		
Breakfast	8 to 8:30 a.m.	Atrium
Cabinet meeting	8:30 a.m. to 12 p.m.	Ced Dempsey
Lunch	12 to 1 p.m.	Atrium
Cabinet meeting	1 p.m. to 5 p.m.	Ced Dempsey
Dinner on your own.		
Tuesday, June 23		
Breakfast	8 to 8:30 a.m.	Atrium
Cabinet meeting	8:30 a.m. to 12 p.m.	Ced Dempsey
Shuttle to airport departs national office	12 p.m.	

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*
Staff Liaison(s): *Rachel Newman Baker, Agent, Gambling and Amateurism Activities*
Angie Cretors, Agent, Gambling and Amateurism Activities
Geoff Silver, Academic and Membership Affairs

National Collegiate Athletic Association

Executive Committee

CONFLICT OF INTEREST POLICY

Conflict of Interest Statement

The NCAA is a voluntary Association comprised of colleges, universities, conferences and other organizations, and governed through a membership-led committee structure. Within the governance structure, committee members must carefully balance their responsibilities to their respective institutions and/or conferences with the obligation to advance the interests of the Association, the division, or the sport, and ultimately enhance the student-athlete experience. While the fiduciary obligations of committee members to their own institution, their conference, and to the Association ordinarily are not in conflict, it is recognized that as a representative membership organization, committee members' fiduciary obligations are first to their institution, second to their conference, and third to the Association. NCAA committee service involves important ethical and moral obligations. Committee integrity is critical to the decision-making process and includes trust, confidentiality and honesty in all issues and aspects of service and representation. NCAA committee members shall disclose any conflict or potential conflict between their respective personal, professional, institutional, conference, or business interests and the interests of the Association that may affect or otherwise threaten such integrity, in any and all actions taken by them on behalf of the Association, for committee evaluation under this Statement.

In addition to any fiduciary obligation to their institution and conference, committee members also have a fiduciary duty to the Association not to use knowledge or information obtained solely due to service on that committee to the disadvantage of the Association during the term of committee service. Further, a Committee member shall not participate in the committee's discussion or vote on any action that might bring direct or indirect personal financial benefit to the member or any organization (other than the member's institution or conference) in which the member is financially interested. A committee member should also not participate in a discussion or vote for which the member's institution or conference is to be accorded a special benefit beyond benefits shared with other institutions or conferences or is to receive a penalty or disqualification. A violation of either of the above rules by a member of the committee shall not invalidate the action taken by the committee if, following disclosure of the conflict of interest, the committee authorizes, ratifies or approves the action by a vote sufficient for the purpose, without counting the vote of the committee member with the conflict of interest, and the appropriate oversight body approves the action.

A committee member is responsible for advising the chair of any actual or potential conflicts of interest or obligations which he/she may have hereunder, and should recuse him/herself from participating in proceedings, as may be warranted by this policy. Abuse of one's position as a member of a committee may result in dismissal from that position. Where such abuse appears evident, a committee member will be notified by the committee chair and will have the opportunity to present a rebuttal or details of the situation. (August 2008 Executive Committee minutes)

Speaking Agent Policy

The president of the Association and the chair of the Executive Committee are the only individuals authorized to speak on behalf of the Association except as outlined below.

An individual representing a member institution or conference who speaks or opines on an Association issue only has the authority to express the view of that individual or the member institution or conference unless the individual has been designated by the Executive Committee of the Association as a speaking agent of the Association on that issue.

Committee chairs are hereby designated as speaking agents of their committees regarding issues within their committees' jurisdiction on which there is consensus, except that positions of advocacy on behalf of the committee or the Association to be communicated in writing or orally to persons or entities external to the Association must have prior approval by the NCAA Executive Committee or the president of the Association.

The president of the Association is hereby granted authority to designate additional speaking agents of the Association. *(April 2001 Executive Committee minutes)*

AMATEURISM CONCERNS EXPRESSED BY COACHES ASSOCIATIONS

Sport	Position on Definition of a pro team proposal
Archery - Women's	Emerging sport - no championship conducted.
Badminton - Women's	Emerging sport - no championship conducted.
Baseball	Contacted - waiting on response.
Basketball - Men's	FIBA has been supportive of the proposal.
Basketball - Women's	WBB Issues Committee has asked staff to provide an overview at their August meeting.
Bowling - Women's	Contacted - waiting on response.
Cross Country - Men's	Contacted - waiting on response.
Cross Country - Women's	Contacted - waiting on response.
Equestrian - Women's	Emerging sport - no championship conducted.
Fencing - Men's	Contacted - waiting on response.
Fencing - Women's	Contacted - waiting on response.
Field Hockey - Women's	Conducting a zoomerang survey.
Football	No concerns with proposal.
Golf - Men's	Contacted - waiting on response.
Golf - Women's	Contacted - waiting on response.
Gymnastics - Men's	Contacted - waiting on response.
Gymnastics - Women's	Contacted - waiting on response.
Ice Hockey - Men's	Contacted - waiting on response.
Ice Hockey - Women's	Contacted - waiting on response.
Lacrosse - Men's	Contacted - waiting on response.
Lacrosse - Women's	Contacted - waiting on response.
Rifle - Men's	Contacted - waiting on response.
Rifle - Women's	Contacted - waiting on response.
Rowing - Women's	No professional rowing teams, thus proposal would not impact sport (letter attached).
Skiing - Men's	Contacted - waiting on response.
Skiing - Women's	Contacted - waiting on response.
Soccer - Men's	Contacted - waiting on response.
Soccer - Women's	Contacted - waiting on response.
Softball	Contacted - waiting on response.
Squash - Women's	Emerging sport - no championship conducted.
Swimming & Diving- Men's	Contacted - waiting on response.

Swimming & Diving - Women's	Contacted - waiting on response.
Synchronized Swimming	Emerging sport - no championship conducted.
Team Handball - Women's	Emerging sport - no championship conducted.
Tennis - Men's	Letter attached.
Tennis - Women's	Letter attached.
Track, Indoor - Men's	Contacted - waiting on response.
Track, Outdoor - Women's	Contacted - waiting on response.
Track, Indoor - Men's	Contacted - waiting on response.
Track, Outdoor - Women's	Contacted - waiting on response.
Volleyball - Men's	No concern with proposal.
Volleyball - Women's	No concern with proposal.
Water Polo - Men's	Contacted - waiting on response.
Water Polo - Women's	Contacted - waiting on response.
Wrestling	Contacted - waiting on response.

May 21, 2009

Mike Rogers
Chair, NCAA Division I Amateurism Cabinet
Baylor Law School
Baylor University
Waco, TX 76798

Dear Mike:

We are writing this letter collectively as a result of recent discussions and meetings among the NCAA and senior staff members from the United States Tennis Association (USTA), the Intercollegiate Tennis Association (ITA), and the World TeamTennis (WTT) professional league.

We wish to positively impact upon the lives of young prospective student-athletes. The pre-enrollment amateurism and eligibility rules are often confusing and, at worst, ineffective. And they are particularly unfair to talented, young American tennis players, who dutifully follow amateur rules that do not exist throughout the rest of the world, but upon matriculating to college, are expected to compete against international student-athletes who have enjoyed considerably more pre-enrollment competitive opportunities, often without facing significant amateurism regulation. It is our shared goal to achieve a solution to this serious and long-standing problem.

It should be noted that in the summer and fall of 2007, the ITA submitted a proposal (sponsored by the Ivy Group) to address some of these same issues. At that time, these recommendations received the support of the AA Subcommittee but were tabled by the AEC Cabinet, primarily because the Cabinet felt that these concerns should be addressed on an association-wide basis, rather than sport specific to tennis.

But now, two years later, we are collectively advocating the following two amendments, **with the understanding that both recommendations will be supported by the Cabinet, and we will not endorse one without the other.** The first is a recommendation to be considered for application across all NCAA Division I college sports, and the second possibly for all sports, but most definitely for the sport of tennis:

1) ***Permit a prospect to participate on a professional team and, in doing so, be allowed to receive reasonable and necessary expenses (Bylaw 12.1.2(e) & 12.2.3.2).***

   The NCAA rule involving club and professional teams has been a source of countless problems and great concern in Division I tennis over many years: it has been extremely challenging for the NCAA staff and college tennis coaches and administrators to research the competitive status of all club (professional) teams in countries throughout the world and to identify accurately the

eligibility of these prospects.

The current legislation prohibits prospects from participating on a professional team, or on a club team if any member of that team receives compensation above actual and necessary expenses. Accordingly, in our country, if a top American prospect wishes to compete for a World Team Tennis franchise alongside players such as Andre Agassi or Serena Williams, etc., they could only do so if they are willing to compromise their NCAA eligibility (even if they do not accept any compensation or prize money beyond expenses). The USTA, ITA and WTT all strongly believe that a prospect's amateur status should not be impacted by the competitive status of a teammate or by the organization's competitive level for which that prospect competes. Furthermore, this is totally inconsistent with the current NCAA rules that permit a tennis prospect to compete as an amateur with a professional partner in a "doubles" tournament. It is very difficult to understand why this same standard should not apply in the context of a club or professional team, and it is equally difficult to explain this to prospects and their families. (To be clear, we do support the rule that if a player receives compensation above actual and necessary expenses, then that player should not be NCAA eligible.)

2) ***Eliminate the "One Year Grace Period – in Tennis Only" to a period approximately one half year or less (Bylaw 14.2.3.2).***

In conjunction with allowing prospects to participate on professional teams (where all other current amateurism and eligibility rules apply), we also strongly support a reduction to approximately one half year or less of the "One Year Grace Period- in Tennis only" (Bylaw 14.2.3.2. And please note that Bylaw 14.2.3.2.1 – Matriculation after 20th Birthday – Tennis only – should remain "as is"). This will further emphasize the importance of the academic continuum, and it will also help ensure that all enrolled student-athletes have relatively similar competitive opportunities, based on age and experience, prior to collegiate enrollment.

Currently, this legislation (initially passed in 1995 for tennis only, but now also for swimming & diving) allows a prospect up to a full year "grace period" to enroll full-time at a certifying institution following high school or a secondary school graduation. We are recommending that Bylaw 14.2.3.2 specify that, in the sport of tennis, the "one year grace period" would be reduced to a period of approximately one half year or less: a prospect who graduates high school in May/June would be required to enroll by the January term of the following year; and a prospect who graduates high school in December would be required to enroll by the August/September term of the following year.

We would stipulate that failure to comply with this new rule trigger even stricter penalties than those currently associated with the bylaw -- penalties that would be applied on a one-to-one basis relative to both loss of years of eligibility and residency requirements (e.g. a prospect who chooses to participate for two years in organized competition after the graduation of his or her high school class and prior to college enrollment would face a loss of two years of eligibility and would be required to complete two years of residency before being eligible to compete in intercollegiate athletics).

This approach would address concerns that a player could forego college enrollment for two or three years while also gaining an unfair competitive advantage during that period, but could still be given an athletic scholarship that would then allow one or two years of eligibility immediately upon enrollment.

We believe that this modification of the "one year grace period rule," combined with the revision of ***Bylaws 12.1.2(e) & 12.2.3.2,*** will initiate a more equitable system where amateurs are truly competing at the highest standard of competition without compromising the spirit or law of amateurism. And it will also safeguard American prospects from having to compete against more experienced (and sometimes professional) international players at the varsity collegiate level. Our recommendations link the two critical concerns of amateurism and eligibility to encourage all prospects to continue their educational path without interruption and, at the same time, ensure that all Division I collegiate tennis players, prior to

enrollment, will have had relatively similar competitive opportunities, based on age and experience. **And on this note, it is very important that it be absolutely clear that our presentation of these recommendations is predicated on the expectation that both of our recommendations for the sport of tennis will be endorsed by the Cabinet. Should this not be the case, we appreciate your understanding that we will need to withdraw our support of this combined proposal.**

In closing, we respectfully request that this letter be considered during the June Division I Amateurism Cabinet meeting, and that our proposed actions be submitted in tandem for NCAA legislation prior to July 15, 2009. Also, we would like to offer to have a representative, or one from each of our respective organizations, attend the Amateurism Cabinet meeting to clarify any positions or be available by phone.

Thank you very much for your consideration of our proposal.

Billie Jean King
Co-founder WTT

Patrick McEnroe
General Manager,
USTA Player Development

David A Benjamin
Executive Director, ITA

cc: Lucy Garvin, President & Chairman of the Board – USTA
Jon Vegosen, First Vice President – USTA
Gordon Smith, Executive Director & COO – USTA
Tom Jacobs, Managing Director, Admin. & Business Affairs, Player Development – USTA
Timon Corwin, Senior Director, Junior & Collegiate Competition – USTA
Timothy Russell, Chair, Collegiate Varsity Committee – USTA
Ilana Kloss, CEO and Commissioner – WTT
Bill Mountford, WTT
Brad Hostetter, Director of Academic and Membership Affairs – NCAA
Geoff Silver, Director of Academic and Membership Affairs – NCAA
Rachel Newman-Baker, Director of Gambling, Agents and Amateurism – NCAA,
Dan Calandro, Associate Director of Academic and Membership Affairs – NCAA

Message from Bill Zack:

Thank you for soliciting input from the Collegiate Rowing Coaches Association. We represent coaches of NCAA Division I, II, and III varsity status women's rowing teams.

To the best of my knowledge, there are no professional rowing teams anywhere in the world. Women rowers do participate on national teams at the U-19, U-23, and senior / Olympic team level. But in those cases they would only receive actual and necessary expenses and perhaps performance bonuses such as the USOC Operation Gold program. So I don't believe that the pre-enrollment amateur status legislation with regard to the definition of a professional team would impact the sport of women's rowing. The seasons of eligibility and delayed enrollment could come into play if a rower were to delay their enrollment in order to participate in a country's U-23 national team program. Some international athletes might choose to delay their enrollment in order to work in their home country and participate in a club level program, but not on a professional team.

Please let me know if you need additional input or if there is anything you want to me to raise with our board of directors or general membership.

Bill Zack
President, CRCA

From: McGee, Megan [mailto:Megan.McGee@sdstate.edu]
Sent: Mon 6/1/2009 6:59 PM
To: Miller, Chance
Cc: McGee, Megan
Subject: RE: Equestrian Coaches Association

Hello Chance:

Sorry not to get back to you sooner. I have had responses from a number of our Equestrian Coaches Association members in the past week and am pleased to forward their input to you.

With regard to item a, since Equestrian is primarily an individual sport without the added complication of professional sports teams, there may be less impact on our sport related to the first legislative concept. However, there are numerous instances each year where prospective student-athletes may delay their full-time enrollment to college in order to compete and most of the D-I institutions with equestrian sport programs have experienced this situation during the recruiting process. Coaches have expressed concerns about how this legislation will affect a prospect's years of eligibility.

After graduating from high school, most prospective student-athletes will have one more year of eligibility in 'Youth' categories within the American Quarter Horse Association or National Reining Horse Associations competitions. Under the United State Equestrian Federation, the NGB for Equestrian sports, 'junior' riders maintain their eligibility for their competition divisions until December 1 of the year they reach the age of 18. Within these types of age categories, thousands of young riders have spent years of dedicated effort, not to mention the time and financial investments made by their families, to work towards participating in youth-oriented national championship, to have one more opportunity for the national youth title.

In most cases, the training of a rider (and their horse) may take years to produce a nationally competitive partnership, always with the added risk that your vital piece of equipment (the horse) will be injured or become unable to perform at the height of a rider's competitive career through any number of unforeseen situations. This very structure often facilitates a family making the decision to have their prospect delay enrollment for a year or two, based on the availability of horses for this rider and for the opportunity to work with trainers or instructors with national or international credentials. There are numerous instances where these youth championships serve as selection criteria for 'developmental' training programs with the NGB, where riders pursue the challenge of representing the US at Olympic, World Championship, or other international competitions.

Equestrian is one of the unique sports where professionals and amateurs compete on the same playing field for an opportunity to represent our country through international competition. While this activity may not be directly related to participating on a professional sports team, the effect of this legislation could certainly affect those prospects who aspire to compete at the highest levels of Equestrian sport. Most prospects who would delay enrollment for these purposes will do so without receiving actual and necessary expenses during this interim. Some prospects will even serve as 'apprentices' or working students for their instructors, to work in exchange for the opportunity to train with a professional in their chosen area of competition. Many will be paying entirely for their living and competition expenses throughout this training process, so the financial burden on the family will continue during training and competition.

With one exception, our group of coaches feel that the legislative concepts discussed in item b. present a concern to some institutions, if we understand the concepts as written. Several Division I Equestrian programs have already had the experience of having a student-athlete lose a year of eligibility due to

delayed enrollment for competition purposes. To place the additional restriction on this student-athlete of an additional year of 'in residence' status before becoming eligible to compete could hamper the 'recruit-ability' of some of the most promising amateur Equestrian prospects and consequently delay the competitive development of smaller and newly declared Equestrian sport programs in this country. Our intention is to recruit student-athletes whose intention is to stay with a program for the entire four or five years of eligibility and then graduate, which ties into positive APR numbers as the sport of Equestrian moves towards Championship status. As a group, all of our coaches feel that the greatest opportunity we have been given is to help provide a vehicle for these prospects to continue with amateur competition while they achieve their college degree, providing an even more positive impact on the Equestrian community and horse industry in the US.

As more and more schools continue to look at adding Equestrian to their sport roster, we appreciate the cabinet's position to evaluate a prospective student-athlete's eligibility based on the specific circumstances for that prospective student-athlete. Our coaches would request that these concepts be addressed in a similar fashion for the sport of Equestrian, taking into account the unique challenges of this emerging sport. We certainly appreciate the opportunity to provide input for this upcoming legislative cycle. Please let me know if you would like more detailed information about these issues or would like to see the direct quotes from the coaches I have referenced for this topic.

Coach Megan McGee
SDSU Equestrian Team
SPE 262 Box 2820
Brookings, SD 57007
605-688-6856 office
605-688-5999 fax
www.gojacks.com

Title: 12.1.2.4.3 - Exception for Insurance against Disabling Injury or Illness.

An individual may borrow against his or her future earnings potential from an established, accredited commercial lending institution exclusively for the purpose of purchasing insurance (with no cash surrender value) against a disabling injury or illness that would prevent the individual from pursuing a chosen career, provided a third party (including a member institution's athletics department staff members, its professional sports counseling panel or representatives of its athletics interests) is not involved in arrangements for securing the loan. The student-athlete shall report all such transactions and shall file copies of any loan documents associated with disability insurance with the member institution, regardless of the source of the collateral for the loan. The student-athlete also shall file copies of the insurance policy with the member institution, regardless of whether a loan is secured to purchase the insurance policy. *(Revised: 1/16/93, 1/14/97 effective 8/1/97)*

Final Report of the NCAA Task Force on Commercial Activity in Division I Intercollegiate Athletics

Preamble.

In compliance with the charge of the NCAA Division I Board of Directors, the following is a report of the Board-appointed Task Force on Commercial Activity in Intercollegiate Athletics. It is submitted to the Board with the recommendation that it be forwarded to the Division I Leadership Council for a broad discussion, thorough vetting both within the governance structure and the membership, and the proposal of implementing legislation where clear parameters are apparent or of best practices where informed judgment and flexibility are favored. On the following pages are a discussion of the tension that exists in the higher education community and beyond regarding the nature of commercial activity in intercollegiate athletics; a historic perspective that explores the ambivalence among the concepts and practices of amateurism, professionalism and commercialism; the task force charge outlining the group's anticipated work product; and a set of recommended principles and guidelines that emerged from three in-person meetings of the group and numerous e-mail exchanges.

It is the overarching conclusion of the task force that for most Division I intercollegiate athletics programs, and for a growing number of other athletics programs, the need for revenue gained through commercial activity associated with intercollegiate athletics (including ticket sales, sale of merchandize, royalties from the sale of media rights, and the development of corporate sponsorships) is as essential to the successful future of the enterprise as is the continued integration of intercollegiate athletics with the values of higher education. While this is disheartening and even contradictory to some in higher education and public who wish intercollegiate athletics to be devoid of any and all commercial influences, commercially generated revenue is both necessary and appropriate as a means for holding the subsidization of athletics from a university's general funds within such bounds that academic mission and programs are not threatened. Indeed, revenue to offset the cost of equipment, personnel, travel and facilities acquired through commercial efforts is as historic as college sports itself.

However, there are two conditions commercial activity must meet to avoid compromising the relationship between intercollegiate athletics as an educational component of the university experience and higher education itself. First, commercial activity cannot abridge the principle of amateurism as applied to student-athletes, including their exploitation by commercial and professional interests. Second, it must comport with the values of higher education.

In the briefest of terms, there are also two conditions for the maintenance of amateurism as understood in the American collegiate model of athletics: (1) Student-athletes cannot financially benefit from their participation in intercollegiate athletics beyond grants-in-aid and other forms

of approved support allowed by NCAA regulations to promote student-athlete wellbeing, and (2) their motivation to play college sports should come primarily from the educational and physical benefits of participation. While these are the conditions *student-athletes* must meet to be amateurs, the principle of amateurism in the collegiate model also includes the responsibility of the NCAA, conferences and member institutions to protect student-athletes from exploitation by commercial and professional interests. In essence, the Association and its member conferences and institutions are charged with ensuring that student-athletes are not taken advantage of in ways that would violate their amateur standing or that threaten the educational advantage gained through participation.

As straight forward as all these conditions appear to be, they can prove to be elusive in their implementation, especially with regard to the increased association of commercial entities with intercollegiate athletics, the expansion of media platforms ranging from print to the Internet and "new media" initiatives, and the growth of intercollegiate athletics as programming inventory for various electronic media. A broadening in the relationship between higher education, intercollegiate athletics and commercial entities is not necessarily an issue for concern if the relationship respects the primacy of collegiate athletics as students, is reciprocal in nature, and the values of higher education are not abridged.

To that end, the NCAA Task Force on Commercial Activity in Intercollegiate Athletics in Division I was formed in June 2008 and charged to review the current rules and applications regarding such activity and to recommend a set of principles for consideration by the Association's governing structure that would guide future applications. Specifically, the task force was asked to find a balance point between the abandonment of all commercial activity in an effort to achieve an unrealistic sense of purity and the engagement of such crass commercialism that the differences that demarcate the collegiate and professional models of sport are lost.

Historic Perspective.

Intercollegiate athletics in the United States – a phenomenon unique to America – is a little more than 150 years old. The first recorded athletics contest between two institutions of higher education was conducted in 1852 and predates both the creation of the NCAA in 1906 and the development of national policy through NCAA regulation in 1921. Ironically, that first contest, a rowing regatta between the men of Harvard and the men of Yale August 3, 1852, does not predate the introduction of commercial activity associated with college sports. Indeed, the race came about at the urging of James Elkins, superintendent of the Boston, Concord and Montreal

Railroad in order to sell tickets to fans to travel and watch the contest. It was a commercial venture on the part of the railroad and its enterprising superintendent who understood the attraction of an athletics event between two of America's great institutions of higher education. Soon, stands at rowing regattas were being constructed "for those willing to pay 50 cents for a seat." Local businesses were advertising their services to fans and boosters. As other sports were added to the opportunities for intercollegiate athletics, the interest in tapping commercial resources to offset the cost of equipment, travel, room and board, and facilities – while often underwritten by the participants themselves – was increasing. Before the turn of the new century, running tracks were being constructed for collegiate competition; and soon after the dawning of the 20th century, the first football stadiums were built on campus. Where campus facilities did not exist, communities were vying for the opportunity to host intercollegiate events for the economic impact such contests would have on their businesses. The interest among students to participate in athletics against other students, the interest among fans and spectators to watch and root for their favorite sides, the interest of the media to report the results as news, and the interest of commercial entities to associate with and profit from the contests was fast established as a fact of the campus athletics experience and the American culture.

There is a temptation in the modern era of intercollegiate athletics to perceive that commercial activity is a recent development fostered by television and embraced by athletics administrators to swell coffers, build ever-expanding programs, and increase payrolls for coaches and other personnel. It is true that television has had an enormous impact on the exposure of intercollegiate athletics with the growing need to acquire programming inventory as broadcast platforms have mushroomed. First radio and then television clearly have added to the exposure of what once were regional match-ups so that an entire nation – and indeed, the world – understands the significance of regular-season contests between Michigan and Ohio State, Texas and Oklahoma, Alabama and Auburn, Notre Dame and Southern Cal. In fact, the Internet presents nearly unlimited access for even the smallest intercollegiate programs. But the presence of commercial activity within the context of intercollegiate athletics is as old as the enterprise itself and it is growing. Through marketing and promotion, the hype and drama associated with these games challenge anything that professional sports can offer. Because of the high interest, advertisers and marketers at local, regional and national levels are eager for an association with such events and with the institutions of higher education that sponsor the teams. Depending on the relative competitiveness or circumstances of the games, corporations are willing to pay premium prices for the opportunity to put their products before the eyes of an enormous audience across a broad spectrum of media.

Commercial activity associated with intercollegiate athletics is not new, and it is not going away.

Despite this simple truth, higher education, the media and the general public are ambivalent and confused about the relationship of commercial activity with intercollegiate athletics. Much of the confusion comes from a firm commitment to the principle of amateurism and an ironic lack of understanding of the term that we inherited from England but never embraced in the same way as a class distinction. What worked to set intercollegiate athletics apart at Oxford and Cambridge from professional sports – that the amateur was of a social class that could afford both the time and expense of sport without compensation or reimbursement – has never worked as well in the egalitarian culture of America's institutions of higher education. Indeed, American universities not only opened their doors to 19th century commoners but welcomed them on its athletics teams where the merits of physical talent were desired over economic advantage. The American version of amateurism that developed as athletics increasingly became a part of the student experience on campuses across the country was not a way to keep social classes apart; it was a commitment to the avocational approach to athletics in the university environment as opposed to the vocational approach in professional sports.

So, while the impact of commercial activity and the interests of commercial entities have been welcomed from the beginning – and indeed has helped salve the irritation of faculty and others that athletics financially distracts from the educational mission of the academy – the scale and scope of such activities juxtaposed against a rigid commitment to play without pay for the athletes has never made for a comfortable seat where the two notions can rest side by side. As both practical and imperative as commercial support has been to the creation, rise and expansion of intercollegiate athletics, it has burdened the conscience of all who assume amateurism must first and always be held apart from concerns about money. It is helpful, therefore, to recall that the NCAA's long-ago adopted definition of amateurism as it relates to intercollegiate athletics has almost nothing to say about compensation and everything to say about motivation. The Principle of Amateurism memorialized in the Association's Constitution declares that "participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation…is an avocation, and (they) should be protected from commercial and professional interests."

The second concept that adds to America's collective confusion about the relationship of commercial activity to intercollegiate athletics is that while participation is to be an avocation for students, college sports as an enterprise is a professional undertaking for everyone else. Furthermore, the generating of revenues to help offset expenses must be guided by the same sound business principles as any commercial entity. When Harvard met Yale in the first rowing contest in 1852 and Princeton traveled to Rutgers for the first intercollegiate football game in 1869, it was the result of students seeking freedom from their 19th Century classrooms. But once

the colors were raised and the pride of victory was contested, it was not long until the professional coach was introduced to improve the chances of winning. Before the establishment of the NCAA in 1906, nearly every sport had coaches who were paid for their expertise. The expansion toward programs with multiple sports lead inevitably to a need for professional management of budgets and schedules, the hiring of coaches and other personnel, the building of facilities to host events, and the development of revenues to pay for the enterprise.

On one hand, such growth of staff, facilities and the need for their management is no different in athletics than for any other activity on campus that is developed in response to need or interest. As the curriculum of higher education in the 18th and 19th century evolved into that of the comprehensive universities of the 20th century, music, journalism and computer science – as examples – were introduced and had to be supported by an infrastructure of personnel, facilities and development. The difference in athletics is the media attention that college sports invited, the public enthusiasm that fans and alumni demonstrated, and the commercial interest that was attracted by both. In addition, the emotional engagement that intercollegiate athletics stimulates, the media and business awareness that follows run so parallel to college sports' professional counterpart that those who view all that pertains to higher education from the viewpoint of the academy are made uncomfortable by the proximity.

The question of whether there should be a connection between higher education-sponsored athletics and the commercial activity that has grown up around such events (regardless of confusion about the propriety of amateurism being under attack or the spreading of professionalism into the infrastructure for college sports) was answered when the first ticket was sold and the first coach was hired. All that has followed is an issue of scale and scope.

To be certain, commercial activity cannot be stripped away from intercollegiate athletics at any level. Higher education requires of college sports programs, as it does of any other component of the campus, that the activity offset at least some of its costs by generating revenue. And as public support and private appreciation for higher education have increasingly experienced a reversal to public appreciation and private support, the need to monetize the assets of an institution and to encourage corporate and private investment in the very basics of the academy, intercollegiate athletics will be pressed more aggressively to develop wider revenue streams through commercial activity. While some in America's colleges and universities have publically lamented the increased commercial nature of the entire campus, it is a fact of 21st century life that institutions of all types will succeed increasingly by their own wits and best efforts to engage the world beyond the campus.

We know from our experiences with media partners and their advertisers that it is not only the popularity of college sports that is attractive. It is also the values that intercollegiate athletics and higher education foster that appeal to marketing and advertising interests. Indeed, if there were no constraints on commercial activity – if colleges and universities were to barter their values (the avocational motivation for athletics participation and the protection of the student-athlete from commercial and professional interests) for a few dollars more – the appeal would be weakened. The attraction of intercollegiate athletics that allows the enterprise to compete favorably with professional sports for media attention and commercial support is not the athletics superiority of the collegiate product. Professional athletes are paid for a reason; they are better at what they do than amateurs because playing sports is the professional's job. The attraction is the near visceral recognition that intercollegiate athletics and higher education share common values and that the keystone to the relationship is the student-athlete who resides in both worlds. That is a value that advertisers and corporations are as interested in preserving as is higher education. Their interest is not in overwhelming the constraints; it is in understanding in clear and unambiguous terms exactly what the constraints are.

As noted earlier, commercial activity associated with intercollegiate athletics is not new, and it is not going away. More importantly, the relationship between commercial entities and college sports, when conducted within the appropriate constraints of higher education, should be encouraged and strengthened. Not only is the revenue from such activity critical to intercollegiate athletics and the colleges and universities that sponsor athletics, it helps engage communities beyond the campus in ways that fulfils the broader mission of higher education. The best relationship is a reciprocal one in which the corporate world advocates for the values of intercollegiate athletics and carries the messages for higher education. We, in turn, have an obligation to work with corporations to help them understand the role of universities in the advancement of national well-being and success. We need to take the steps to educate and support corporations in this endeavor.

But if commercial activity is here to stay – and is to be encouraged – for both intercollegiate athletics and all of higher education, what then are the constraints we use to determine how far we can go without compromising our mission or the principles that underpin that mission? Where can we move comfortably among the conflicting concepts of commercialism, amateurism and professionalism? Is there a true north that can guide each of us so that the desire to compete doesn't incrementally push all of us beyond the brink?

Clearly, there is a shared responsibility for addressing these questions. There may be some regulation that be developed, especially with regard to making commercial activity compliant

with the principle of amateurism for student-athletes. And while the Association can develop recommendations for commercial activity practices that align with the values of higher education, as with most other issues that confront higher education, the answers to these questions most likely are apparent only on a campus-by-campus basis. with most other issues that confront higher education, the answers most likely are apparent only on a campus-by-campus basis. As compelling as it is to find refuge in regulation and national policy that relieves a campus from the difficult decision, it is most likely that each campus must be guided in the decisions regarding commercial activity related to intercollegiate athletics by the principles that guide commercial activity for the rest of the campus. The ways in which we encourage private and commercial funds to subsidize athletics initiatives and the conditions we are willing to accept for how those funds will be spent should be consistent with how we encourage and accept private and commercial funds for the rest of the campus. And while the opportunities for development of commercial relationships are likely greater for athletics than most other components of the campus, the principles for doing so should nonetheless be consistent with the way in which the rest of the campus would approach those opportunities if they were available.
In short, the task at hand – as media platforms broaden and as institutions reach further beyond the campus for new revenue opportunities – is to align the commercial activity associated with intercollegiate athletics with the rest of higher education and to find the appropriate and reciprocal relationship with corporate America so that both benefit in accordance with their shared values.

Task Force Charge.

Prior to its first meeting, the Task Force on Commercial Activities in Intercollegiate Sports received a document outlining the group's charge. The document presented the scope of the issues to be undertaken, including the update and clarification of rules for the uses of student-athlete likenesses, images and names and an expanded charge to address the more general issue of proper engagement in commercial activity in the presentation and broadcast of intercollegiate athletics contests. The charge document also attempted to present the differences between college and professional sports that might influence how and to what degree limits should be established that demarcate the two approaches to sports presentation.

Professional sports, the charge observed, seeks to build audiences by entertainment in sports venues and through media presentations, especially the broadcast media. The purpose is to create interest in sports properties that translates to profits for the owners. The participants in the events are remunerated professional athletes, whose primary functions are to win the contests and add celebrity to the product.

College sports, by contrast, seeks to develop positive interest and loyalty in the sponsoring universities by engaging its campus constituencies, alumni and friends through sports events and through media presentations. The purpose is to create visibility and a sense of standing for the sponsoring universities that can be translated into prestige and attractiveness to potential students. The players themselves are students, not employees, who are to receive the benefits of being enrolled in a university, including the education developmental benefits of participating in competitive sports. Most college and university athletics programs do not result in revenues that exceed expenses and require institutional subsidies to make up the difference. For those specific sports programs that have revenues above expenses, the revenues are distributed broadly to fund participation opportunities in sports with little or no revenues.

The problem with regard to commercial activity arises when the differences between college sports and professional sports are diminished, and the similarities begin to dominate. When media companies and corporate sponsors, reporters and analysts, and university athletics departments, alumni and boosters overly emphasize the similarities between college sports and professional sports, the higher education context for college sports becomes weakened, with the threat of being lost. In too many cases, focus on revenue generation through advertising and corporate sponsorship is not only changing the look and feel of college games, but also the perceived connectivity to higher education.

How can the higher education context of college sports be preserved, even as real world pressures to produce revenue and favorable visibility push the enterprise toward the professional sports approach? How, that is, can the loss of identity of college sports be halted?

Both the narrative and the earlier charge present the case that the answers are neither to divorce college sports from media and commercial interests nor to encourage the drift of college sports toward the professional sports approach. Commercial activity associated with intercollegiate athletics is here to stay and indeed can and should be embraced. The appropriate approach is to nurture a reciprocal appreciation that encourages corporate America to recognize its interest in selling products in ways that are consistent with and helps communicate the values of intercollegiate athletics and higher education.

The charge to the task force was to find the balance point between two extreme positions, between unrealistic idealism and crass commercialism. There is, and there must be, commercial activity associated with college sports. But this commercial activity must respect the context in which college sports is conducted, and it must respect, in particular, that the participants are college students, not paid professional athletes.

The task force was asked to develop the principles that clearly establish this balanced position. These principles, according to the charge, should be sufficiently detailed so that they can be easily translated into enforceable NCAA legislation and rules. They should not be so abstract that they do not relate to action. The formulation of specific NCAA legislation can be undertaken by other NCAA committees with staff assistance, once these principles are in place. The principles must be sufficiently broad-based so that they cover all sports and all commercial activity associated with athletics. They should deal in a consistent way with national postseason championship events, including the Final Four basketball tournaments and football bowl games, with conference championship events and with all regular season games. These principles should be applicable to commercial activity connected with the venues, the broadcast media, and new media in all forms. They should pertain to all contractual arrangements between university athletics departments, athletics personnel and corporate entities that involve sponsorship and promotions, including for example shoe companies and beer distributors.

Special attention needs to be paid to the two issues that motivated the formation of the task force. There must be clear principles that can be translated into enforceable rules pertaining to the uses of student-athlete likenesses, images and names. Similarly, the principles must pertain to BCS postseason football games and indeed all bowl games.

Principles.

After three in-person meetings and numerous e-mail discussions, the task force developed a set of principles for commercial activity that involve student-athlete names or likenesses and activity that does not. The following principles include recommendations for legislative regulation in those instances involving direct student-athlete involvement or exploitation; creation of an oversight committee to inform staff decisions and appeals and to monitor trends regarding commercial activity; and a list of best practices to guide commercial activity at the national, conference and campus levels.

Commercial activities involving student-athlete names or likenesses.

NCAA legislation should be developed regarding the implementation of the following guiding principles concerning use of student-athlete names or likenesses in commercial activities.

1. A student-athlete's name or likeness may not be used in a manner to portray the student-athlete as promoting or endorsing the sale or use of a commercial product or service, or in a manner that a reasonable person would consider exploitation of the student-athlete(s).

   COMMENTS:

   Use by media that is protected by the first amendment would not constitute a violation of NCAA Bylaws as this is written. Use to broadcast and promote intercollegiate competition that is now permitted would continue. A student-athlete's specific association with the commercial product or service or that endorses, or promotes through appearance, words or actions would not be permitted. This change would permit current "indirect" uses, however, a new committee described in No. 5 below would be established to evaluate the uses involving student-athletes that are not prohibited by amateurism rules.

2. Use of a student-athlete's name or likeness (e.g. via game footage) that does not portray the student-athlete in a manner as promoting or endorsing the sale or use of a commercial product or service is permissible if the student athlete has consented to such use, such use is approved by the institution's director of athletics and there is a clear, official and visibly referenced-association between the commercial entity and the institution, conference or NCAA (e.g. "The ABC Company is an official corporate partner of X University and applauds the academic achievements of the institution's student-athletes"). If an institution or student-athlete learns of an improper use of the student-athlete's name or likeness, the member institution must issue a cease and desist notice to the entity.

   COMMENTS:

   The NCAA membership services staff remains the interpretative body for questions about NCAA Bylaw 12 related to student-athlete amateurism. The NCAA membership services staff also provides interpretative advice for permissible uses of likeness proposed by the NCAA national office for the Association's corporate and broadcasting programs, although there should be fewer interpretations after adoption of legislation consistent with these principles. The governance structure (e.g., beginning with the Legislation and Interpretations Committee) ultimately serves as a check on the consistency of interpretations of NCAA rules.

   In addition, a practical process to obtain student-athlete consent and director of athletics approval must be investigated. One approach would be to expand the language of the student-athlete statement. Director of athletics approval could be obtained in advance as well.

3. Provided the provisions in No. 2 above are met, use of a student-athlete's name or likeness is permissible if it is part of the actual coverage, in any medium, of the student-athlete's competition (e.g., TV broadcast, Internet Web cast, mobile statistics and highlights) or is a representation of that actual competition (e.g., photos, footage), provided such use does not take the form of a fabricated product (e.g., names on jerseys). If an institution or student-athlete learns of an improper use of the student-athlete's name or likeness, the member institution must issue a cease and desist notice to the individual or entity.

   COMMENTS:

   This point is added to differentiate between use of name or likeness in the context of athletics competition captured in media forms versus the insertion of a student-athlete's name or likeness on a non-media product. It also is permissible to use a student-athlete's name or likeness to promote media coverage in which the student-athlete, the student-athlete's team or the student-athlete's conference is scheduled to compete or has competed.

   The concept of "convergence", which will merge the interactivity of the computer and computer simulation with television broadcast, will need to be interpreted as it relates to the appropriate uses of student-athlete names and likenesses.

4. A student-athlete may not be paid in any form (see Bylaw 12.02.2) for use of his or her name, likeness or athletics reputation.

   "Bylaw 12.02.2—Pay. Pay is the receipt of funds, awards or benefits not permitted by the governing legislation of the Association for participation in athletics."

5. A "Commercial Activities Oversight Committee" shall be established and empowered to: (1) make binding determinations for questions regarding uses of student-athlete names and likenesses that while not prohibited under NCAA amateurism rules, should nonetheless be prohibited as exploitation, and (2) monitor and review annually the advertising/ marketing/sponsorship and other commercial trends, practices and policies in Division I and specifically those of the NCAA national office.

   COMMENTS:

   The committee would be charged to ensure that the values of higher education, the "collegiate model" and the interests of student-athletes continue to be protected in relationships with corporate entities. The committee would apply a reasonable person standard in making decisions concerning uses of student-athlete names and likenesses that

should, or should not, be considered exploitation, and therefore, prohibited or not prohibited. Annual reports from the committee that include evaluation of the Association's policies and practices shall be submitted to the NCAA Executive Committee.

6. All institutions, conferences, and the NCAA national office shall include specific contractual language in all licensing, marketing/sponsorship, advertising, broadcast, and other commercial agreements that would outline the entity's obligation to comply with NCAA Bylaws, policies, and interpretations, particularly those relating to use of a student-athlete's name or likeness. Institutions, conferences, and the NCAA national office also shall have an obligation to seek reasonable solutions with the contractual entity in cases where NCAA Bylaws regarding use of student-athletes' names and likenesses are not met.

   COMMENTS:

   For example, if a TV network partner does not comply with a requirement of a contract, the institution/conference/NCAA national office might ask them to remove an objectionable ad from future use or produce a replacement ad that sends a "higher education appropriate" message, or even pay a penalty in extreme cases.

7. Each institution, conference, and the NCAA national office shall maintain written policies for its licensing, marketing/sponsorship, advertising, broadcast and other commercial agreements (participants in football bowl games also will be asked to follow this process). These policies will be made available upon request from the Commercial Activities Oversight Committee in that committee's role to evaluate trends and ensure consistency with NCAA Bylaws, policies, interpretations, and best practices.

Commercial activities not involving student-athlete names or likenesses.

Recommended NCAA Best Practice.

Many commercial activities of institutions, conferences, and the NCAA national office do not involve the use of student-athlete names or likenesses, but must still embrace the essential principles upon which intercollegiate athletics is founded.

Corporate and broadcast relationships offer revenue streams that are demonstrably important to sustain overall intercollegiate athletics programs. As a result, the following are recommended standards to consider in such relationships that would encourage uniform practices that would help support the "collegiate model" of intercollegiate athletics and help maintain the line of demarcation between college and professional athletics:

1. The content of commercial advertising and marketing that officially aligns with the institution, conference or NCAA national office and their respective missions should expand the public's understanding of and confidence in higher education and the values of intercollegiate athletics.

2. The quantity of commercial advertising and marketing associated with intercollegiate teams and venues is governed by the respective sponsoring institution, conference or in the case of championships competition, NCAA policies. Such advertising and marketing should be consistent with the mission and values of higher education.

3. Institutions and its athletics personnel, conferences and the NCAA national office should establish written policies and standards regarding the use of intellectual property (e.g. marks and logos) in relation to commercial entities and activities.

4. Institutional presidents, conference boards of presidents and NCAA presidential groups should maintain written policies and standards for advertising and marketing associated with intercollegiate athletics, its participants and personnel.

Respectfully submitted to the Division I Board of Directors.

Task Force Chair:
Graham Spanier, president, Pennsylvania State University

Other Task Force Members:
Michael Adams, president, University of Georgia
James Barker, president, Clemson University
Frank Brogan, president, Florida Atlantic University
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Doug Fullerton, commissioner, Big Sky Conference
John Swofford, commissioner, Atlantic Coast Conference
Craig Thompson, commissioner, Mountain West Conference
Keith Tribble, director of athletics, University of Central Florida

SUPPLEMENT NO. 7
DI Amateurism Cabinet 6/09

REPORT OF
THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
DIVISION I COMMUNICATIONS AND COORDINATION COMMITTEE
CONFERENCE CALL

May 12, 2009

Participants:

Matt Baysinger, Big Twelve Conference – (SAAC)
Grace Calhoun, Indiana University – (Awards, Benefits and Financial Aid Cabinet)
Carolyn Callahan, University of Virginia – (Academics Cabinet)
Damon Evans, University of Georgia – (Leadership Council)
Rob Halvaks, Big West Conference – (Administration Cabinet)
Petrina Long, UCLA – (Recruiting Cabinet)
Mike Rogers, Baylor University – (Amateurism Cabinet)
Jeff Schemmel, San Diego State University – (Championships/Sports Management Cabinet)
Beth DeBauche, NCAA – recording secretary

Joseph D'Antonio, chair of the Legislative Council was unable to participate on the call.

NCAA staff: David Berst, Matt Burgemeister, Jeremiah Carter, Michelle Hosick, Brad Hostetter, Steve Mallonee, Delise O'Meally, Dave Schnase, Sharon Tufano, and Jackie Thurnes also participated on the call.

The conference call was called to order by the chair, Damon Evans, at 3:05 p.m.

1. Recap of items of significance from spring Division I governance meetings.

   a. Division I Leadership Council. The Leadership Council chair reported that the council had a successful meeting in March as they considered a much smaller agenda and used a round table discussion format to enhance the level of dialogue. The chair reported the Leadership Council is busy with three main agenda items: Developing proposed Division I membership standards; managing consideration of the report from the Task Force on Commercial Activities in Intercollegiate Athletics; and exploring ways to enhance the level of diversity in the Division I governance structure. The chair noted that the council will ultimately ask for the assistance of the cabinets regarding these important topics.

   b. Division I Legislative Council. The committee heard from the council's staff liaison that there appears to be a level of trust developing between the Legislative Council and the Board of Directors relative to the council's legislative work, which is so important to the ultimate success of the new structure. It was also reported that the council appreciates the thorough work of the cabinets and the chairs were encouraged to continue to set aside the appropriate time to discuss legislative proposals at their fall meetings and to make sure the reports include both legislative positions and rationales.

c. Board of Directors. The committee was informed that as the Leadership Council explores its advisory role in the structure, the Board suggested that as a general rule it would appreciate receiving advice, counsel and recommendations from the Leadership Council after being fully developed and vetted by the substructure and membership. The Board also reconfirmed its charge to the Leadership Council to examine the level of diversity serving in the governance structure, including positional diversity, noting the importance of ensuring the faculty voice is adequately heard throughout the structure. The Board asked the Leadership Council to thoroughly examine the structure, provide an analysis as to where the faculty voice is most needed, where it might currently be missing and to provide recommendations designed to address the situation with supporting rationale.

2. Staff thoughts and assessments.

a. March 16 meeting with staff liaisons. The committee was informed that the Division I governance liaisons had a productive meeting where they met to share information and ideas regarding the new structure. The focus of the staff's discussion was on streamlining agendas, meetings and reports so that they all focus on the important issues on the Division I agendas thereby allowing cabinets and councils to engage in meaningful work. The staff also discussed the fact that it is appropriate to expect governance representatives to prepare in advance of meetings so that less meeting time can be spent on disseminating information. Last, the staff discussed the value of including an update from the Division I Student-Athlete Advisory Committee as standard practice.

b. March 22 meeting with staff administrative assistants. The committee was informed that the supporting administrative assistants met to discuss the importance of developing agendas and reports that conveyed salient information that was easy for representatives and the membership to follow. The assistants focused on providing a level of consistency in meeting reports, so that reports are not too lengthy and included a section in the beginning of the report highlighting key items from the meeting.

3. National Office initiatives.

a. Request for bylaw review. The committee was informed that the Division I Board of Directors at its April 30, 2009, meeting, requested that the Division I councils and cabinets begin an immediate review of all operational aspects under their purview to identify bylaws and practices that could possibly be modified to provide financial relief to the membership. Specifically, the Board asked that each governance body at its next meeting start developing an exhaustive list of possible bylaws and policy changes ranked in priority order with the relevant projected financial impact on the membership.

b. Policies and Practices Task Force. The committee was informed that their cabinets or councils may be asked to do work on behalf of the Policies and Practices Task Force. If such a request is made, the governance bodies will be asked to make such a review a priority. The requisite staff support will also be provided for such a review.

4. Communication efforts.

a. Update on technology efforts. The committee was informed that SharePoint is now becoming available for use in some departments of the national office and the staff is in the beginning stages of setting it up for outside access. This appears to be an exciting development as SharePoint has many tools to use for collaboration, most notably, the ability for a threaded discussion forum, which would allow members of this "site" to start a discussion, reply to postings and collaborate.

b. Membership outreach. The committee was informed that the staff is in the process of trying to enhance the level of outreach for outside constituent groups. Committee members were encouraged to share governance information when possible with groups of which they are members. Further, staff offered to provide any necessary supporting assistance.

c. Conference meeting and Regional Rules Seminars. The committee was informed that information was shared with the 31 multisport conferences regarding governance initiatives and priorities in advance of conference spring meetings. Additionally, information is being presented at the NCAA Regional Rules Seminars regarding the Division I governance structure and important agenda items.

5. Preview of June cabinet meetings and conference calls.

a. Academic Cabinet. The cabinet has a full agenda for its June meeting involving many themes important to the whole of the Division I agenda. In light of the Division I membership's reluctance to adopt any legislation in the 2008-09 cycle regarding the nontraditional delivery of courses, the cabinet will continue its work in this area and will also explore related issues relative to initial eligibility. The cabinet chair asked for feedback from the substructure regarding concepts and ideas that should be considered by the cabinet as it seeks to possibly develop legislative proposals related to nontraditional course work. The cabinet will also review data and begin discussing issues pertaining to initial-eligibility standards. As data become available the cabinet will also do more work in seeking to identify the profiles of successful two-year college transfer students.

b. Administration Cabinet. The cabinet's agenda will be focused on reviewing cases for institutions going through the membership transition process, assessing the committee appointment process to seek to identify opportunities for improvement and discussing the development of a governance assessment tool. The committee members indicated an interest in being included in that assessment process.

c. Amateurism Cabinet. During its June meeting the cabinet will review the report of the Presidential Task Force on the Future of Division I Athletics. The members currently are in the process of providing comments on the report in advance of the meeting. The members have been responsive to the request to do work in between meetings. The cabinet will also explore whether it wants to sponsor legislation in the 2009-10 cycle changing the definition of a professional team.

d. Awards, Benefits, Expenses and Financial Aid Cabinet. The cabinet will have a streamlined agenda focused on its ongoing comprehensive review of Division I bylaws regarding individual and team financial aid limits. This review will include the inclusion of a number of financial aid officers, which the cabinet views as a positive addition. Additionally, the cabinet will continue its efforts to develop best practices materials for institutions regarding financial aid hearing opportunities and will work to enhance the level of educational outreach for the financial aid community. Lastly, the cabinet will be seeking to put together a financial aid model for sand volleyball.

e. Championships/Sports Management Cabinet. The chair reported the cabinet had been working on its mission statement and principles, which has proved to be a helpful exercise. The cabinet will not be meeting in person in June but will have a conference call to discuss, among other things, cost-savings initiatives and championships travels. Additionally, the cabinet will review a proposal regarding expanded television coverage for select championships and will consider a request for a permanent venue for the track and field championships.

f. Recruiting Cabinet. The members of the Recruiting Cabinet have been asked to work with their conferences to develop best communication practices regarding governance activities. Additionally, the cabinet will focus its efforts on beginning to develop the recruiting model for sand volleyball and continue discussing the role of technology in recruiting. Further, the cabinet will continue its examination of issues pertaining to coaching and athletics personnel limits, especially in light of feedback sought from the membership.

6. Leadership succession planning.

Given the importance of presenting a diverse slate of cabinet and council chairs to the Board for approval, the committee discussed the need to work together to indentify new Division I

governance leadership. Accordingly, it was suggested that the chairs at their next meeting seek to identify two or three individuals who potentially would be interested in serving as chair and on the Communications and Coordination Committee. In seeking to identify new leaders, the committee was reminded that the slate should reflect not only gender and ethnic diversity but positional and subdivisional diversity. Given the importance of the governance bodies working together to develop a slate, it makes it difficult for any of the cabinets or councils to develop a succession plan whereby the vice chair automatically succeeds to the chair's role. Accordingly, the committee members were encouraged to think differently about the vice chair role and not to assume it is an automatic precursor to the role of chair.

7. Meeting schedule.

The committee was informed that pursuant to the new travel policy approved by the Executive Committee, Indianapolis will be the first option for conducting cabinet and council meetings. Accordingly, a potential contract has been arranged at an Indianapolis venue to provide for all six February 2010, cabinet meetings. Pursuant to this contract, cabinet meetings would be scheduled over a two-week period, with each cabinet meeting lasting approximately one and one-half days. The committee was asked to inform Beth DeBauche if they anticipated needing more time to meet. Meeting dates will be assigned based on availability on a first-come, first-serve basis.

8. Proposed future call dates.

The committee will next convene August 2009, in advance of the September cabinet meetings. The staff will circulate availability calendars.

9. Adjournment. The chair adjourned the call at 4:25 p.m.

Cabinet Chair: *Damon Evans, University of Georgia, Southeastern Conference*
Staff Liaison(s): *Beth DeBauche, Governance*

Providing Compliance Solutions
NAAC
THE NATIONAL ASSOCIATION FOR ATHLETICS COMPLIANCE

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SUPPLEMENT NO. 8
DI Amateurism Cabinet 6/09

March 26, 2009

NCAA Amateurism Cabinet
Attn: NCAA Staff Liaisons
P.O. Box 6222
Indianapolis, IN 46206-6222

Dear Amateurism Cabinet Members:

In an effort to provide an avenue for the compliance professionals around the country to further engage in the legislative process, the National Associate for Athletics Compliance (NAAC) established the Legislation & Governance Committee in summer 2008. This Committee is compromised of compliance professionals from 12 Division I institutions and conferences with representation from the Football Bowl Subdivision, Football Championship Subdivision and Division I-AAA. Brad Hostetter from the NCAA Membership Services Staff also serves on the Committee. Enclosed is a complete list of individuals serving on this Committee as well as the Committee's objectives (Attachment A).

The Committee has made great strides in developing a structure in which their objectives may be obtained. The committee created two subcommittees; the Legislation Subcommittee and the Interpretations Subcommittee to ensure the efforts of the Committee were appropriately distributed.

As a member of the Legislation Subcommittee, my objective is to inform you and the Amateurism Cabinet of our interest in developing a positive working relationship and open dialogue with the Cabinet. The Legislation Subcommittee offers itself and the NAAC membership as a resource to the Cabinet.

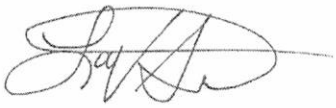
We believe the Cabinet may benefit through a collaborative working relationship with NAAC by allowing our organization to assist in collecting data, conducting research, communicating to our membership and providing an on-campus compliance perspective on legislative issues.

On behalf of NAAC and the Legislation Subcommittee, I look forward to partnering in the future to accomplish mutual goals and advance the work of the Cabinet. Please feel free to contact me at lori.smith@athletics.utexas.edu or 512-563-0654 to discuss such opportunities.

24651 Detroit Road • Westlake, Ohio 44145 • Phone 440-892-4000 • Fax 440-892-4007
www.naaccompliance.com

Administered by:

Sincerely,



Lori Smith
NAAC Legislation and Governance Committee/Legislation Subcommittee Chair,
Assistant Athletics Director for Compliance Services
The University of Texas at Austin

cc: NAAC Board of Directors
NAAC Legislation and Governance Committee

NCAA Divisions I and II

Amateurism Certification Process

Policies and Procedures

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DEFINITIONS

1. **Amateurism Certification Process (ACP) staff member.** An NCAA Eligibility Center staff member or contractor whose responsibilities include amateurism certification.

2. **Management Team.** The director and associate directors whose responsibilities include amateurism certification.

3. **Case Manager.** The ACP staff member designated to coordinate the processes for fact finding, interpretations and conditions assessment for a particular review.

4. **NCAA Eligibility Center (Eligibility Center).** The staff (and/or entity itself) in Indianapolis, Indiana.

5. **Prospective Student-Athlete (PSA).** Any individual whose certification by the Eligibility Center is required for participation in athletics at an NCAA Division I or II member institution.

6. **Elite-Athlete Program.** Identifies the top domestic and international PSA (elite athletes) in each NCAA-sponsored sport and provides research and other assistance to the ACP staff.

7. **Case Management System.** The NCAA database used by the ACP staff to log and organize documents and information relating to amateurism reviews.

8. **Amateurism Questionnaire.** The questions listed on the Eligibility Center registration application used to obtain information on a PSA's basic amateurism.

9. **Academic and Membership Affairs (AMA) staff.** The NCAA national office staff that assists the membership and general public in six basic areas: legislation; interpretations; education; self-study; academics; and committee and governance liaison support.

10. **Student-Athlete Reinstatement (SAR) staff.** The staff within AMA that determines the penalty conditions for all NCAA Bylaws 10 and 12 violations certified by the ACP staff.

11. **Subcommittee for Legislative Relief (SLR, DI) and Committee for Legislative Relief (CLR, DII) staff.** The staff within AMA that determines legislative relief based on certification decisions provided by the ACP staff of the application of NCAA Bylaw 14 legislation.

12. **Agent, Gambling and Amateurism Activities (AGA) staff.** A branch of the NCAA enforcement staff that coordinates a comprehensive program regarding education, the development of relationships with athletics governing bodies and other interested individuals, and to develop and investigate information related to possible violations of NCAA legislation involving agent, gambling and amateurism issues not certified by the ACP staff.

GENERAL TEAM RESPONSIBILITIES

1. Expectations.

ACP staff members are expected to process amateurism certification cases in a timely and professional manner, while providing outstanding customer service to PSAs, the appellate bodies and the membership. Staff members are also expected to perform all duties and projects assigned by the Management Team. All staff members shall follow their job duties and objectives under the direction of their assigned supervisor. Specifically, every staff member is expected to:

a. Promote an environment of collaboration with the membership, the national office staff and the PSAs.

b. Promote a student-first philosophy in all amateurism reviews and endeavor to foster minimal bureaucracy throughout the amateurism certification process.

c. Inform the member of the Management Team that serves as the staff member's supervisor when the staff member will be out of the office.

d. Be cognitive of deadlines for assigned projects and cases.

e. Update and work with the Management Team on the status of high-profile cases.

f. Maintain an accurate and current record of relevant communications between himself/herself, the PSA and the institution and other involved parties in the Case Management System.

g. Be thorough and accurate in the preparation and completion of each case.

h. Maintain open and timely communication with the PSA, the involved institution and the Management Team.

i. Address members of the Management Team for guidance if there are questions regarding the manner in which a case should be processed or handled,.

j. Follow the guidelines as set forth in the NCAA's Employee Handbook.

k. Follow the policies and procedures of the Eligibility Center.

2. Out-of-Office Schedule.

Staff members shall follow NCAA protocol for days when the staff member will not be in the office. Staff member shall use the Ultipro system when requesting time off and follow policies and procedures for using this system adopted by the NCAA human resources staff. In addition, staff members shall follow the appropriate Eligibility Center policies regarding any Eligibility Center-wide out-of-office schedule.

3. Conflict of Interest Policy.

Staff members shall excuse themselves from participating in cases (e.g., discussion, investigation, active participation in any hearings connected with a case) when they have a personal relationship or institutional affiliation that reasonably would result in the appearance of bias or prejudice. It is the responsibility of each staff member to remove himself or herself if a conflict exists. Personal and professional integrity are the responsibility of the individual staff member. If a staff member believes that the ability to participate in the review of a case could be impaired or compromised, that staff member is required to excuse himself or herself from participating in the case.

4. Communication and Information Retention.

a. Case Log. All case-relevant documentation and information relating to a PSA's review shall be recorded in the case log in the Case Management System.

b. Communication with Involved Parties. Staff members are expected to keep the PSA and, if appropriate, the involved member institution(s) updated regarding the status of a case. Staff members should make reasonable efforts to communicate with member institutions in a timely manner. If a staff member will be out of the office, the staff member's immediate supervisor or other member of the Management Team should be notified of any urgent cases regarding pending competition.

c. Retention of Information. Staff members shall follow the document retention policy set forth by the NCAA. After a review has concluded, staff members should not retain paper files of the case, unless it is of such a unique nature that it may assist in the processing of future cases with similar circumstances. In such cases, the staff member should keep the information in a protected and confidential file. For all other cases, staff members should retain all information pertaining to a PSA's case in the Case Management System. Staff members shall destroy paper copies of information relating to particular cases at their work station within a reasonable time period after a case is complete unless directed to retain information by the NCAA office of legal affairs staff.

ACP CONFIDENTIALITY POLICY

1. General Policy.

The ACP staff shall treat all cases reviewed during the amateurism certification process as confidential. In addition, no ACP staff member shall speak with the public, media or any uninvolved third party about any case, unless approved by the director of amateurism certification.

2. Public Announcements.

The ACP staff shall not confirm or deny the existence of a case during any time before, during or after the Case Manager's review of a PSA. Any public inquiries or information presented to the public either via the media or any other channel regarding a particular case must be presented to the director of amateurism certification. The director will then follow appropriate NCAA policies and procedures by contacting the Public and Media Relations (PMR) staff for the reporting of information to the public and/or correcting inaccurate, misleading and/or incomplete information per PMR policies and procedures. [Note: The PMR staff shall serve as the initial point of contact for all public and media-related inquiries.]

3. Interview Recording and Transcripts.

Individuals and institutional representatives shall be required to agree not to release recordings or interview transcripts to any third party or entity. A statement of confidentiality shall be signed or recorded before an interview if any party, other than the ACP staff, records an interview. If an individual or institutional representative refuses to enter into such an agreement, such person shall be precluded from recording or receiving a transcription of the interview.

4. Confidentiality of Documents.

Copies of case files, e-mails, interview transcripts, nonrecorded interview summaries and any report prepared by the ACP staff are confidential and shall not be provided or shared with any individuals (or institutions) with the exception of the NCAA, the involved PSA and his or her institution(s) and their representatives.

5. Protection of Confidential Sources.

If the ACP staff uses information provided by a confidential source, the staff will, to the fullest extent allowed under the law, protect the information and identity of the confidential source. If legal action requires the staff to disclose the identity of a source, the NCAA will exercise every option to limit the audience of that disclosure. This means that the information provided by a source that chooses to remain confidential cannot be used in any ACP proceeding to substantiate a violation against a PSA.

GENERAL ADMINISTRATION OF CASES

1. Case Assignment Determination.

Cases shall be assigned to Case Managers at the discretion of the Management Team. Case assignments may be based on one or more of a number of factors including, but not limited to, a PSA's athletics and/or educational history, the location of the PSA's competition and the staff's knowledge regarding risk factors relating to a sport.

2. Institutional Staff Involvement in the Investigative Process.

a. It is permissible for noncoaching institutional staff members who have NCAA compliance responsibilities (e.g., compliance staff, legal counsel) and for coaches whose employment responsibilities include NCAA compliance and who do not coach the PSA's sport to assist a PSA during the PSA's amateurism certification process.

b. It is impermissible for any institutional staff member (e.g., coach, compliance coordinator, athletics director) to instruct or otherwise influence a PSA, team official or any other individual from which an ACP staff member has requested or may request information regarding a PSA's athletics or educational history to answer ACP staff questions in a specific manner. The ACP staff shall refer such activities to the NCAA enforcement staff.

3. Information Gathering.

a. Methods for Gathering Information Used by ACP Staff. The Case Managers shall endeavor to gather all facts that, based on a PSA's athletics and educational history, relate to the PSA's amateur status. The methods that the Case Manager uses to gather such facts may include, but are not limited to, independent research, including Internet, commercial database and library research; e-mail communication with the PSA, the PSA's member institution and any third-party entity that may have information relating to the PSA's status; and in-person or telephonic interviews. [Note: Interviews shall be conducted in accordance with the procedures set forth in the section entitled, "Interviews."] When practical, Case Managers should endeavor to include the member institution in the information-gathering process. Circumstances can occur where collaboration is

not appropriate. This can include, but is not limited to, a PSA on multiple Institutional Request Lists (IRLs) or an involved institution that has proven to inhibit the gathering of complete and accurate information during the amateurism certification process.

b. Determination of a PSA's "First Opportunity to Enroll." It may be necessary during a PSA's amateurism certification review to determine the PSA's first opportunity to enroll (e.g., for cases involving the Division II organized competition rule or where it impacts a student-athlete reinstatement (SAR)-issued eligibility condition). As defined under NCAA legislation, a PSA's first opportunity to enroll is the next academic term following the PSA's "expected date of graduation." The expected date of graduation, in turn, keys off of the PSA's first year of high school enrollment or the international equivalent. Thus, a PSA's expected date of graduation may not correspond with the PSA's actual graduation date. Where there is a question regarding a graduation date, the following procedures should be followed:

(1) Domestic PSAs. If required, the graduation dates for domestic student-athletes can be ascertained by a review of the PSA's transcript. For both Divisions I and II, a domestic PSA has eight semesters from the PSA's date of enrollment to graduate from high school. In addition, under Division II legislation, if a PSA is *required* to repeat a year of high school, the PSA's graduation date will be adjusted accordingly. Any interpretive determination regarding whether a repeated year was required will be made by the academic and membership affairs staff after interpretive review in accordance with the process described in the section entitled "Interpretive Requests."

(2) International PSAs. Expected dates of graduation for international PSAs shall be determined by the international academics certification team at the Eligibility Center. If an expected date of graduation is required for an international PSA, the Case Manager shall follow the procedure set forth in the section entitled "International Secondary School Graduation Date Determination."

c. Agreed-On Statement of Facts. It may be necessary to draft a statement of facts during or after the fact-gathering stage of a PSA's review to seek a legislative interpretation or a determination regarding an appropriate eligibility condition. Any such statement shall be drafted by the Case Manager and shared with the PSA and/or an involved institution for review and comment. Before a statement can be forwarded to the appropriate body for review (e.g., academic and

membership affairs for interpretive review or student-athlete reinstatement for application of a NCAA Bylaw 10 or 12 eligibility condition), the ACP staff and PSA and/or institution must agree on the scope and wording of the statement in its entirety. If the parties cannot agree with respect to any stated fact, the dispute shall be presented to the appropriate fact-finding body by way of the procedure set forth in the section entitled "Determination of Facts by the Amateurism Fact-Finding Committee/Group."

4. Application of Legislation.

After the fact-gathering process, the ACP staff shall determine whether any of a PSA's pre-enrollment athletics activities have implicated the NCAA legislation over which the staff has jurisdiction. If the ACP staff does not believe that there are any possible violations of NCAA legislation or any organized competition concerns, the Case Manager shall post a final certified decision and close the PSA's review as set forth in the certification decision section below.

a. Agreement by Parties Regarding Application of Legislation. If the ACP staff believes that a PSA's pre-enrollment activities implicate NCAA amateurism legislation, the staff shall present its position to the PSA's institution and request the institution's position with respect to whether a violation exists or whether the PSA engaged in organized competition during a relevant delay period. If the institution agrees with the ACP staff that a violation exists or an organized competition related condition on eligibility is appropriate, the Case Manager shall post the appropriate certification decision as described below.

b. Interpretive Requests. If, after staff discussion there is a question regarding whether a violation exists or if requested to do so by an involved institution, the staff shall forward an interpretive request to the AMA staff in accordance with the procedure set forth in the section entitled "Interpretive Requests." If the AMA staff determines that a violation exists or that a PSA has used seasons of competition, the Case Manager shall post the appropriate certification decision as described below. If, however, the AMA staff determines that no amateurism concerns exist, the Case Manager shall post a final certified decision and close the PSA's review.

5. Certification Decision.

After all factual and interpretive avenues have been exhausted or foregone by the PSA or institution and a determination has been made regarding whether a PSA's pre-enrollment

activities implicate NCAA amateurism legislation, the Case Manager shall provide a certification decision for the PSA. That decision shall be posted on the Eligibility Center Web site, and, if it includes any eligibility conditions, shall be copied and sent via e-mail to the PSA and/or institution. The following are the five statuses that can be assigned to a PSA on the Web site.

a. Under Review. This decision is generally reserved for those PSAs who have either been flagged for assignment but not yet assigned or those who have been assigned but who have not received a final decision. In cases where a PSA is dropped from all IRLs and in which the Case Manager does not have enough information to provide a final decision, the Case Manager may issue an under review decision coupled with language indicating that the PSA's review has been suspended pending placement on an active IRL. The language may also note that an interested institution should contact the Eligibility Center.

b. Certified. This decision is applicable in reviews where a PSA's pre-enrollment activities do not implicate any of the NCAA legislation over which the ACP staff has jurisdiction. Note that this decision will also be provided in cases where potential or realized Bylaw 12 violations exist that are solely within the jurisdiction of and, therefore, forwarded to the agent, gambling and amateurism activities staff for review. (See the section entitled "Interaction with the Agent, Gambling, and Amateurism Activities Staff.")

c. Certified with Conditions. This decision is applicable in reviews where a PSA has been determined to have conditions placed on the PSA's ability to compete. In reviews involving Bylaw 10 or 12 violations, the conditions will be communicated to the ACP staff by the SAR staff after consultation and in accordance with the procedure set forth in the section entitled "Student-Athlete Reinstatement Penalty Assessment." In reviews involving Bylaw 14, organized competition legislation, the ACP staff will provide the decision that, based on the circumstances of the case, is mandated by the legislation. [Note: Any relief from a Division I or II organized competition condition may be provided through waiver processes of the Subcommittee on Legislative Relief (SLR) or Committee on Legislative Relief (CLR), respectively. As a matter of AMA procedure, the AMA liaison assigned to a waiver case will request a case file from the Case Manager who processed the underlying case and will also allow that Case Manager to review the institution's submission to ensure factual consistency.]

d. Not Certified. This decision is appropriate in cases involving SAR determinations of permanent ineligibility or in cases involving a "not certified due to nonresponse" (NCNR) decision. NCNR decisions may be provided by a Case

Manager where a PSA has failed to respond to an ACP staff inquiry for 14 calendar days.

e. Not Applicable. This decision is used in cases where it is either inappropriate or unnecessary to provide a certification decision for one or both division(s). For example, in a case where a PSA has a delay in full-time collegiate enrollment but is only on a Division I IRL, a Case Manager, for purposes of efficiency, may choose to gather facts relating only to Division I legislation. In such a case, the Case Manager should provide only a Division I decision and certify the PSA as not applicable for Division II (in view of potential organized competition issues). In cases where an individual seeking certification enrolled at a Division I or II institution before the Fall of 2007 (which is not within ACP criteria), the Case Manager shall certify the PSA as not applicable for both Divisions.

6. Revisiting a Certification Decision.

After the Case Manager has posted a decision, the member institution or Case Manager may request that a certification decision be reconsidered based on the submission or discovery of new information that may affect the certification decision. That information must be newly discovered and nonrepetitive, and it must not have been reasonably available to any party involved in the review at the time of the decision for reconsideration to be appropriate. If this standard is met, the Case Manager and institution shall follow the amateurism review process outlined above. Once a decision is rendered, if appropriate, the Case Manager shall notify the PSA and member institution of the amended or revised certification decision in writing via e-mail.

INTERVIEWS

1. Reasons for an Interview.

An ACP staff member may determine that it would be advantageous to interview a PSA. Interviews may be warranted in cases involving language barriers, high profile or elite athletes, leagues or federations from which a large number of PSAs come to the NCAA, potentially significant withholding or other eligibility conditions or any other reasonable circumstance determined at the ACP staff's discretion.

2. Interviewing Methods.

Interviews may be conducted by telephone or in person. Requests for in-person interviews shall be made to and authorized by the director of amateurism certification.

a. Recorded Interviews. It is preferable that an interview conducted by the ACP staff be recorded. If the interviewee objects to being recorded, however, or the Case Manager believes the use of a recording device would have an inhibiting effect on the interviewee, a written statement of the substance of the interview shall be prepared.

(1) Notification of Start and End of Recording. The Case Manager conducting the interview shall confirm, on the record, that the person being interviewed understands that the interview is being recorded. At the completion of the interview, the Case Manager shall indicate the point at which the recording will be stopped.

(2) Transcription of Interview. Following a recorded interview, based on the necessity of the information for a PSA's review, the Case Manager may submit the recording for transcription. All involved parties in a recorded interview may request a copy of the interview transcript from the ACP staff subject to the signing of a confidentiality agreement.

b. Non-Recorded Interviews. When an interview is not recorded, the ACP staff member who performed the interview shall prepare a written summary of the information and attempt to obtain a signed affirmation of its accuracy from the interviewee. The interviewee shall be permitted to make additions or corrections to the memorandum before affirming its accuracy. Testimony as to the

substance of an unrecorded interview for which a signed affirmation was not obtained may nevertheless be considered by the fact-finding committee to the extent the committee determines the testimony reliable. Non-recorded interview summaries and any report prepared by the ACP staff relating to a non-recorded interview are confidential and shall only be provided to necessary parties in a limited manner.

c. Presence of Institutional Representative During an Interview. If an interview with a PSA or athletics department staff member is conducted on the campus of a member institution, an institutional representative(s) (as designated by the institution) shall be permitted to be present during the interview, provided the subject matter to be discussed in the interview relates directly to the individual's institution or could affect the individual's eligibility or employment at the institution. If the ACP staff member will discuss information with a PSA or staff member that is related solely to institutions other than the one in which the PSA is enrolled or staff member is employed and that would not reasonably affect the PSA's eligibility or the staff member's employment, the institutional representative shall not be present during that portion of the interview.

Further, it is permissible for a coach or non-coaching institutional staff member charged with investigating potential rules violations (e.g., compliance coordinator, legal counsel) to contact a PSA [or the PSA's parents or legal guardian(s)] before the permissible date for such contact for the purpose of determining whether a rules violation has occurred. Such a contact (e.g., telephone call, in-person contact) is outside the scope of the recruiting legislation and may occur only if:

(1) The institutional staff member has specific information that indicates that a violation may have occurred;

(2) The contact occurs only with the PSA [or the PSA's parents or legal guardian(s)] that may be affected by the violation; and

(3) The conversation does not include any dialogue in excess of that pertaining to the review.

d. Representation by Legal Counsel. When an ACP staff member conducts an interview with a PSA or institutional employee that may develop information detrimental to the interests of the PSA, that individual may be represented by personal legal counsel throughout the interview.

e. Notice Requirements. The following paragraphs discuss information that shall be provided to a PSA or institutional staff before an interview.

(1) Disclosure of the Purpose of the Interview. When an ACP staff member conducts an interview with a PSA or institutional employee, that individual shall be advised that the purpose of the interview is to determine whether the individual has knowledge of or has been involved directly or indirectly in any violation of NCAA legislation relating to the PSA's initial eligibility.

(2) Responsibility to Cooperate. When an ACP staff member conducts an interview with a PSA or institutional employee, that individual shall be advised that refusing to furnish information or providing false or misleading information during the review may result in an allegation that the individual has violated NCAA ethical conduct legislation.

f. Confidentiality. Before ending the recording, the ACP staff member shall advise the interviewee and all parties involved that the information discussed during the interview is confidential and shall not be discussed with others. A PSA and any institutional employees shall be advised that their failure to adhere to this admonition may result in a Bylaw 10.1 unethical conduct charge.

g. Joint Departmental Interviews. When the ACP staff is involved in an interview with an NCAA national office department, the ACP staff member shall follow the policies and procedures as set forth in this section. Thus, if the interviewee is a PSA or institutional employee, the interviewee shall be informed that the purpose of the interview is as stated above and may be used by the Eligibility Center for such purposes. If the interviewee is informed before the interview by another NCAA staff member (e.g., enforcement staff representative) of his or her right to an attorney and obligations under Bylaw 10.1 and that the interview is being recorded, those notifications need not be repeated by the ACP staff member involved in the interview.

INTERNATIONAL SECONDARY SCHOOL GRADUATION DATE DETERMINATION

1. Determination of Expected Graduation Date.

If a Case Manager recognizes the need for an international PSA's expected date of graduation to perform an amateurism review, the Case Manager should follow the below procedure.

a. Determination. Case Manager shall review the file for the PSA in the Oracle database to discern whether an expected date of graduation has already been determined for the PSA.

b. Notification of Need of Graduation Date Determination. If a final academic certification decision has not been made and regardless of whether it appears documents have been received, the Case Manager should insert a note with the macro code #933 into the notepad on the Oracle database along with the Case Manager's initials and date of entry. The note should be highlighted in red to alert the international academic certification team that the Case Manager is requesting a graduation date determination.

c. Graduation Date Finalized. If, based on the record in the notepad, the PSA appears to have a final certification decision already rendered, the Case Manager should use the expected date of graduation as stated in the notepad record. The Case Manager should also make a notepad comment indicating he or she used the expected date of graduation and include his or her initials and date.

2. Notification to Case Manager.

If a decision has been rendered or determined to be final and the Case Manager has already inserted a notification request in the notepad, the international academic certification staff member will send an e-mail notification to the Case Manager with the expected date of graduation. [Note: If AMA is involved in a case, then the international academic certification team will resolve any issues with AMA prior to finalizing the date of graduation.]

3. Disagreement by Member Institution of Graduation Date Determination.

If a final graduation date decision is challenged by a member institution or PSA, the Case Manager shall follow the below procedure.

a. Explanation of Decision to Member Institution or PSA. The Case Manager should explain the graduation date determination to the member institution or PSA based on the application of the above policy. If the Case Manager has questions about the decision, the Case Manager should speak with the international academic certification staff for clarification about the decision in order for the Case Manager to attempt to resolve the dispute.

b. Additional Explanation of Decision. If, after explaining the decision to the member institution or PSA, the dispute has not been resolved, the Case Manager shall provide the contact name and phone number of the member institution to the international academic certification department's administrative assistant, who will then facilitate communication between the Eligibility Center and the member institution from that point forward.

4. Change in Graduation Date Determination.

In circumstances where a case has already been finalized and an international certification staff member discovers new information that requires a change in the PSA's expected date of graduation, an e-mail notification will be sent to the Case Manager.

5. Transfer Students.

If an amateurism staff member has a case for a transfer PSA, the case manager should follow the procedure as described below.

a. Notification to International Academic Certification Team. The Case Manager should insert a note using the student macro code #933 and include the Case Manager's initials and date as described in the above procedure. This code and notification to the international academic certification team shall alert the international academic certification team that the Case Manager is requesting a certification decision.

b. Determination of What Documents to Obtain. The Case Manager shall review the international academic certification team's provided "country credentials sheet" (at pages 22-36) to review what credentials are required from the PSA's country

for an academic certification. Case Manager should also send the PSA an "education ladder form" (at page 37) that he or she may present to the international academic certification team.

c. Obtaining Documentation. The Case Manager, based on the advisement of the international academic certification team through the "country credentials sheet," shall facilitate the procurement of the PSA's official documents as described below in No.6.

d. Receipt of Official Documents/Transcripts. After the Case Manager has received the official documents to begin an academic review, the Case Manager will provide the documents to the international academic certification liaison to perform the review.

6. Acceptable Credentials.

The below policy shall be followed in regards to obtaining official documentation from PSAs.

a. Credentials. Credentials must be presented as original documents or as certified true copies of originals. Documents may be certified and forwarded by a member institution's admissions office or an appropriate official from the PSA's secondary school. Certified copies are acceptable. However, photocopies that are not certified as true copies of originals will not be used. Original documents will also be accepted from international PSAs. Photocopies will not be accepted directly from PSAs unless certified and sealed in the original envelope by the forwarding institution. Request for documents to be returned will be forwarded to client relations after copying credentials for use in the certification process.

b. Documents Provided Via Facsimile. Documents forwarded via facsimile will not be used for certification processing from any source. An exception to this policy will be made to allow proof of graduation documents to be accepted via facsimile it they are forwarded directly to the Eligibility Center by Ministries of Education. This exception emulates the policy approved for implementation during the domestic academic certification process.

c. Translations. Translations must be rendered by qualified third parties who are not associated with the PSA. Translations may not be rendered by the PSA, his or her friends or relatives, coaches, boosters or a staff member of the involved member institution's athletics department. The translator must provide a letter or other form of communication explaining his or her qualification and relationship to the

PSA. It is recommended that translations be performed by a qualified professor from a university or college or a certified official translator. Translation from unverifiable sources will not be accepted.

COUNTRY CREDENTIALS SHEET

The primary document(s) received for each country is listed below. Some countries issue multiple documents. Please ask for either the student's "leaving certificate" or the specified document(s) listed and an education ladder from each transfer student-athlete. After receiving these documents, forward them to the international certification team/ACP liaison. If additional information is required, you will be contacted by the international certification team/ACP liaison. If the student says that he or she did not earn the document listed for his or her country of origin, ask him or her what certificate he or she did achieve to be considered a high school graduate. A general question to ask is, "What type of leaving certificate did you receive at the end of secondary school?"

Albania
Dëftesë Pjekurie (certificate of maturity)

Anguilla
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

Antigua
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

Argentina
Bachiller/Bachillerato

Armenia
Mijnakarg Krtutyan Attestat (certificate of complete secondary education)
Hasunutian Vkaiakan (certificate of maturity)

Aruba
Diploma Hoger Algemeen Voortgezet Onderwijs/HAVO (diploma of higher general secondary education)
Diploma Voorbereidend Wetenschappelijk Onderwijs/VWO (diploma of university preparatory education)
Diploma Middelbaar Beroepsonderwijs/MBO (diploma of intermediate vocational education)

Australia
Australian Capital Territory: Australian Capital Territory/ACT Year 12 Certificate (the tertiary entrance certificate alone is not sufficient)
New South Wales: Higher School Certificate/HSC and Record of Achievement

Northern Territory: Northern Territory Certificate of Education/NTCE and Record of Achievement
Queensland: Senior Certificate
South Australia: South Australian Certificate of Education/SACE and Record of Achievement
Tasmania: Tasmanian Certificate of Education/TCE and Statement of Marks
Victoria: Victorian Certificate of Education/VCE and Statement of Results
Western Australia: Western Australia Certificate of Education/WACE

Austria
Reifeprüfungszeugnis (maturity examination certificate); also referred to as the Matura or Reifezeugnis
Zeugnis über die Berufsreifeprüfung, also Berufsreifeprüfungszeugnis (certificate of vocational maturity examination)
Reife- und Diplomprüfungszeugnis (maturity and diploma examination certificate).

Azerbaijan
Certificate of Complete Secondary Education from a professional lyceum general education track

Bahamas
Bahamas General Certificate of Secondary Education/BGCSE

Bangladesh
Higher Secondary Certificate/HSC

Barbados
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

Belarus
Diplom O Srednom Obrazavanii (diploma of secondary education) from a gimnazia/lyceum (gymnasium/academic secondary school)

Belgium
Certificat d'Enseignement Secondaire Supérieur/CESS (certificate of higher secondary education)
Diploma von Hoger Secundaire Onderwijs (previously Getuigschrift van Hoger Secundaire Onderwijs) [diploma of higher secondary education (previously certificate of higher secondary education)]
Certificat de Qualification 6 (Wallonia) (orientation certificate)
Getuigschrift 6 (Flanders) (certificate)

Abschlusszeugnis der Oberstufe des Sekundarunterrichts (leaving certificate of the higher level of secondary instruction)

Belize
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

Bermuda
Bermuda School Certificate/BSC

Bolivia
Bachiller en Humanidades (secondary school graduation diploma)
Bachillerato Técnico (diploma from technical secondary school)

Bosnia-Herzegovina
Svjedocanstvo Svjedodzba o Zavrsnom Ispitu (IV Stepen) (certificate of final examination IV level)
Svjedodzba o Zavrsenom Obrazovanju (IV Stepen) (certificate of final examination IV level)

Botswana
Botswana General Certificate of Secondary Education/BGCSE

Brazil
Certificado de Conclusão de Segundo Grau (certificate of graduation from upper secondary school)
Certificado de Conclusão de Esino Medio (completion of secondary studies/instruction)

Bulgaria
Diploma za Zavarsheno Sredno Obrazavanie (diploma of completion of secondary education)

Cameroon
Diplôme de Baccalauréat

Canada
Alberta High School Diploma
British Columbia: Certificate of Graduation (Dogwood Diploma)
Manitoba: (1) High School Diploma; (2) Diplôme d'Études Secondaires/DES (diploma of secondary education
New Brunswick: New Brunswick High School Diploma (Anglophone or Francophone)
Newfoundland and Labrador: Provincial High School Graduation Certificate
Northwest Territories: Senior Secondary School Graduation Diploma
Nova Scotia: Nova Scotia High School Graduation Diploma

Ontario: Ontario Secondary School Diploma (OSSD)
Prince Edward Island: Provincial Senior High School Graduation Certificate
Quebec: (1) Diplôme d'Études Secondaires/DES (secondary school diploma); (2) Diplôme d'Études Professionnelles/DEP (diploma of vocational studies); (3) Attestation de Spécialisation Professionnelle/ASP (attestation of vocational specialization); (4) Attestation de Formation Professionnelle/AFP (attestation of vocational education); (5) Attestation d'Études Collegiales/AEC (attestation of collegial studies) from a College d'Enseignement Général et Professionnel/ CEGEP; (6) Diplôme d'Études Collegiales/DEC (diploma of collegial studies) from a College d'Enseignement Général et Professionnel/CEGEP
Saskatchewan: Official Transcript, issued by Saskatchewan Learning, showing that the student has graduated.
Yukon Territory: Yukon Certificate of Graduation

Cayman Islands
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

Chile
Licencia de Educación Media/Licencia de Enseñanza Media (certificate of secondary education)

China, People's Republic of
Graduation Certificate from a senior middle school

Colombia
Bachillerato/Bachiller

Costa Rica
Bachillerato/Bachiller

Croatia
Svjedodzba o Zavrsnom Ispitu (certificate of final examination)
Svjedodzba o Zavrsnom Srednjem Obrazovanju (certificate of completion of secondary education)
Maturalna Svjedodzba or Matura (maturity certificate)

Cuba
Bachillerato

Curacao
Diploma Hoger Algemeen Voortgezet Onderwijs/HAVO (diploma of higher general secondary education)
Diploma Secundair Beroeps Onderwijs/SBO (diploma of secondary vocational education)

Cyprus
Apolyterion (certificate of completion) from a Lykion (lyceum), evening gymnasia or technical/vocational school
Pistopyitico isodinamias (equivalency certificate) from students who attended a private upper secondary school
Lise Diplomasi (diploma)

Czech Republic
Vysvedcení o maturitní zkousce (maturity certificate)

Denmark
Bevis for Studentereksamen (certificate of student examination)
Bevis for Hojere Forberedelseseksamen/HF (higher preparatory examination)

Dominica
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

Dominican Republic
Bachiller/Bachillerato

Ecuador
Bachillerato/Bachiller

Egypt
Certificate of Completion of General Secondary Education
Al-Azhar Secondary Education Certificate

El Salvador
Bachiller/Bachillerato

Estonia
Gumnaasiumi Loputunnistus (upper secondary school leaving certificate)

Ethiopia
Ethiopian General Education Certificate Examination/Ethiopian Higher Education Entrance Examination
Ethiopian School Leaving Certificate

Finland
Lukion Päästötodistus (secondary school leaving certificate)
Ylioppilastutkintotodistus (matriculation examination certificate)

France
Diplôme de Baccalauréat (diploma of baccalaureate)

Gambia
Results from the West Africa Senior School Certificate Examination/WASSCE

Georgia
Sashualo Skolis Atesti (secondary school certificate)
Sashualo Specialuri Sastsavleblis Diplomi (diploma from special secondary school
Sashualo Ganatlebis Atestati (certificate of secondary school education)

Germany
Zeugnis der Allgemeinen Hochschulreife (certificate of general higher educational maturity) – verbally referred to as an Abitur
Zeugnis der Fachgebundenen Hochschulreife (certificate of subject-restricted higher educational maturity)
Zeugnis der Fachhochschulreife (certificate of maturity for a university of applied sciences)

Ghana
Results from the West Africa Senior School Certificate Examination/WASSCE

Greece
Apolyterio (apolyterion or certificate of completion)

Grenada
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

Guatemala
Bachillerato/Bachiller

Guyana
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

Haiti
Baccalauréat, Deuxième Partie (secondary school leaving certificate, part two)
Baccalauréat (secondary school leaving certificate)
Certificat de Fin d'Études Secondaires Classiques, Deuxième Partie (certificate of completion of classical secondary studies, part two)

Honduras
Bachillerato/Bachiller

Hong Kong
Hong Kong Advanced Level Examination/HKALE
Hong Kong Advanced Supplementary Level Examination/HKASLE
Hong Kong Certificate of Education Examination/HKCEE (Academic)
Hong Kong Certificate of Education Examination/HKCEE (Technical)

Hungary
Gimnáziumi Érettségi Bizonyítvány (gymnasium maturity certificate)

Iceland
Studentspróf (university matriculation examination)

India
Higher Secondary Certificate/HSC
All-India Senior School Certificate/SSC

Indonesia
Surat Tanda Tamat Belajar – Sekolah Menengah Umum Tingkat Atas/STTB SMA (certificate of completion – general/academic upper secondary school)
Surat Tanda Tamat Belajar – Madrasah Aliyah (Madrasah Menengah Tingkat Atas)/STTB MA (certificate of completion – Islamic general/academic upper secondary school)

Iran
Pre-University Certificate
Technicians Certificate
Metevaseth/National High School Diploma

Iraq
Adadiyah (Sixth Form Baccalaureate)
Certificate of Preparatory Studies

Ireland
Ardteistmeireacht/Leaving Certificate (passes at ordinary or higher levels only)
Matriculation Certificate (National University of Ireland) (earned only upon attainment of the leaving certificate)
Senior Certificate
Leaving Certificate Vocational Program/LCVP (applied)

Israel
Teudat Bagrut
Teudat Gemer Tichonit or Teudat Hagamar Hatichonit (secondary school final diploma)
Teudat Gemer Masmat (final diploma from secondary/vocational track)

Italy
Diploma di Esame di Stato (diploma of state examination)
Diploma of maturity (diploma of maturity)
Attestato di Idoneità (affidavit of equivalence)

Jamaica
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

Japan
Upper Secondary School Graduation Certificate (general or academic track)

Jordan
Tawjhi (general secondary education certificate)

Kazakhstan
Attestat o Srednem Obrazovanii (certificate of complete secondary education)
Diplom o Srednem Spetsialnom Obrazonavii (diploma of secondary specialized/vocational/technical education)

Kenya
Kenya Certificate of Secondary Education (KCSE)

Korea, Republic of
Certification of Graduation from a senior general high school
Kuwait
General Secondary Education Certificate

Kyrgyzstan
Attestat o Srednem (Polnom) Obshchem Obrazovanii (certificate of secondary/completed general education)
Diplom o Srednem Professionalnom Obrazovanii (diploma of secondary professional/vocational education)

Latvia
Atestats par Visparejo Videjo Izglitibu (certificate of general secondary education)

Lebanon
Baccalauréat (certificate of secondary education)
Attestation de Candidature (attestation of candidacy for Baccalaureate)

Lesotho
Results from the West Africa Senior School Certificate Examination/WASSCE

Lithuania
Brandos Atestatas (maturity certificate)

Macedonia
Svidetelstvo za Zavrseno Sredno Obrazovanie (certificate of completion of secondary education)
Svidetelstvo za Polozen Maturski Ispit (certificate of passed maturity examination; this document can be earned only on attainment of the secondary school leaving certificate)

Malawi
Malawi School Certificate of Education/MSCE

Malaysia
Sijil Pelajaran Malaysia (Malaysian certificate of education)
Sijil Tinggi Pelajaran Malaysia (Malaysian high school certificate)
Malaysian Independent Chinese Secondary School Unified Examination/MICSSUE
Sijil Pelajaran Malaysia Vokesyenal (Malaysian certificate of education for vocational schools)
Sijil Pelajaran Malaysia (Malaysian certificate of education for technical schools)

Mexico
Bachillerato/Bachiller (secondary school diploma)

Moldova
Diploma de Baccalauréat (secondary school diploma) from a lyceum

Montserrat
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

Morocco
Diplôme de Baccalauréat Marocain (Moroccan baccalaureate diploma)

Netherlands
Diploma Hoger Algemeen Voortgezet Onderwijs/HAVO (diploma of senior general secondary education)
Diploma Voorbereidend Wetenschappelijk Onderwijs/VWO (diploma of university preparatory education)

Netherlands Antilles
Diploma Hoger Algemeen Voortgezet Onderwijs/HAVO (diploma of higher general secondary education)
Diploma Secundair Beroeps Onderwijs/SBO (diploma of secondary vocational education)

New Zealand
National Certificate of Educational Achievement/NCEA Level 2 (Record of Learning, replaces Sixth Form Certificate)
National Certificate of Educational Achievement/NCEA Level 3 (replaces Higher School Certificate)

Nicaragua
Diploma de Conclusión de Estudios del Ciclo Diversificado del Bachillerato

Nigeria
Results from the West Africa Senior School Certificate Examination/WASSCE

Norway
Vitnemål fra den Videregående Skolen (certificate from upper secondary school)

Pakistan
Higher Secondary Certificate (arts or sciences group)
Intermediate Certificate (arts or sciences group)

Panama
Bachillerato/Bachiller

Paraguay
Bachillerato/Bachiller

Peru
Bachillerato/Bachiller Profesional (professional bachelor with specialization stated)
Certificado Oficial de Estudios de Educación Secundaria Comun (official certificate of studies of common secondary)

Philippines
High school diploma

Poland
S´wiadectwo D´ojrzalosci (maturity certificate)
S´wiadectwo Ukon´czenia Liceum Ogólnoksztalcacego (certificate of completion of general secondary school)
S´wiadectwo Ukon´czenia Liceum Technicznego (certificate of completion of technical secondary school)
S´wiadectwo Ukon´czenia Liceum Zawodowego (certificate of completion of vocational lyceum)
S´wiadectwo Ukon´czenia Szkoly Sredniej (certificate of completion of secondary school)
S´wiadectwo Ukon´czenia Technikum Zawodowego (certificate of completion of technical secondary school)

Portugal
Diploma de Ensino Secundário (certificate of secondary education)

Romania
Diploma de Bacalaureat (baccalaureate diploma)
Diploma de Merit (merit diploma; for those achieving the highest grades)

Russian Federation
Attestat o Srednom (Polnom) Obschem Obrazovanii (certificate of secondary [complete] general education)
Diplom o Srednom Professionalnom Obrazavanii (diploma of secondary vocational education)
Diplom o Nachalnom Professionalnom Obrazovanii s Polucheniem Srednego (Polnogo)
Obshchego Obrazovanija (diploma of vocational education and secondary [complete] general education)

St. Kitts-Nevis
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

St. Lucia
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

St. Vincent
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

Saudi Arabia
Secondary Education Certificate
New Comprehensive Secondary School Certificate

Scotland
Scottish Qualifications Authority Certificate (SQA)

Senegal
Diplôme de Bachelier de l'Enseignement du Second Degré/Baccalauréat (diploma of bachelor of secondary education)

Serbia
Svedocanstvo o Zavrsenoj Srednjem Vasptanju (certificate of completion of secondary education)
Diploma o Zavrsenoj Srednjoj Skoli (diploma of completion of secondary education)

Sierra Leone
Results from the West Africa Senior School Certificate Examination/WASSCE

Singapore
Singapore-Cambridge General Certificate of Education (GCE) 'Ordinary' ('O') level examination
Singapore-Cambridge General Certificate of Education (GCE) 'Advanced' ('A') level examination

Saint Eustatius
Diploma Hoger Algemeen Voortgezet Onderwijs/HAVO (diploma of higher general secondary education)
Diploma Secundair Beroeps Onderwijs/SBO (diploma of secondary vocational education)

Saint Maarten
Diploma Hoger Algemeen Voortgezet Onderwijs/HAVO (diploma of higher general secondary education)
Diploma Secundair Beroeps Onderwijs/SBO (diploma of secondary vocational education)

Slovakia
Vysvedcenie o Maturitnej Skúske (certificate of maturity examination) from a gymnasium or specialized secondary school

Slovenia
Maturitetno Spricevalo (maturity certificate)

South Africa, Republic of
National Senior Certificate
National Senior Certificate of South Africa
The Free State School Leaving Certificate
Senior Certificate
Senior Certificate with Matriculation Exemption
Secondary School Senior Certificate of the Department of Public Education, Western Cape
Gauteng Secondary School Certificate
Gauteng University Entrance Certificate
Accelerated Christian Education (ACE) College Entrance Certificate

Spain
Bachiller/Bachillerato Unificado y Polivalente/BUP (upper secondary school leaving certificate)
Curso de Orientacion Universitaria/COU (university orientation course)
Bachillerato

Sri Lanka
Sri Lankan General Certificate of Education/GCE
University of London General Certificate of Education/GCE at ordinary level

Sudan
Sudan Secondary School Certificate/SSSC

Suriname
Hoger Algemeen Voortgezet Onderwijs/HAVO (upper general secondary education) diploma
Voorbereidend Wetenschappelijk Onderwijs/VWO (university preparatory education) diploma
Instituut Middelbaar Economisch en Administratief Onderwijs/IMEO (Institute of Intermediate Economic and Administrative Education) diploma
Natuurtechnisch Instituut/NATIN (technical institute) diploma
Surinaamse Middlebare Handelsschool/MHS (Suriname Intermediate Business School) diploma

Swaziland
General Certificate of Education/GCE for Swaziland

Sweden
Slutbetyg (leaving certificate) from Gymnasieskola (upper secondary school)

Switzerland
Kantonale Maturität/Maturité Cantonále/Maturità Cantonále (cantonal maturity certificate, state)
Maturitätszeugnis/Certificat de Maturité/Attestato di Maturità (maturity certificate, federal)

Syria
Al Shahada Al Thanawiya/Baccalauréat (secondary school leaving certificate)

Taiwan
Certificate of graduation from a senior high school (academic track)

Tajikistan
Attestat Dar Borai Malimati Miyona (certificate of completed secondary education)
Diplomi ma″lumoti miënai mahsus (diploma of complete vocational technical education)
Diplomi ma″lumoti miënai mahsus (diploma of complete specialized secondary education)

Tanzania
Certificate of Secondary Education/CSE
Advanced Certificate of Secondary Education/ACSE

Thailand
Mathayom Suksa 6 /Matayom VI Certificate (higher secondary school certificate)

Trinidad-Tobago
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

Tunisia
Baccalauréat/Diplôme de Bachelier de l'Enseignement du Second Degré (diploma of bachelor of secondary education)

Turkey
Lise Diplomasi (secondary school diploma)

Turkmenistan
Attestat o Srednem Obrazovanii (attestation of completed secondary education)
Diplom o Srednem Professionalnom Obrazovanii (diploma of vocational secondary education)

Turks and Caicos Islands
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

Uganda
Uganda Advanced Certificate of Education/UACE

Ukraine
Atestat (certificate of complete general secondary education)

United Arab Emirates
Tawjihiyya (secondary school certificate)

United Kingdom (England, Northern Ireland, Wales)
General Certificate of Secondary Education/GCSE
General Certificate of Education, Advanced Level/GCE

Uruguay
Bachillerato/Bachiller

Uzbekistan
Attestat O'rta Ma'lumot To'g'risia Shahodtnoma (certificate of completed upper secondary education)
Diplom o Srednem Obrazovanii (diploma of vocational secondary education)
Diplom from an uchilishche (diploma from a specialized vocational school)

Venezuela
Bachiller

Vietnam
Tôt Nghiêp Phó Thông (diploma of completion of secondary upper school)

Virgin Islands (British)
Caribbean Examination Council (CXC) Secondary Education Certificate/CSEC
Caribbean Examination Council (CXC) Advanced Proficiency Examinations/CAPE

Zambia
Zambian School Certificate Examination/ZSCE

Zimbabwe
Certificate of Secondary Education/CSE
Advanced Certificate of Secondary Education/ACSE
General Certificate of Education/GCE
Cambridge Overseas School Certificate

Date:

P.O. Box 7136
Indianapolis, Indiana 46207
Telephone 317/223-0700

Shipping/Overnight Address:
1802 Alonzo Watford Sr. Drive
Indianapolis, Indiana 46202

www.ncaa.org

MEMORANDUM

Name:

Date of Birth:

NCAA I.D. Number:

FROM: International Academic Certification Department.

SUBJECT: Missing Information/Documents.

The NCAA Eligibility Center has received incomplete documentation regarding your high school coursework. The Eligibility Center must receive an educational ladder to complete your certification. Please complete the following table beginning at age 12 through your current age and return via e-mail to **ecinfo@ncaa.org.**

Age12	Grade/level:	Attendance **(month/year)** Start:	Attendance **(month/year)** Finish:
School Name:		City:	Country:
Certificate Received (if applicable):			
Age13	Grade/level:	Attendance **(month/year)** Start:	Attendance **(month/year)** Finish:
School Name:		City:	Country:
Certificate Received (if applicable):			
Age14	Grade/level:	Attendance **(month/year)** Start:	Attendance **(month/year)** Finish:
School Name:		City:	Country:
Certificate Received (if applicable):			
Age15	Grade/level:	Attendance **(month/year)** Start:	Attendance **(month/year)** Finish:
School Name:		City:	Country:
Certificate Received (if applicable):			
Age16	Grade/level:	Attendance **(month/year)** Start:	Attendance **(month/year)** Finish:
School Name:		City:	Country:
Certificate Received (if applicable):			

Age17	Grade/level:	Attendance **(month/year)** Start:	Attendance **(month/year)** Finish:
School Name:		City:	Country:
Certificate Received (if applicable):			
Age18	Grade/level:	Attendance **(month/year)** Start:	Attendance **(month/year)** Finish:
School Name:		City:	Country:
Certificate Received (if applicable):			
Age19	Grade/level:	Attendance **(month/year)** Start:	Attendance **(month/year)** Finish:
School Name:		City:	Country:
Certificate Received (if applicable):			
Age20	Grade/level:	Attendance **(month/year)** Start:	Attendance **(month/year)** Finish:
School Name:		City:	Country:
Certificate Received (if applicable):			
Age21	Grade/level:	Attendance **(month/year)** Start:	Attendance **(month/year)** Finish:
School Name:		City:	Country:
Certificate Received (if applicable):			
Age22	Grade/level:	Attendance **(month/year)** Start:	Attendance **(month/year)** Finish:
School Name:		City:	Country:
Certificate Received (if applicable):			

Your certification will not be processed until the requested information is received by the Eligibility Center. If additional items are required, you will receive additional correspondence from the Eligibility Center.

KRG:npn/crr

CUSTODIAL WEB SITE

1. Purpose of the Custodial Web Site.

A custodial Web site for the review of case-related materials may be created by a Case Manager if an involved member institution, a PSA and/or representatives (e.g., attorney or outside consultant) of either party requests access to the ACP staff's case file on the PSA. A custodial site shall be used in instances where documentation and information gathered by the ACP staff relating to a PSA's review is of a nature that the ACP staff, in its discretion, has a reasonable basis for believing should not be forwarded to individuals or entities outside the Eligibility Center or NCAA national office without the confidentiality restrictions afforded by a custodial Web site.

2. Nature of Documentation and Information to be Included on Custodial Web Site.

As noted above, it is in the ACP's discretion to determine on a case-by-case basis, the materials that are inappropriate for unrestricted distribution and, therefore, shall be accessed solely via a secure Web site. Documents and information to which there shall only be custodial access include all documents and information from uninvolved third parties or third-party entities that is gathered by the staff and on which an institution and/or PSA has not been copied. Such documentation and information includes, but is not limited to:

a. Contracts, agreements and compensation information provided by teammates of international PSAs (e.g., former NCAA student-athletes competing in club systems abroad);

b. Contracts, agreements and compensation information provided by international teams and federations;

c. Interview transcripts and/or recordings from interviews conducted outside the presence of an institutional representative; or

d. Summaries of unrecorded interviews conducted outside the presence of an institutional representative.

Any questions regarding whether access to a document or information should be restricted to a custodial Web site shall be directed to the Management Team.

3. Process for Creating a Custodial Web Site.

Case managers shall take the following steps when creating a custodial Web site:

a. Send the following documents to the institution or entity for which the custodial Web site is being created:

(1) A letter from the Case Manager outlining the purpose and content of the Web site and directions regarding use of the Web site. (See page No. 42 for a letter template to be used or modified for this purpose.); and

(2) The appropriate Web custodial agreement(s). [Note: if the individual seeking access to the Web site purports to be a non-family representative (e.g., attorney) of a PSA, before providing that individual access to the Web site, a Case Manager shall seek and receive confirmation of representation by the PSA.]

b. Create the custodial file within the Case Management System and select the documents that are to be viewed on the Web site.

c. After receiving signed confidentiality agreements from all individuals who desire to review the documents and information on the custodial Web site, the Case Manager shall send the access information separately to each individual who is entitled to Web site access. (See page No. 45 for the template e-mail including the language that shall be used to provide access information.)

4. Entitlement to Custodial Web Site Access.

a. Individuals Who Shall Have Access to the Web Site. The only individuals who are properly entitled to review a PSA's file via custodial Web site are the PSA and his or her parents or legal guardians and their representatives (e.g., attorneys or eligibility consultants) and institutional staff members at institutions who have the PSA on their IRLs as well as representatives of those institutions.

b. NCAA coaches shall not have access to the Web site. Under no circumstances shall an NCAA coach of a PSA's selected sport(s) have access to the PSA's custodial Web site. Only where a coach is of a different sport than those selected by a PSA and has significant compliance-related responsibilities at the institution (within the compliance office itself and not simply attributable to an institution's

policy regarding the compliance responsibilities of its coaches) may that coach have access to a PSA's custodial Web site.

CUSTODIAL WEB SITE LETTER TEMPLATE

Month, Date, Year

Mr. Compliance
Director of Athletics
College Athletics
P.O. Box 000
City, State 46202

Re: Secure Web site Access to Amateurism Certification Materials.

Dear Mr. Compliance:

The NCAA Eligibility Center amateurism certification staff will establish a secure Web site containing material pertinent to the amateurism certification cases being discussed. Individuals may view these secured materials and listen to any recorded interviews after executing the appropriate enclosed confidentiality agreement and providing secure e-mail addresses. After receiving the signed confidentiality agreement, the amateurism certification staff will send to each individual via the provided e-mail addresses the Web site address, a login ID and a password. The appropriate confidentiality agreement must be executed by each individual desiring access to the secure Web site (e.g., each member of an institutional staff, any college-bound student-athlete, any legal counsel).

The materials contained on the secure Web site are confidential in nature. Any request to review information not included in the materials should be directed to this office. Please note that any duplication of the Eligibility Center's materials is prohibited; however, it is appropriate for an individual who is reviewing the information to take handwritten notes or use a mechanical-recording device to make oral notes, provided no verbatim records of the reviewed information are made, including copying recorded interviews into a mechanical device. Further, printing any of the materials on the secure Web site is prohibited.

Please fax the signed agreement(s) to my attention at 317/968-5103. If you have questions about this procedure, please feel free to contact me at 317/223-0753.

Sincerely,

ACP Staff Member Name
Title of Amateurism Certification

BS:cr

Enclosure(s)

CUSTODIAL WEB SITE E-MAIL TEMPLATE

Dear [COMPLIANCE PERSON]:

At your request on behalf of [INSTITUTION], I have set up a custodial file so that you can access information regarding the amateurism certification request of [INSTITUTION]'s [SPORT] prospective student-athlete whom we discussed [DATE]. The link to the Web site is the following: http://web1.ncaa.org/enforcement/exec/custodial.

Username: [NAME YOU CREATED FOR USER]

Password: [PASSORD CREATED BY SYSTEM]

Please let me know if you have any questions about the file.

Best regards,

[ACP Staff Member]
NCAA Eligibility Center
317/223-0751
317/968-5103 (fax)

DETERMINATION OF FACTS BY THE AMATEURISM FACT-FINDING COMMITTEE/GROUP

1. Notification of Hearing Procedures.

An institution representing a PSA's interest in an amateurism review shall be advised to contact the AMA liaison to the fact-finding committee for questions relating to general procedures to be followed during the determination of facts process.

2. Requesting a Determination of Facts.

If a PSA does not agree with the ACP staff's statement of facts, a member institution may submit a written request, through a required form, on the PSA's behalf that the appropriate Amateurism Fact-Finding Committee/Group determine the facts. The request shall be submitted to the AMA liaison within 30 calendar days from the date on which the ACP staff provides the PSA or member institution with whom the Case Manager is working on behalf of the PSA, with a written statement of facts. Exceptions to this policy may be granted by the chair of the committee/group when an institution is able to demonstrate in writing that exceptional circumstances required the request be submitted beyond the 30-day period. The institution's written request shall include:

a. A completed request form;

b. A statement identifying the disputed fact(s);

c. The institution and PSA's position with respect to the disputed fact(s);

d. All documents and information that support the institution and PSA's position;

e. The following signatures on the required request form:

(1) Signatures from two of the following individuals from the involved institution: chancellor or president; faculty athletics representative; senior woman administrator; or director of athletics;

(2) PSA; and

(3) The PSA's parent(s) or legal guardian(s), if the PSA is under 18 years of age.

f. Information received after the institution's submission of the request form shall not be considered by the committee/group unless the information was not reasonably available to the institution or PSA before the institution's submission.

3. Requirements to Provide AMA Liaison.

The ACP staff shall provide the following information to the AMA liaison:

a. A fact summary report, including:

(1) A statement of the ACP staff's rationale for its position regarding the facts; and

(2) The information on which the ACP staff relied and the source of that information.

b. All documents and information that supports the ACP staff member's position.

4. Submission of Information.

The AMA liaison shall submit the information to the Amateurism Fact-Finding Committee/Group for deliberation. The committee/group, in its discretion, may request a hearing conducted by teleconference. All parties must be given 48-hour notice of such a request. The committee/group requires a minimum of 48 hours to review documentation before a hearing or before rendering a decision on review of the written record. Exceptions to this policy can be made if the appeal coordinator and the committee/group chair determine that the urgency of the case warrants immediate consideration and the committee/group is able to thoroughly review the documentation before the teleconference, or in the case of a paper review, before issuing a decision.

5. Review of Request Based on the Written Record.

On review of the required form and documentation submitted by an institution and ACP staff, committee/group members shall vote via e-mail to the AMA liaison. The committee/group shall render a decision not later than seven consecutive calendar days of receiving the information.

A quorum of 50 percent of the committee/group members' votes is needed for the request to be decided on written record. A simple majority of the members voting is necessary

for a decision. However, in case of a tie vote, the chair will request that the committee/group meet via teleconference to discuss the request and reach a majority decision. It is vital that all committee/group members be present on all teleconferences to ensure the timely consideration of requests.

[In Division I, the committee members may discuss the case via teleconference, if necessary, to reach a decision. That teleconference may occur at the request of any of the committee members. The purpose of this call is to discuss the case and not to gather additional information and, therefore, the ACP staff, the PSA and/or the institution(s) involved may not participate on the call.]

6. Review of Request at a Hearing of the Parties Via Teleconference.

The following individuals shall be present during a hearing conducted via teleconference:

a. AMA liaison;

b. ACP staff member who initially reviewed the case;

c. PSA;

d. PSA's parent(s) or legal guardian(s), if the PSA is under 18; and at least one of the following:

- Chancellor or president (or designee), faculty athletics representative, senior woman administrator or director of athletics.

The following individuals may be present during a hearing:

a. The institution's legal counsel;

b. PSA's legal counsel; and

c. Members of the NCAA national office staff.

7. Hearing Procedures.

The hearing shall be conducted pursuant to the following procedures:

a. Once all parties participating in the hearing have been introduced, the ACP staff shall have approximately 10 minutes to describe the facts as they have been determined by the ACP staff. The institution and the PSA shall have 10 minutes, respectively, to describe the case and explain the reason for requesting a determination of the facts.

b. The committee/group chair may terminate the teleconference at any time if the information is repetitive in nature or if substantive new information (that previously was not reviewed by the ACP staff) is introduced.

c. The teleconference will conclude with the ACP staff, institution and PSA providing a closing statement not to exceed five minutes.

d. The committee/group has the authority not to render a decision if it has questions that the committee/group believes the institution or PSA reasonably can and should answer before a decision by the committee is made.

e. When the hearing has concluded, the institutional representatives, the involved PSA [and parent(s) or legal guardians(s)], legal counsel and the Eligibility Center staff shall leave the teleconference. The recording shall be terminated at the conclusion of the hearing and prior to the start of deliberations and all parties except the committee/group members shall leave the teleconference at that time. The committee/group members shall deliberate in private and reach a decision by majority vote.

f. All committee/group materials and fact-finding proceedings are confidential. Institutional representatives and other participants on the teleconference shall maintain the confidentiality of the information discussed, as well as the identity of the participants.

g. When a request involves both Divisions I and II bylaws, the committee/group that has jurisdiction over the division in which the institution holds membership shall determine the facts for both divisions.

h. Once a decision is rendered by the committee/group, the chair of the committee/group will notify the AMA liaison of the determination of the facts. The AMA liaison shall update the Case Management System and notify the ACP staff member primarily responsible for processing the case. The ACP staff member shall then provide the PSA and the institution with a copy of the determined facts. The PSA shall be notified that these facts shall be used to determine if a violation exists or if a season(s) of competition and year in residence should be charged.

8. Appeals of the Decisions of the Committee/Group.

If the institution and PSA do not agree with the determination of facts made by the committee/group, the following procedures shall apply:

a. In Division I, after the Division I Amateurism Fact-Finding Committee has rendered a determination of facts, the involved institution may appeal that determination to the NCAA Division I Amateurism Cabinet or its designee. The Amateurism Cabinet or its designee's determination shall be final, binding and conclusive and shall not be subject to further review by any other authority.

b. In Division II, after the Division II Amateurism Fact-Finding Group has rendered a determination of facts, the involved institution may appeal that determination to the NCAA Division I Management Council. The Management Council's determination shall be final, binding and conclusive and shall not be subject to review by any other authority.

c. All appeals of determinations of facts shall be submitted in writing within 30 days of notification of the committee/group's determination and must be based on one of the following:

(1) The committee/group deviated from approved procedures;

(2) The factual findings of the committee/group are clearly erroneous; or

(3) Any appeal filed after 30 days must include an explanation regarding the reason(s) the appeal was not filed within the prescribed time period. The chair of the Amateurism Cabinet or the Division II Management Council shall determine whether any appeal filed after 30 days will be heard.

d. The Division I Amateurism Cabinet and the Division II Management Council shall follow, where applicable, the general policies and review procedures for determination of facts as outlined in the NCAA Divisions I and II Amateurism Fact-Finding Committee/Group Policies and Procedures Manual.

9. Application of Interpretation(s) of Facts.

After the facts have been determined by the committee/group, the ACP staff in consultation with the AMA staff, shall review the facts and apply the NCAA legislation to determine if a violation has occurred and/or if season(s) of competition should be charged.

If the institution requests an interpretation of the application of NCAA legislation to the determined facts, the ACP staff shall follow the procedures set forth in the section titled "Interpretive Requests."

10. Violation(s) or Season(s) of Competition.

If a violation has occurred or if season(s) of competition should be charged, the ACP staff shall follow the following procedure:

a. Review the approved prescribed penalty schedule (provided by the SAR staff) and in consultation with the SAR staff, determine the appropriate penalties. If additional information is needed, the ACP staff shall work with the SAR staff to obtain the information.

b. In conjunction with the SAR staff, determine the withholding condition to be charged.

c. If it is determined that a violation has occurred and/or if season(s) of competition should be charged, the decision shall be posted on the Eligibility Center Web site and entered in the Case Management System. The PSA or the institution shall have 30 days to submit a written request to appeal the interpretation and/or SAR penalty.

11. Reconsideration.

After the committee's/group's decision has been rendered, an institution may request that the ACP staff reconsider the determination of facts if there is newly discovered, non-repetitive information that existed at the time of the decision but was not reasonably available to the institution and the PSA. If this standard is satisfied, the ACP staff shall reconsider the case. If the ACP staff does not change its determination of facts, the committee/group chair, at the institution's request, shall review the new information and may grant a new hearing only after concluding on review of the written materials that new information is of such importance as to make a different result reasonably probable.

INTEPRETIVE REQUESTS

1. Interpretive Request Process.

a. Determination Regarding Whether an Interpretation is Needed. As information is gathered during an ACP case, the Case Manager shall determine whether there are issues relating to the interpretation of NCAA legislation that may require interpretive assistance from the AMA staff. The Case Manager shall then seek guidance from the Management Team regarding the necessity of an interpretive request. Such requests shall be made at the direction of the Management Team or, if requested to do so, by an institution with whom the Case Manager is working. [Note: A PSA may not seek an interpretation; this process may only be sought by an institution on a PSA's behalf.]

b. Agreed-On Set of Facts. Once a Case Manager has determined, through consultation with the Management Team, that an undisputed factual scenario requires an interpretive request, that request shall be submitted to and reviewed by the ACP interpretations liaison before submission to AMA. The information provided by the Case Manager to the liaison shall include a set of facts that has been reviewed and confirmed as true and complete by the PSA and/or institution. The Case Manager is responsible for ensuring that all facts presented for an interpretation are not in dispute. If the Case Manager and the member institution cannot come to an agreed on set of facts and the institution so desires, the parties may submit any dispute to the appropriate fact-finding committee/group for a determination of fact. The procedure for a fact-finding determination is set forth in the section titled "Determination of Facts by the Amateurism Fact-Finding Committee/Group."

c. Review and Submission by ACP Interpretations Liaison. The ACP interpretations liaison will review the Case Manager's interpretive request for clarity and completeness. Once that review is complete, the liaison will submit the interpretive request to either the Division I or II AMA interpretations liaison via e-mail. If a PSA has pending competition or if the circumstances otherwise warrant, the request may be labeled urgent. Such requests shall include the time and date of competition or travel. All other interpretive requests will contain no special designation and will assume the normal process applied by AMA's interpretive staff. If the interpretations liaison is either out of the office or the interpretive request is urgent and it is therefore impractical for the liaison to review the request, the Management Team may submit the request. In such

instances, the Management Team member that submits the request will copy the Case Manager and the liaison on the submission.

d. Communication of Interpretation to Institution. The ACP interpretations liaison will receive and ensure that the Case Manager receives a copy of the interpretation from the AMA liaison. The Case Manager shall review the interpretation and submit any questions relating to the interpretation (e.g., applicability, scope or clarification) to the liaison, who, if necessary, will forward them to the AMA liaison. The interpretation shall be forwarded – without the AMA liaison's name who issued it – to the institution for review.

2. Interpretive Appeals.

The Case Manager shall inform the institution that it may appeal any adverse interpretation on behalf of its PSA. PSAs may not appeal interpretations. Appeals of interpretations are submitted directly by institutions to the divisionally appropriate group (as explained below) and shall only include the facts submitted to AMA for the initial interpretation. The institution may argue the inferences that may be drawn from those facts, but it shall not include different or additional facts than those initially submitted. The Case Manager should, therefore, direct the institution to copy the Case Manager on the appellate submission. If after review, the Case Manager believes that the facts submitted are different or additional, after consultation with the Management Team, the Case Manager should request that the NCAA Division I Legislative Review/Interpretations Committee (LRIC) liaison suspend the appeal process until an appropriate appellate package can be submitted.

a. Division I Appeals. If a Division I institution states its desire to appeal an interpretation, the Case Manager shall inform the institution that it should fill out an appeal form for submission to the LRIC. The Case Manager shall also inform the institution that the LRIC form should be submitted to an LRIC liaison (the liaisons are identified on the form) and that the Case Manager should be copied on the submission. The appellate decision shall be communicated to the institution in accordance with LRIC policies and procedures.

b. Division II Appeals. If a Division II institution states its desire to appeal an interpretation, the Case Manager shall inform the institution that it must follow the appropriate procedures set forth by the NCAA Division II Legislation Committee. Additionally, the member institution may also appeal a decision of the Legislation Committee to the Division II Management Council per that body's policies and procedures.

3. Revision of a Statement of Facts After an Interpretive Decision Has Been Made.

After an interpretation has been rendered, the institution or Case Manager may request that an interpretation be reconsidered based on the submission of new or different information that may affect the interpretation. For an interpretive request to be modified or supplemented with such information, the information must be newly discovered and non-repetitive and it must not have been reasonably available to the institution and PSA at the time the interpretive request was made. If this standard is met, the Case Manager and institution shall follow the interpretive process as outlined above. Once an interpretation is provided, the Case Manager shall notify the PSA and institution of the interpretation.

4. Interpretations Retention Policy.

The ACP interpretations liaison shall endeavor to maintain a database of all past interpretations for ACP staff reference.

STUDENT-ATHLETE REINSTATEMENT PENALTY ASSESSMENT

1. Determination.

As information is gathered on an amateurism certification case, the Case Manager shall determine whether a PSA has engaged in activities constituting violations of NCAA legislation. If necessary (e.g., where an involved institution disputes the ACP staff's position that a violation exists), the Case Manager may pursue a rules interpretation from the academic and membership affairs interpretations staff. See the section titled, "Interpretive Requests."

2. Agreed-On Statement of Facts.

Once a violation is determined or agreed on, the Case Manager should draft a statement of facts that relates to the PSA's SAR request. That statement shall be submitted to the PSA and/or involved institution for review and comment. If the Case Manager and the member institution cannot come to an agreed-on set of facts and the institution so desires, the parties may submit any dispute to the appropriate fact-finding group for a determination of fact. The procedure for a fact-finding determination is set forth in the section titled "Determination of Facts by the Amateurism Fact-Finding Committee/Group."

3. Forward-to-SAR Cases.

Once the statement of facts is confirmed to be true and complete by the PSA or institution, the Case Manager shall determine if any of the following four scenarios exist:

a. No SAR-prescribed penalty exists for the confirmed violation;

b. Multiple violations apply to an individual PSA (this includes cases that involve violations being reviewed by the Agent, Gambling and Amateurism staff);

c. SAR staff liaison requests that a case be forwarded for further review by the SAR staff; or

d. The prescribed penalty indicates a serious withholding condition of at least 20 contests and/or the equivalent of one or more seasons of competition.

If any of the above scenarios exists, the Case Manager shall designate the case as a forward-to-SAR case and follow the procedure set forth below.

a. Forward-to-SAR Process. Once a case has been designated to be forwarded to SAR (either by the ACP staff liaison or the SAR staff liaison), the assigned Case Manager shall organize all previously gathered information/documentation. The SAR Case Summary Form (found on page No. 57, which includes the statement of facts), and any other relevant documentation, including interpretations and institutional mitigation statements (which do not have to be agreed on, but shall not be inconsistent with the information gathered by the ACP staff during the review) shall be submitted electronically to the ACP staff liaison. The liaison will review the submitted information and documentation and forward to the SAR staff for their review and penalty assessment. Once the appropriate eligibility condition determination is made, the SAR staff will forward the decision to the assigned Case Manager, who will then incorporate the determination into the PSA's final amateurism certification decision. The institution shall be notified of the decision by either the ACP or SAR staff depending on the circumstances.

b. Notification of a Forward-to-SAR Case to Member Institution. The Case Manager shall notify the involved institution that the case will be forwarded to the SAR staff to determine any eligibility conditions that may be appropriate. The Case Manager shall also inform the institution that the SAR staff may contact the institution in the future to clarify facts and/or gather any relevant mitigating circumstances/information (if no mitigation statement has already been included).

4. Prescribed Penalty Cases.

If none of the scenarios described in No. 3 are present, the Case Manager shall present the case to the ACP staff's SAR liaison for review. The case will be discussed at the weekly ACP/SAR staff meeting. If the prescribed penalty is approved by the SAR staff, the decision for the case can be made final. During this process, Case Managers may use their discretion regarding whether the member institution needs to be updated on the status of a PSA's review.

5. Appeals.

If the institution does not agree with the SAR staff's decision, it may appeal that decision to the SAR committee (pursuant to SAR appellate policies and procedures located on the SAR Web page). In such cases, the Case Manager shall participate on any necessary

SAR committee appeal teleconferences related to a PSA's amateurism certification decision.

6. Factual Disputes and/or New Information.

If while communicating with the involved institution, an SAR staff member discovers previously undisclosed (i.e., not contained in the statement of facts) factual arguments or assertions that appear to contradict the statement of facts, the SAR staff member shall discuss the alleged new facts with the Case Manager.

a. No Impact. If the new information presented will have no impact on the previous ACP determination of facts, then the SAR staff may proceed with the penalty determination.

b. Amended or Supplemented Statement of Facts. If the new facts may impact the SAR staff penalty determination, the Case Manager and member institution shall work to determine whether a modified or supplemental statement of facts is necessary. If the Case Manager and institution agree or it is determined by the appropriate fact-finding body that a statement of facts requires modification or supplementation, the case will be resubmitted to the assigned SAR staff member for further review.

7. Certification Decision.

Once the SAR staff has determined the eligibility condition for a particular case, the certification determination will be submitted by the SAR staff member to the Case Manager. The SAR staff member will copy the ACP staff liaison on the decision rendered for record-keeping purposes. The Case Manager will notify the institution and/or PSA of the final amateurism certification decision.

ACP
ACP
TEAM

AMATEURISM CASE SUMMARY
Thursdays with SAR

PSA:

Sport:

Division:

IRL Institution:

Date of Birth:

HS Graduation Date:

Country of Origin:

ACP Case Manager:

Date presented to SAR:

Issue:

Case Summary/Facts:

NCAA Bylaws:

Other Relevant Facts:

MS Interpretation(s):

NCAA BYLAW 10.1 PROCEDURES – UNETHICAL CONDUCT

1. Definition of Unethical Conduct (NCAA Bylaw 10.1).

Unethical conduct by a PSA, may include among other activities (as set forth in Bylaw 10.1), the PSA's failure to provide complete and accurate information to the NCAA, the Eligibility Center or an NCAA member institution's athletics department regarding an individual's amateur status.

2. Notice Regarding Obligations Under Bylaw 10.1.

a. Notice During Registration. PSAs shall be provided notice of their obligation to provide complete and accurate information to the Eligibility Center as part of the Eligibility Center's online registration process.

b. Notice Prior to Interview. If an in-person or telephone interview is conducted with a PSA, the PSA shall be provided notice of the PSA's obligation to provide complete and accurate information to the Eligibility Center. The PSA shall also be notified that a failure to provide complete and accurate information may result in an unethical conduct allegation, which could adversely affect the PSA's eligibility at NCAA institutions.

3. Requesting a 10.1 Assessment During Investigative Process.

If during the processing of an amateurism certification case, a Case Manager becomes concerned by a PSA's changing and/or contradictory answers, the Case Manager may, at the discretion of the Management Team, request that an NCAA member institution conduct a Bylaw 10.1 assessment with the PSA. Following that assessment, if the member institution indicates its belief that the information being provided by the PSA is truthful, the Case Manager may request that the member institution verify the truthfulness of the PSA's answers/assertions in a written statement. If after consultation with the Management Team the Case Manager indicates that the institutional position requires additional review, the Case Manager may follow the steps outlined in No. 4.

4. Asserting an Unethical Conduct Allegation.

If a Case Manager believes that a PSA may have engaged in behavior amounting to a potential unethical conduct violation, the Case Manager shall consult with the Management Team to determine if an unethical conduct charge should be alleged. If it is determined that an unethical conduct allegation is appropriate, the following steps shall be taken:

a. Determination of Facts. The staff member shall provide the PSA or the member institution at which the PSA has indicated he or she will enroll the factual basis for the potential unethical conduct allegation. If there is a dispute regarding those facts, the case shall be referred to the appropriate fact-finding committee for a determination of the facts. (See "Determination of Facts by the Amateurism Fact-Finding Committee/Group.")

b. Interpretation of Facts. After the facts have been agreed on or decided by the fact-finding committee, if the involved member institution does not believe that those facts constitute a violation of Bylaw 10.1, the facts shall be submitted to AMA for an interpretation. (See "Interpretive Requests.")

c. Agreement or Determination of an Unethical Conduct Violation. If there is an agreement or a determination that an unethical conduct violation has occurred, the case shall be forwarded to the SAR staff along with any mitigation offered by the PSA or member institution (that is consistent with the set of facts on which the violation was based) for a reinstatement decision.

5. Enforcement Action.

If a determination is made or the ACP staff has reason to suspect institutional involvement in an unethical conduct violation (e.g., by a coach, compliance officer or enrolled student-athlete), the ACP staff shall refer the case to the enforcement staff liaison for enforcement staff review.

INTERACTION WITH THE AGENT, GAMBLING AND AMATEURISM ACTIVITIES STAFF

1. Division of NCAA Bylaw 12 (Jurisdiction).

The ACP staff shall be responsible for certifying pre-enrollment amateur status for Divisions I and II PSAs under Bylaw 12 with the exception of the following four provisions: (1) educational expenses (Bylaw 12.1.2.1.3); (2) preferential treatment (Bylaw 12.1.2.1.6); (3) employment (Bylaw 12.4); and (4) promotional activities (Bylaw 12.5). NCAA member institutions shall be responsible for certifying amateur status in accordance with those bylaws. If it is determined by an ACP staff member that a PSA's pre-enrollment activities may implicate one or more of those bylaws, the case shall be transferred to the AGA staff for review and in accordance with the procedure outlined below. [Note: Beginning October 2007, the ACP staff assumed jurisdiction over all reviews of pre-enrollment activities (with the exception of the above four provisions of Bylaw 12) even in cases involving PSAs who received final certification decisions and student-athletes who were previously certified by the ACP staff.]

2. Transfer of Cases to the AGA Staff.

If, during the course of a PSA's review, the Case Manager determines that a case does or may involve a Bylaw 12 violation over which the ACP staff lacks jurisdiction, the Case Manager shall submit the issue to the ACP staff's AGA liaison for review and a determination regarding whether transfer to AGA is appropriate. When a determination is made regarding the timing of transfer, the Case Manager will prepare a written summary and submit it to the AGA liaison for review and submission to the AGA staff. The Case Manager will also check the AGA issue box in the PSA's electronic file in the Case Management System. The decision regarding whether the case should be closed on the Eligibility Center Web site shall be made after consultation with the AGA liaison and may reflect the desire of the AGA staff.

3. Joint AGA/ACP Cases.

In reviews potentially involving Bylaw 12 violations under the jurisdiction of both the ACP and AGA staffs, a joint review may be appropriate. The decision regarding the staff that will lead the review shall depend on the significance of the potential violations involved and be made in collaboration with the AGA staff. In cases where the parties agree or it is determined that a PSA has violated amateurism bylaws under both staffs'

jurisdictions, the ACP staff will follow its SAR staff procedures as set forth in "Student-Athlete Reinstatement Penalty Assessment" and post any SAR conditions on the Eligibility Center Web site in their entirety.

INTERACTION WITH ENFORCEMENT STAFF

NOTE: This page will serve as a place-hold for the ACP/enforcement policy currently being drafted.

ELITE-ATHLETE PROGRAM

The Elite-Athlete Program is an internal process through which the ACP staff attempts to ensure that the most at-risk PSAs receive a thorough analysis during the certification process irrespective of the answers the PSAs provide during the registration process. PSAs can be identified as elite athletes at the ACP staff's discretion. Reasons for designating a PSA as an elite athlete can include, but are not limited to, the following: overall knowledge and research of the PSA's previous athletics participation, sports structures of specific countries and ACP staff knowledge of previous amateurism violations in specific sports. This program will be considered an internal program in which the Management Team will make periodic determinations, based on specific data, regarding the categories of PSAs that should be selected for further review by the staff. At the discretion of the Management Team, any PSA may be designated as an elite athlete where there is reason to believe a case may require additional review.

SUPPLEMENT NO. 10
DI Amateurism Cabinet 6/09

TO: Amateurism Cabinet

FROM: Amateurism Certification Staff

DATE: May 18, 2009

RE: Requested Expense Valuation Research

The attached country-specific valuation charts are provided to the Amateurism Cabinet in response to the Cabinet's February 2009 request for the Amateurism Certification staff to provide further research related to foreign expense valuations that can become essential to a Bylaw 12.02.4(a) professional team "compensation v. expenses" analysis. Please note that the charts include (as a point of comparison) the monthly values assigned to the three distinct expense categories (1. Food/Beverage, 2. House/Rent and 3. Transportation) by information linked to/provided by the U.S. Census Bureau links, the primary source for such information during the 12-month pilot program (April 1, 2009 – March 31, 2010) previously supported by the Cabinet.

The country-specific charts are intended to highlight the disparate valuations available, depending on location, category of expense and source of information. While all U.S. Census Bureau information is provided on a "monthly, per person" basis, please note some of the other sources are "per trip", "per night" or "per meal" valuations.

The Amateurism Certification staff looks forward to discussing this research information further with the Cabinet during the June 2009 meeting.

CHINA

	US Census Bureau Link	Craigslist[1]	Real Estate Website[2]	Other Website(s)
Food/Beverage	*196.3 CNY*	N/A	N/A	16-60 RMB[3] 420 RMB[4] 45-55 RMB[5]
House/Rent	*1835.9 CNY*	3800-25000 CNY	5000-17000 CNY	600-5000 RMB[6] 4200 RMB[7] 4500-4800 RMB[8]
Transportation	*651.8 CNY*	N/A	N/A	1.5-10 RMB[9] 1400 RMB[10] 5-80 CNY[11]

*Website information provided for rent/housing is per month. Other differences are footnoted below. CNY/RMB is interchangeable Chinese currency terms.

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[1] http://beijing.craigslist.com.cn/

[2] http://world.soufun.com

[3] Per meal; http://home.wangjianshuo.com/archives/20021108_living_cost_in_shanghai.htm

[4] Per month; http://www.chinawhite.net/archives/2005/12/cost_of_living.html

[5] Per plate; http://matadorabroad.com/how-much-does-it-cost-to-live-in-china/

[6] http://home.wangjianshuo.com/archives/20021108_living_cost_in_shanghai.htm

[7] http://www.chinawhite.net/archives/2005/12/cost_of_living.html

[8] http://matadorabroad.com/how-much-does-it-cost-to-live-in-china/

[9] Per trip; Depending on distance and Bus, Taxi, or Metro;
http://home.wangjianshuo.com/archives/20021108_living_cost_in_shanghai.htm

[10] Per month; http://www.chinawhite.net/archives/2005/12/cost_of_living.html

[11] Taxi fare dependent on city; http://www.travelchinaguide.com/essential/cost.htm

GERMANY

	US Census Bureau Link	Craigslist[1]	Real Estate Website[2]	Other Website(s)
Food/Beverage	*272 EUR*	N/A	N/A	80-100 EUR[3] 10-30 EUR[4] 180 EUR[5]
House/Rent	*500 EUR*	300-1450 EUR	1350-39500 EUR	385-500 EUR[6] 1800-2400 EUR[7] 150-350 EUR[8]
Transportation	*200 EUR*	N/A	N/A	1.90-60 EUR[9] 45 EUR[10] 9-47 EUR[11]

*Website information provided for rent/housing is per month. Other differences are footnoted below. The Euro (EUR) is the currency of Germany.

[1] http://berlin.en.craigslist.org/

[2] http://www.viviun.com/Real_Estate/Germany/

[3] Per month; http://www.expat-blog.com/forum/viewtopic.php?id=3694

[4] Per person, per meal; http://www.lonelyplanet.com/germany/practical-information/money-costs

[5] Per month expenses; http://www.germany.nepalesestudent.org/living_cost.htm

[6] http://www.expat-blog.com/forum/viewtopic.php?id=3694

[7] http://www.lonelyplanet.com/germany/practical-information/money-costs

[8] Apartment rental; http://www.germany.nepalesestudent.org/living_cost.htm

[9] Per single ticket and per month; http://www.expat-blog.com/forum/viewtopic.php?id=3694

[10] Per day to rent a car; http://www.lonelyplanet.com/germany/practical-information/money-costs

[11] One-way bus ticket; http://gogermany.about.com/od/transportationingermany/p/bus_travel_germany.htm

SERBIA

	US Census Bureau Link	Craigslist	Real Estate Website[1]	Other Website(s)
Food/Beverage	*16365 RSD*	N/A	N/A	48369 RSD[2] 3 RSD[3] 8000 RSD[4]
House/Rent	*5352 RSD*	N/A	600-1300 RSD	107897 RSD[5] 5-15 RSD[6] 150-8500 RSD[7]
Transportation	*3582 RSD*	N/A	N/A	12959 RSD[8] .5-5 RSD[9] 29 RSD[10]

*Website information provided for rent/housing is per month. Other differences are footnoted below. The Dinar (RSD) is the currency of Serbia.

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[1] http://www.propertymarkets.info/Serbia/

[2] http://209.85.173.132/search?q=cache:lzjJJM2jcrwJ:icsc.un.org/resources/pdfs/2009/pp/Serbia-09.pdf+cost+of+living+survey+report+belgrade+serbia&cd=1&hl=en&ct=clnk&gl=us

[3] Per meal, cheap restaurant; http://www.serbiatravelers.org/en/index.php/serbiatravel/416-money-costs

[4] Per month; http://www.expat-blog.com/forum/viewtopic.php?id=3758

[5] Two-bedroom apartment; http://209.85.173.132/search?q=cache:lzjJJM2jcrwJ:icsc.un.org/resources/pdfs/2009/pp/Serbia-09.pdf+cost+of+living+survey+report+belgrade+serbia&cd=1&hl=en&ct=clnk&gl=us

[6] Lodging per night; http://www.serbiatravelers.org/en/index.php/serbiatravel/416-money-costs

[7] http://www.expat-blog.com/forum/viewtopic.php?id=3758

[8] http://209.85.173.132/search?q=cache:lzjJJM2jcrwJ:icsc.un.org/resources/pdfs/2009/pp/Serbia-09.pdf+cost+of+living+survey+report+belgrade+serbia&cd=1&hl=en&ct=clnk&gl=us

[9] Depending on bus or train tickets, per trip; http://www.serbiatravelers.org/en/index.php/serbiatravel/416-money-costs

[10] Per trip; http://www.expat-blog.com/forum/viewtopic.php?id=3758

SWEDEN

	US Census Bureau Link	Craigslist[1]	Real Estate Website[2]	Other Website(s)
Food/Beverage	*1267 SEK*	N/A	N/A	2000 SEK[3] 35-350 SEK[4] 2400 SEK[5]
House/Rent	*2633 SEK*	140-7000 SEK	120-6000 SEK	3200 SEK[6] 2500-3500 SEK[7] 350 SEK[8]
Transportation	*2035 SEK*	N/A	N/A	500-1000 SEK[9] 500 SEK[10] 200 SEK[11]

*Website information provided for rent/housing is per month. Other differences are footnoted below. Swedish currency is the Kronor (SEK).

[1] http://stockholm.craigslist.se/

[2] http://www.ezilon.com/cgi-bin/estate/realestate.cgi?mojo=1&cat_a=1&parent=0&number=1&cattype=a&trace=

[3] Per month; http://www.studyinsweden.se/Living-in-Sweden/Cost-of-living/

[4] Per meal, dependent on restaurant quality; http://www.expatfocus.com/expatriate-sweden-currency-costs

[5] Per month; http://www.scribd.com/doc/6753774/ClimateCostsTransportationLiving-Etc-Sweden

[6] http://www.studyinsweden.se/Living-in-Sweden/Cost-of-living/

[7] http://www.scribd.com/doc/6753774/ClimateCostsTransportationLiving-Etc-Sweden

[8] Per day; http://www.lonelyplanet.com/sweden/practical-information/money-costs

[9] Per month; http://www.studyinsweden.se/Living-in-Sweden/Cost-of-living/

[10] Per month; http://www.scribd.com/doc/6753774/ClimateCostsTransportationLiving-Etc-Sweden

[11] Per day, car rental; http://www.lonelyplanet.com/sweden/practical-information/money-costs

UNITED KINGDOM

	US Census Bureau Link	Craigslist[1]	Real Estate Website[2]	Other Website(s)
Food/Beverage	*44 pounds*	N/A	N/A	4.50-10 pounds[3] 30-50 pounds[4] 25-30 pounds[5]
House/Rent	*104 pounds*	130-850 pounds	102-216 pounds	84-375 pounds[6] 70-200 pounds[7] 300 pounds[8]
Transportation	*1.43 pounds*	N/A	N/A	4.20-70 pounds[9] 29.20 pounds[10] 10-30 pounds[11]

*Website information provided for rent/housing is per week. Other differences are footnoted below. The Pound is the currency for the United Kingdom.

[1] http://london.craigslist.co.uk/

[2] http://www.apartment.co.uk/results.asp

[3] Per meal; http://www.woodlands-junior.kent.sch.uk/customs/questions/cost.html

[4] http://www.uk-working-holiday.co.uk/uk-cost-living.htm

[5] Per week, purchased; http://uk.internationalstudent.com/study_uk/financial_aid/living_expenses.shtml

[6] http://www.woodlands-junior.kent.sch.uk/customs/questions/cost.html

[7] http://www.uk-working-holiday.co.uk/uk-cost-living.htm

[8] http://answers.yahoo.com/question/index?qid=20080329022612AA2NPqo

[9] Depending on distance traveled, London Taxi; http://www.woodlands-junior.kent.sch.uk/customs/questions/cost.html

[10] Per week, travel card; http://www.uk-working-holiday.co.uk/uk-cost-living.htm

[11] Per week; http://uk.internationalstudent.com/study_uk/financial_aid/living_expenses.shtml

MEMORANDUM

May 4, 2009

TO: Members of the Division I Amateurism Cabinet.

FROM: Beth DeBauche, Director of Division I.

SUBJECT: Bylaw and Practices Review.

1. Charge.

Given the current economic conditions that are placing stress on institutional and athletics budgets at many NCAA member institutions, the Division I Board of Directors at its April 30, 2009, meeting, requested that the Division I councils and cabinets begin an immediate review of all operational aspects under their purview to identify bylaws and practices that could possibly be modified to provide financial relief to the membership. Specifically, the Board asked that each governance body at its next meeting start developing an exhaustive list of possible bylaws and policy changes ranked in priority order with the relevant projected financial impact on the membership.

In conducting these reviews, the cabinets and councils should consider the impact of the proposed changes on the principles of fair competition, the well-being of student-athletes, sound academic standards, the integrity of the sport, and costs. The recommendations should be consistent with the NCAA principle governing the economy of athletics program operations, which states that intercollegiate athletics programs shall be administered in keeping with prudent management and fiscal practices to arouse the financial stability necessary for providing student-athletes with adequate opportunities for athletics competition as an integral part of a quality educational experience. The Board of Directors appreciates that some of the bylaws identified in this review may include concepts previously considered by the Division I governance structure but encourages the cabinets and councils to take a fresh look at issues in light of this charge.

2. Illustrations.

The NCAA staff was also asked to seek to think creatively about possible bylaw and policy changes that could provide financial relief on campuses and some of the ideas identified by staff may be illustrative to the cabinets and councils as they seek to begin their examination. Ideas discussed included: suspending athletic certification for a year or predetermined amount of time; eliminating nontraditional seasons for selected sports; modifying championships bracketing and seeding; eliminating the printing of recruiting materials and media guides and modifying recruiting calendars.

3. Timeline.

Cabinets will be asked to begin this review at their June meetings. Cabinets shall provide a progress report in their June cabinet reports including a listing of bylaws appropriate for possible amendment. Depending on the scope of cabinet jurisdiction, some cabinets may be able to finish their reviews in June, while others may require additional time to formalize recommendations. Those cabinets needing extra time would be encouraged work expeditiously where possible with the goal of concluding their reviews during the September series of meetings. [Note: The Championships/Sports Management Cabinet does not have an in-person meeting scheduled in June but does have a conference call scheduled.]

The Leadership Council, with the help of the Legislative Council, will then be asked to prioritize the work and recommendations of the cabinets to ensure a level of consistency between recommendations in keeping with the priorities on the Division I agenda. The prioritized list of recommended changes will be presented to the Board of Directors during its October meeting, as the Board will be asked to consider sponsoring legislation in the 2009-10 legislative cycle as it deems appropriate. Consideration of the proposals by the membership will occur thereafter under the normal legislative process. It is hoped that as a result of this process appropriate legislative changes will be adopted that will result in cost savings from an operational standpoint on campus that will in no way compromise the well-being of student-athletes, sound academic standards, and the integrity of the sports.

BYLAW, ARTICLE 12

Amateurism

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12.01 GENERAL PRINCIPLES

12.01.1 Eligibility for Intercollegiate Athletics. Only an amateur student-athlete is eligible for intercollegiate athletics participation in a particular sport.

12.01.2 Clear Line of Demarcation. Member institutions' athletics programs are designed to be an integral part of the educational program. The student-athlete is considered an integral part of the student body, thus maintaining a clear line of demarcation between college athletics and professional sports.

12.01.3 "Individual" vs. "Student-Athlete." NCAA amateur status may be lost as a result of activities prior to enrollment in college. If NCAA rules specify that an "individual" may or may not participate in certain activities, this term refers to a person prior to and after enrollment in a member institution. If NCAA rules specify a "student-athlete," the legislation applies only to that person's activities after enrollment.

12.01.4 Permissible Grant-in-Aid. A grant-in-aid administered by an educational institution is not considered to be pay or the promise of pay for athletics skill, provided it does not exceed the financial aid limitations set by the Association's membership.

12.01.5 Compliance with Legislation for Emerging Sports. Beginning with the second year of the Association's identification of an emerging sport for women (see Bylaw 20.02.5), the institution shall comply fully in that program with all applicable amateurism legislation set forth in Bylaw 12. *(Adopted: 1/10/95; Revised: 2/24/03)*

12.02 DEFINITIONS AND APPLICATIONS

12.02.1 Individual. An individual, for purposes of this bylaw, is any person of any age without reference to enrollment in an educational institution or status as a student-athlete.

12.02.2 Pay. Pay is the receipt of funds, awards or benefits not permitted by the governing legislation of the Association for participation in athletics.

12.02.3 Professional Athlete. A professional athlete is one who receives any kind of payment, directly or indirectly, for athletics participation except as permitted by the governing legislation of the Association.

12.02.4 Professional Athletics Team. A professional team is any organized team that:

(a) Provides any of its players more than actual and necessary expenses for participation on the team, except as otherwise permitted by NCAA legislation. Actual and necessary expenses are limited to the following, provided the value of these items is commensurate with the fair market value in the locality of the player(s) and is not excessive in nature: *(Revised: 4/25/02 effective 8/1/02)*
   (1) Meals directly tied to competition and practice held in preparation for such competition;
   (2) Lodging directly tied to competition and practice held in preparation for such competition;
   (3) Apparel, equipment and supplies;
   (4) Coaching and instruction;
   (5) Health/medical insurance;
   (6) Transportation (expenses to and from practice competition, cost of transportation from home to training/practice site at the beginning of the season and from training/practice site to home at the end of season);
   (7) Medical treatment and physical therapy;
   (8) Facility usage; *(Revised: 4/24/03)*
   (9) Entry fees; and *(Revised: 4/24/03)*
   (10) Other reasonable expenses; or *(Adopted: 4/24/03; Revised: 10/28/04)*

(b) Declares itself to be professional (see Bylaw 12.2.3.2.4). *(Revised: 8/8/02)*

12.02.5 Student-Athlete. A student-athlete is a student whose enrollment was solicited by a member of the athletics staff or other representative of athletics interests with a view toward the student's ultimate participation in the intercollegiate athletics program. Any other student becomes a student-athlete only when the student reports for an intercollegiate squad that is under the jurisdiction of the athletics department, as specified in Constitution 3.2.4.5. A student is not deemed a student-athlete solely on the basis of prior high school athletics participation.

12.1 GENERAL REGULATIONS

An individual must comply with the following to retain amateur status. (See Bylaw 14 regarding the eligibility restoration process.)

12.1.1 Validity of Amateur Status. As a condition and obligation of membership, it is the responsibility of an institution to determine the validity of the information on which the amateur status of a prospective student-athlete (including two-year and four-year college transfers initially enrolling at an NCAA Division I institution) and student-athlete is based. (See Bylaw 14.01.3.) *(Adopted: 1/9/06 effective 8/1/06, for all final certifications for student-athletes initially enrolling at a Division I or Division II institution on or after 8/1/07, Revised: 1/8/07, 4/30/07)*

12.1.1.1 Amateurism Certification Process. An institution shall use an initial eligibility center approved by the Executive Committee to determine the validity of the information on which the amateur status of a student-athlete is based. *(Adopted: 1/9/06 effective 8/1/06, for final certifications for student-athletes initially enrolling at a Division I or Division II institution on or after 8/1/07, Revised: 4/30/07)*

12.1.1.1.1 Scope. The certification of amateur status issued by the NCAA Eligibility Center is limited to activities that occur prior to a prospective student-athlete's request for final amateurism certification or his or her initial full-time enrollment at an NCAA Division I or II institution, whichever occurs earlier. *(Adopted: 4/30/07)*

12.1.1.1.2 Institutional Responsibilities.

12.1.1.1.2.1 Amateur Status After Certification. An institution is responsible for certifying the amateur status of a prospective student-athlete (including two-year and four-year college transfers initially enrolling at an NCAA Division I institution) from the time he or she requests that a final certification be issued by the NCAA Eligibility Center or from the time he or she initially enrolls as a full-time student at an NCAA Division I or II institution (whichever occurs earlier). *(Adopted: 4/30/07)*

12.1.1.1.2.2 Sharing Information and Reporting Discrepancies. If an institution receives additional information or otherwise has cause to believe that a prospective student-athlete's amateur status has been jeopardized, the institution is responsible for promptly notifying the NCAA Eligibility Center of such information. Further, an institution is responsible for promptly reporting to the NCAA Eligibility Center all discrepancies in information related to a student-athlete's amateurism certification. *(Adopted: 4/30/07)*

12.1.1.1.3 Eligibility for Practice or Competition. Prior to engaging in practice or competition, a student-athlete shall receive a final certification of amateur status based on activities that occur prior to his or her request for final certification or initial full-time enrollment at an NCAA Division I or II institution (whichever occurs earlier). *(Adopted: 4/30/07)*

12.1.1.1.3.1 Temporary Certification—Recruited Student-Athlete. If a recruited prospective student-athlete reports for athletics participation before the student's amateur status has been certified, the student may practice, but not compete, for a maximum period of 14 days. After this period, the student shall have his or her amateur status certified to continue to practice or compete. *(Adopted: 1/9/06 effective 8/1/06, for all final certifications for student-athletes initially enrolling at a Division I or Division II institution on or after 8/1/07)*

12.1.1.1.3.2 Temporary Certification—Nonrecruited Student-Athlete. If a nonrecruited prospective student-athlete reports for athletics participation before the student's amateur status has been certified, the student may practice, but not compete, for a maximum period of 45 days. After this period, the student shall have had his or her amateur status certified to continue to practice or to compete. *(Adopted: 1/9/06 effective 8/1/06, for all final certifications for student-athletes initially enrolling at a Division I or Division II institution on or after 8/1/07)*

12.1.1.1.4 Eligibility for Practice After a Final Not Certified Certification. After a final not certified certification is rendered, a student-athlete may continue to engage in practice activities, provided the institution has submitted a notice of appeal. At the point in which all appeal opportunities have been exhausted and no eligibility has been granted, the student-athlete may no longer participate in practice activities. *(Adopted: 3/21/07)*

12.1.2 Amateur Status. An individual loses amateur status and thus shall not be eligible for intercollegiate competition in a particular sport if the individual:

(a) Uses his or her athletics skill (directly or indirectly) for pay in any form in that sport;

(b) Accepts a promise of pay even if such pay is to be received following completion of intercollegiate athletics participation;

(c) Signs a contract or commitment of any kind to play professional athletics, regardless of its legal enforceability or any consideration received;

(d) Receives, directly or indirectly, a salary, reimbursement of expenses or any other form of financial assistance from a professional sports organization based on athletics skill or participation, except as permitted by NCAA rules and regulations;

(e) Competes on any professional athletics team per Bylaw 12.02.4, even if no pay or remuneration for expenses was received; *(Revised: 4/25/02 effective 8/1/02)*

(f) After initial full-time collegiate enrollment, enters into a professional draft (see also Bylaws 12.2.4.2.1 and 12.2.4.2.3); or *(Revised: 4/25/02 effective 8/1/02, 4/24/03 effective 8/1/03 for student-athletes entering a collegiate institution on or after 8/1/03)*

(g) Enters into an agreement with an agent. *(Adopted: 4/25/02 effective 8/1/02)*

12.1.2.1 Prohibited Forms of Pay. "Pay," as used in Bylaw 12.1.2 above, includes, but is not limited to, the following:

12.1.2.1.1 Salary, Gratuity or Compensation. Any direct or indirect salary, gratuity or comparable compensation.

12.1.2.1.2 Division or Split of Surplus. Any division or split of surplus (bonuses, game receipts, etc.).

12.1.2.1.3 Educational Expenses. Educational expenses not permitted by the governing legislation of this Association (see Bylaw 15 regarding permissible financial aid to enrolled student-athletes).

12.1.2.1.3.1 Educational Expenses or Services—Prior to Collegiate Enrollment. A prospective student-athlete may receive educational expenses or services (e.g., tuition, fees, room and board, books, tutoring, standardized test preparatory classes) prior to collegiate enrollment from any individual or entity other than an agent, professional sports team/organization, member institution or a representative of an institution's athletics interests, provided the payment for such expenses or services is disbursed directly to the individual, organization or educational institution (e.g., high school, preparatory school) providing the educational expense or service. *(Adopted: 4/25/02 effective 8/1/02, Revised: 1/14/08)*

12.1.2.1.3.2 Educational Expenses from Outside Sports Team or Organization—After Collegiate Enrollment. Educational expenses provided to an individual after initial collegiate enrollment by an outside sports team or organization that are based on any degree on the recipient's athletics ability [except as specified in Bylaw 15.2.6.4-(h)], even if the funds are given to the institution to administer to the recipient. *(Revised: 1/10/95, 4/25/02 effective 8/1/02)*

12.1.2.1.3.2.1 Educational Expenses—Olympic Committee. A student-athlete may receive educational expenses awarded by the U.S. Olympic Committee (or for international student-athletes, expenses awarded by the equivalent organization of a foreign country) pursuant to the applicable conditions set forth in Bylaw 15.2.6.5. *(Adopted: 4/15/97; Revised: 11/1/00, 4/25/02 effective 8/1/02)*

12.1.2.1.3.2.2 Educational Expenses—National Governing Body. A student-athlete may receive educational expenses awarded by a U.S. national governing body (or, for international student-athletes, expenses awarded by the equivalent organization of a foreign country) pursuant to the applicable conditions set forth in Bylaw 15.2.6.5. *(Adopted: 10/28/97 effective 8/1/98; Revised: 11/1/00, 4/25/02 effective 8/1/02)*

12.1.2.1.4 Expenses, Awards and Benefits. Excessive or improper expenses, awards and benefits (see Bylaw 16 regarding permissible awards, benefits and expenses to enrolled student-athletes).

12.1.2.1.4.1 Cash or Equivalent Award. Cash, or the equivalent thereof (e.g., trust fund), as an award for participation in competition at any time, even if such an award is permitted under the rules governing an amateur, noncollegiate event in which the individual is participating. An award or a cash prize that an individual could not receive under NCAA legislation may not be forwarded in the individual's name to a different individual or agency. *(Revised: 4/25/02 effective 8/1/02)*

12.1.2.1.4.1.1 Exception—Prospective Student-Athlete's Educational Institution. A financial award may be provided to a prospective student-athlete's educational institution in conjunction with the prospective student-athlete being recognized as part of an awards program in which athletics participation, interests or ability is a criterion, but not the sole criterion, in the selection process. Such an award must also include nonathletics criteria, such as the prospective student-athlete's academic record and nonathletics extracurricular activities and may not be based on the prospective student-athlete's place finish or performance in a particular athletics event. In

addition, it is permissible for an outside organization (other than a professional sports organization) to provide actual and necessary expenses for the prospective student-athlete (and the prospective student-athlete's parents or other relatives) to travel to a recognition event designed to recognize the prospective student-athlete's accomplishments in conjunction with his or her selection as the recipient of a regional, national or international award. *(Adopted: 10/28/99)*

12.1.2.1.4.1.2 Operation Gold Grant. An individual (prospective student-athlete or student-athlete) may accept funds that are administered by the United States Olympic Committee pursuant to its Operation Gold program. *(Adopted: 4/26/01 effective 8/1/01)*

12.1.2.1.4.2 Expenses/Awards Prohibited by Rules Governing Event. Expenses incurred or awards received by an individual that are prohibited by the rules governing an amateur, noncollegiate event in which the individual participates.

12.1.2.1.4.3 Expenses from Outside Team or Organization. Expenses received from an outside amateur sports team or organization in excess of actual and necessary travel, room and board expenses, and apparel and equipment (for individual and team use only from teams or organizations not affiliated with member institutions, including local sports clubs as set forth in Bylaw 13.11.2.3) for competition and practice held in preparation for such competition. Practice must be conducted in a continuous time period preceding the competition except for practice sessions conducted by a national team, which occasionally may be interrupted for specific periods of time preceding the competition. *(Revised: 1/10/90, 1/10/92)*

12.1.2.1.4.3.1 Expenses/Benefits Related to Olympic Games. It is permissible for members of an Olympic team to receive all nonmonetary benefits and awards provided to members of an Olympic team beyond actual and necessary expenses, including entertainment, equipment, clothing, long distance telephone service, Internet access, and any other item or service for which it can be demonstrated that the same benefit is available to all members of that nation's Olympic team or the specific sport Olympic team in question. *(Adopted: 11/1/00)*

12.1.2.1.4.3.2 Operation Gold Grant. An individual (prospective student-athlete or student-athlete) may accept funds that are administered by the United States Olympic Committee pursuant to its Operation Gold program. *(Adopted: 4/26/01)*

12.1.2.1.4.4 Unspecified or Unitemized Expenses. Payment to individual team members or individual competitors for unspecified or unitemized expenses beyond actual and necessary travel, room and board expenses for practice and competition.

12.1.2.1.4.5 Expenses from Sponsor Other Than Parents/Legal Guardians or Nonprofessional Sponsor of Event. Actual and necessary expenses or any other form of compensation to participate in athletics competition (while not representing an educational institution) from a sponsor other than an individual upon whom the athlete is naturally or legally dependent or the nonprofessional organization that is sponsoring the competition.

12.1.2.1.4.6 Expenses for Parents/Legal Guardians of Participants in Athletics Competition. Expenses received by the parents or legal guardians of a participant in athletics competition from a nonprofessional organization sponsoring the competition in excess of actual and necessary travel, room and board expenses, or any entertainment expenses, unless such expenses are made available to the parents or legal guardians of all participants in the competition. *(Adopted: 1/16/93; Revised: 1/11/97)*

12.1.2.1.4.6.1 Postseason Bowl Event. [FBS] On one occasion per year, a student-athlete may designate either additional individuals or substitutes (not to exceed a total of six individuals) to receive entertainment expenses related to an event organized by the nonprofessional sponsor of a postseason bowl game specifically for the parents or legal guardians of student-athletes participating in the postseason bowl. The additional individuals or substitutes designated by the student-athlete shall be subject to the review and approval of the institution's athletics director, or his or her designee. *(Adopted: 4/29/04 effective 8/1/04)*

12.1.2.1.5 Payment Based on Performance. Any payment, including actual and necessary expenses, conditioned on the individual's or team's place finish or performance or given on an incentive basis, or receipt of expenses in excess of the same reasonable amount for permissible expenses given to all individuals or team members involved in the competition. *(Revised: 4/25/02 effective 8/1/02)*

12.1.2.1.5.1 Operation Gold Grant. An individual (prospective student-athlete or student-athlete) may accept funds that are administered by the United States Olympic Committee pursuant to its Operation Gold program. *(Adopted: 4/26/01)*

12.1.2.1.6 Preferential Treatment, Benefits or Services. Preferential treatment, benefits or services because of the individual's athletics reputation or skill or pay-back potential as a professional athlete, unless such treatment, benefits or services are specifically permitted under NCAA legislation. For violations of this bylaw in which the value of the benefit is $100 or less, the eligibility of the individual shall not be affected,

conditioned on the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the benefit until the individual repays the benefit. If the violation involves institutional responsibility, it remains an institutional violation per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement staff. *(Revised: 1/11/94, 1/14/08)*

12.1.2.1.7 Prize for Participation in Institution's Promotional Activity. Receipt of a prize for participation (involving the use of athletics ability) in a member institution's promotional activity that is inconsistent with the provisions of Bylaw 12.5 or approved official interpretations. *(Revised: 11/1/07 effective 8/1/08)*

12.1.2.2 Use of Overall Athletics Skill—Effect on Eligibility. Participation for pay in competition that involves the use of overall athletics skill (e.g., "superstars" competition) constitutes a violation of the Association's amateur-status regulations; therefore, an individual participating for pay in such competition is ineligible for intercollegiate competition in all sports. (See Bylaw 12.5.2.3.3 for exception related to promotional contests.) *(Revised: 4/25/02 effective 8/1/02)*

12.1.2.3 Road Racing. "Road racing" is essentially the same as cross country or track and field competition and cannot be separated effectively from those sports for purposes of Bylaw 12. Therefore, a student-athlete who accepts pay in any form for participation in such a race is ineligible for intercollegiate cross country or track and field competition. *(Revised: 4/25/02 effective 8/1/02)*

12.1.2.4 Exceptions to Amateurism Rule.

12.1.2.4.1 Exception for Prize Money Prior to Full-Time Collegiate Enrollment. Prior to collegiate enrollment, an individual may accept prize money based on his or her place finish or performance in an open athletics event (an event that is not invitation only). Such prize money may not exceed actual and necessary expenses and may be provided only by the sponsor of the open event. The calculation of actual and necessary expenses shall not include the expenses or fees of anyone other than the prospective student-athlete (e.g., coach's fees or expenses, parent's expenses). *(Adopted: 4/25/02 effective 8/1/02, Revised: 12/12/06 applicable to any expenses received by a prospective student-athlete on or after 8/23/06)*

12.1.2.4.2 Exception for Insurance against Disabling Injury or Illness. An individual may borrow against his or her future earnings potential from an established, accredited commercial lending institution exclusively for the purpose of purchasing insurance (with no cash surrender value) against a disabling injury or illness that would prevent the individual from pursuing a chosen career, provided a third party (including a member institution's athletics department staff members, its professional sports counseling panel or representatives of its athletics interests) is not involved in arrangements for securing the loan. The student-athlete shall report all such transactions and shall file copies of any loan documents associated with disability insurance with the member institution, regardless of the source of the collateral for the loan. The student-athlete also shall file copies of the insurance policy with the member institution, regardless of whether a loan is secured to purchase the insurance policy. *(Revised: 1/16/93, 1/14/97 effective 8/1/97)*

12.1.2.4.3 Exception for Institutional Fundraising Activities Involving the Athletics Ability of Student-Athletes. Institutional, charitable or educational promotions or fundraising activities that involve the use of athletics ability by student-athletes to obtain funds (e.g., "swim-a-thons") are permitted only if:

(a) All moneys derived from the activity or project go directly to the member institution, member conference or the charitable, educational or nonprofit agency; *(Revised: 5/11/05)*

(b) The student-athletes receive no compensation or prizes for their participation; and

(c) The provisions of Bylaw 12.5.1 are satisfied.

12.1.2.4.4 Exception for USOC Elite Athlete Health Insurance Program. An individual may receive the comprehensive benefits of the USOC Elite Athlete Health Insurance Program. *(Adopted: 1/10/90)*

12.1.2.4.5 Exception for Training Expenses. An individual (prospective or enrolled student-athlete) may receive actual and necessary expenses [including grants but not prize money, whereby the recipient has qualified for the grant based on his or her performance in a specific event(s)] to cover developmental training, coaching, facility usage, equipment, apparel, supplies, comprehensive health insurance, travel, room and board without jeopardizing the individual's eligibility for intercollegiate athletics, provided such expenses are approved and provided directly by the U.S. Olympic Committee (USOC) or the appropriate national governing body (NGB) in the sport (or, for foreign student-athletes, the equivalent organization of that nation). *(Adopted: 1/10/91; Revised: 4/27/00)*

12.1.2.4.6 Exception for Family Travel to Olympic Games. A commercial company (other than a professional sports organization) or members of the local community may provide actual and necessary expenses for an individual's spouse, parents, legal guardians or other relatives to attend the Olympic Games in which the individual will participate. *(Adopted: 1/11/94)*

12.1.2.4.7 Exception for Payment of NCAA Eligibility Center Fee. A high school booster club (as opposed to specific individuals) may pay the necessary fee for prospective student-athletes at that high school to be certified by the NCAA Eligibility Center, provided no particular prospective student-athlete(s) is singled out because of his or her athletics ability or reputation. *(Adopted: 1/11/94, Revised: 5/9/07)*

12.1.2.4.8 Exception for Camp or Academy Sponsored by a Professional Sports Organization. An individual may receive actual and necessary expenses from a professional sports organization to attend an academy, camp or clinic, provided: *(Adopted: 1/10/95, Revised: 11/1/01 effective 8/1/02)*

(a) No NCAA institution or conference owns or operates the academy, camp or clinic;

(b) No camp participant is above the age of 15;

(c) The professional sports organization provides to the participants nothing more than actual and necessary expenses to attend the camp or clinic and equipment/apparel necessary for participation;

(d) Athletics ability or achievements may not be the sole criterion for selecting participants; and

(e) Academy participants must be provided with academic services (e.g., tutoring).

12.1.2.4.9 Exception for Receipt of Free Equipment and Apparel Items by a Prospective Student-Athlete. It is permissible for prospective student-athletes (as opposed to student-athletes) to receive free equipment and apparel items for personal use from apparel or equipment manufacturers or distributors under the following circumstances: *(Adopted: 1/11/97)*

(a) The apparel or equipment items are related to the prospective student-athlete's sport and are received directly from an apparel or equipment manufacturer or distributor;

(b) The prospective student-athlete does not enter into an arrangement (e.g., open account) with an apparel or equipment manufacturer or distributor that permits the prospective student-athlete to select apparel and equipment items from a commercial establishment of the manufacturer or distributor; and

(c) A member institution's coach is not involved in any manner in identifying or assisting an apparel or equipment manufacturer or distributor in determining whether a prospective student-athlete is to receive any apparel or equipment items.

12.1.2.4.10 Expenses for Participation in Olympic Exhibitions. An individual may receive actual and necessary expenses from the U.S. Olympic Committee (USOC), national governing body (NGB) or the nonprofessional organizations sponsoring the event to participate in Olympic tours or exhibitions involving Olympic team members and/or members of the national team, provided that if the individual is a student-athlete, he or she misses no class time, and the exhibition does not conflict with dates of institutional competition. *(Adopted: 10/28/97 effective 8/1/98)*

12.1.2.4.11 Commemorative Items for Student-Athletes Participating in Olympic Games, World University Games, Pan American Games, World Championships and World Cup Events. It is permissible for student-athletes to receive commemorative items incidental to participation in the Olympic Games, World University Games, Pan American Games, World Championships and World Cup events through the applicable national governing body. These benefits may include any and all apparel, leisure wear, footwear and other items that are provided to all athletes participating in the applicable event. *(Adopted: 11/1/00 effective 8/1/01)*

12.1.2.4.12 Exception—NCAA First-Team Program. A prospective student-athlete who is a participant in the NCAA First-Team Mentoring Program may receive actual and necessary expenses to attend the First-Team Program's annual educational conference and training seminar. *(Adopted: 8/7/03)*

12.1.3 Amateur Status if Professional in Another Sport. A professional athlete in one sport may represent a member institution in a different sport and may receive institutional financial assistance in the second sport. *(Revised: 4/27/06 effective 8/1/06)*

12.2 INVOLVEMENT WITH PROFESSIONAL TEAMS

12.2.1 Tryouts.

12.2.1.1 Tryout Before Enrollment. A student-athlete remains eligible in a sport even though, prior to enrollment in a collegiate institution, the student-athlete may have tried out with a professional athletics team in a sport or received not more than one expense-paid visit from each professional team (or a combine including that team), provided such a visit did not exceed 48 hours and any payment or compensation in connection with the visit was not in excess of actual and necessary expenses. A self-financed tryout may be for any length of time.

12.2.1.1.1 Exception for Predraft Basketball Camp. In basketball, prior to full-time enrollment in a collegiate institution, a prospective student-athlete may accept actual and necessary expenses from a professional sports organization to attend that organization's predraft basketball camp regardless of the length of the camp. *(Adopted: 4/27/06)*

12.2.1.2 Tryout After Enrollment. After initial full-time collegiate enrollment, an individual who has eligibility remaining may try out with a professional athletics team (or participate in a combine including that team) at any time, provided the individual does not miss class. The individual may receive actual and necessary expenses in conjunction with one 48-hour tryout per professional team (or a combine including that team). The 48-hour tryout period shall begin at the time the individual arrives at the tryout location. At the completion of the 48-hour period, the individual must depart the location of the tryout immediately in order to receive return transportation expenses. A tryout may extend beyond 48 hours if the individual self-finances additional expenses, including return transportation. A self-financed tryout may be for any length of time, provided the individual does not miss class. *(Revised: 1/10/92, 4/24/03, 5/26/06, 4/26/07 effective 8/1/07)*

12.2.1.2.1 Exception for Predraft Basketball Camp. In basketball, a student-athlete may accept actual and necessary travel, and room and board expenses from a professional sports organization to attend that organization's predraft basketball camp regardless of the duration of the camp. [See Bylaws 14.7.3.2-(e) and 16.10.1.9 for more information on predraft basketball camps.] *(Adopted: 4/23/03; Revised: 5/26/06, 4/26/07 effective 8/1/07)*

12.2.1.3 Outside Competition Prohibited. During a tryout, an individual may not take part in any outside competition (games or scrimmages) as a representative of a professional team.

12.2.1.4 Professional Team Representative at College Practice. A tryout with a professional team is not considered to have occurred when a representative of a professional team visits a member institution during the academic year and evaluates a student-athlete while the institution is conducting a regular practice session, physical education class or off-season conditioning program session that includes physical activities (e.g., speed trials, agility tests, strength tests), provided these activities are normally a part of and take place during regular practice, class or conditioning sessions.

12.2.2 Practice Without Competition. An individual may participate in practice sessions conducted by a professional team, provided such participation meets the requirements of NCAA legislation governing tryouts with professional athletics teams (see Bylaw 12.2.1) and the individual does not:

(a) Receive any compensation for participation in the practice sessions;

(b) Enter into any contract or agreement with a professional team or sports organization; or

(c) Take part in any outside competition (games or scrimmages) as a representative of a professional team.

12.2.2.1 Prohibited Involvement of Institution's Coach. An institution's coaching staff member may not arrange for or direct student-athletes' participation in football or basketball practice sessions conducted by a professional team.

12.2.3 Competition.

12.2.3.1 Competition against Professionals. An individual may participate singly or as a member of an amateur team against professional athletes or professional teams. *(Revised: 8/24/07)*

12.2.3.2 Competition with Professionals. An individual shall not be eligible for intercollegiate athletics in a sport if the individual ever competed on a professional team (per Bylaw 12.02.4) in that sport. However, an individual may compete on a tennis, golf, two-person sand volleyball or two-person synchronized diving team with persons who are competing for cash or a comparable prize, provided the individual does not receive payment of any kind for such participation. *(Revised: 1/9/96 effective 8/1/96, 1/14/97, 4/25/02 effective 8/1/02)*

12.2.3.2.1 Professional Player as Team Member. An individual may participate with a professional on a team, provided the professional is not being paid by a professional team or league to play as a member of that team (e.g., summer basketball leagues with teams composed of both professional and amateur athletes).

12.2.3.2.2 Professional Coach or Referee. Participation on a team that includes a professional coach or referee does not cause the team to be classified as a professional team.

12.2.3.2.3 Major Junior A Ice Hockey. Ice hockey teams in the United States and Canada, classified by the Canadian Amateur Hockey Association as major junior A teams, are considered professional teams under NCAA legislation.

12.2.3.2.3.1 Limitation on Restoration of Eligibility. An appeal for restoration of eligibility may be submitted on behalf of an individual who has participated on a major junior A ice hockey team under the provisions of Bylaw 14.12; however, such individual shall be denied at least the first year of intercollegiate athletics competition in ice hockey at the certifying institution and shall be charged with the loss of at least one season of eligibility in ice hockey. *(Revised: 1/11/89)*

12.2.3.2.4 Exception—Olympic/National Teams. It is permissible for an individual (prospective student-athlete or student-athletes) to participate on Olympic or national teams that are competing for prize money or are being compensated by the governing body to participate in a specific event, provided the student-athlete does not accept prize money or any other compensation (other than actual and necessary expenses). *(Adopted: 8/8/02)*

12.2.3.3 Competition in Professional All-Star Contest. A student-athlete who agrees to participate in a professional (players to be paid) all-star game becomes ineligible to compete in any intercollegiate contest that occurs after that agreement. Thus, a senior entering into such an agreement immediately following the last regular-season intercollegiate contest would not be eligible to compete in a bowl game, an NCAA championship or any other licensed postseason intercollegiate contest.

12.2.4 Draft and Inquiry.

12.2.4.1 Inquiry. An individual may inquire of a professional sports organization about eligibility for a professional-league player draft or request information about the individual's market value without affecting his or her amateur status.

12.2.4.2 Draft List. After initial full-time collegiate enrollment, an individual loses amateur status in a particular sport when the individual asks to be placed on the draft list or supplemental draft list of a professional league in that sport, even though: *(Revised: 4/25/02 effective 8/1/02)*

(a) The individual asks that his or her name be withdrawn from the draft list prior to the actual draft;

(b) The individual's name remains on the list but he or she is not drafted; or

(c) The individual is drafted but does not sign an agreement with any professional athletics team.

12.2.4.2.1 Exception—Basketball—Four-Year College Student-Athlete. An enrolled student-athlete in basketball may enter a professional league's draft one time during his or her collegiate career without jeopardizing eligibility in that sport, provided the student-athlete is not drafted by any team in that league and the student-athlete declares his or her intention to resume intercollegiate participation within 30 days after the draft. The student-athlete's declaration of intent shall be in writing to the institution's director of athletics. *(Adopted: 1/11/94; Revised: 1/10/95, 1/14/97 effective 4/16/97, 4/24/03 effective 8/1/03 for student-athletes entering a collegiate institution on or after 8/1/03)*

12.2.4.2.2 Exception—Basketball—Two-year College Prospective Student-Athlete. A prospective student-athlete enrolled at a two-year collegiate institution in basketball may enter a professional league's draft one time during his or her collegiate career without jeopardizing eligibility in that sport, provided the prospective student-athlete is not drafted by any team in that league. *(Adopted: 4/24/03 effective 8/1/03; for student-athletes entering a collegiate institution on or after 8/1/03)*

12.2.4.2.3 Exception—Football. [FBS/FCS] In football, an enrolled student-athlete (as opposed to a prospective student-athlete) football may enter the National Football League draft one time during his collegiate career without jeopardizing eligibility in that sport, provided the student-athlete is not drafted by any team in that league and the student-athlete declares his intention to resume intercollegiate participation within 72-hours following the National Football League draft declaration date. The student-athlete's declaration of intent shall be in writing to the institution's director of athletics. *(Adopted: 10/31/02; Revised: 4/14/03, 12/15/06)*

12.2.4.2.4 Exception—Sports Other Than Basketball and Football An enrolled student-athlete in a sport other than basketball or football may enter a professional league's draft one time during his or her collegiate career without jeopardizing his or her eligibility in the applicable sport, provided the student-athlete is not drafted and within 72 hours following the draft he or she declares his or her intention to resume participation in intercollegiate athletics. The student-athlete's declaration of intent shall be in writing to the institution's director of athletics. *(Adopted: 4/26/07 effective 8/1/07)*

12.2.4.3 Negotiations. An individual may request information about professional market value without affecting his or her amateur status. Further, the individual, his or her legal guardians or the institution's professional sports counseling panel may enter into negotiations with a professional sports organization without the loss of the individual's amateur status. An individual who retains an agent shall lose amateur status. *(Adopted: 1/10/92)*

12.2.5 Contracts and Compensation. An individual shall be ineligible for participation in an intercollegiate sport if he or she has entered into any kind of agreement to compete in professional athletics, either orally or in writing, regardless of the legal enforceability of that agreement. *(Revised: 1/10/92)*

12.2.5.1 Nonbinding Agreement. An individual who signs a contract or commitment that does not become binding until the professional organization's representative or agent also signs the document is ineligible, even if the contract remains unsigned by the other parties until after the student-athlete's eligibility is exhausted.

12.3 USE OF AGENTS

12.3.1 General Rule. An individual shall be ineligible for participation in an intercollegiate sport if he or she ever has agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.

12.3.1.1 Representation for Future Negotiations. An individual shall be ineligible per Bylaw 12.3.1 if he or she enters into a verbal or written agreement with an agent for representation in future professional sports negotiations that are to take place after the individual has completed his or her eligibility in that sport.

12.3.1.2 Benefits from Prospective Agents. An individual shall be ineligible per Bylaw 12.3.1 if he or she (or his or her relatives or friends) accepts transportation or other benefits from: *(Revised: 1/14/97)*

(a) Any person who represents any individual in the marketing of his or her athletics ability. The receipt of such expenses constitutes compensation based on athletics skill and is an extra benefit not available to the student body in general; or

(b) An agent, even if the agent has indicated that he or she has no interest in representing the student-athlete in the marketing of his or her athletics ability or reputation and does not represent individuals in the student-athlete's sport. *(Adopted: 1/14/97)*

12.3.2 Legal Counsel. Securing advice from a lawyer concerning a proposed professional sports contract shall not be considered contracting for representation by an agent under this rule, unless the lawyer also represents the individual in negotiations for such a contract.

12.3.2.1 Presence of a Lawyer at Negotiations. A lawyer may not be present during discussions of a contract offer with a professional organization or have any direct contact (in person, by telephone or by mail) with a professional sports organization on behalf of the individual. A lawyer's presence during such discussions is considered representation by an agent.

12.3.3 Athletics Scholarship Agent. Any individual, agency or organization that represents a prospective student-athlete for compensation in placing the prospective student-athlete in a collegiate institution as a recipient of institutional financial aid shall be considered an agent or organization marketing the individual's athletics ability or reputation.

12.3.3.1 Talent Evaluation Services and Agents. A prospective student-athlete may allow a scouting service or agent to distribute personal information (e.g., high school academic and athletics records, physical statistics) to member institutions without jeopardizing his or her eligibility, provided the fee paid to such an agent is not based on placing the prospective student-athlete in a collegiate institution as a recipient of institutional financial aid.

12.3.4 Professional Sports Counseling Panel. It is permissible for an authorized institutional professional sports counseling panel to:

(a) Advise a student-athlete about a future professional career;

(b) Provide direction on securing a loan for the purpose of purchasing insurance against a disabling injury; *(Adopted: 1/16/93)*

(c) Review a proposed professional sports contract;

(d) Meet with the student-athlete and representatives of professional teams;

(e) Communicate directly (e.g., in-person, by mail or telephone) with representatives of a professional athletics team to assist in securing a tryout with that team for a student-athlete; *(Adopted: 1/11/94)*

(f) Assist the student-athlete in the selection of an agent by participating with the student-athlete in interviews of agents, by reviewing written information player agents send to the student-athlete and by having direct communication with those individuals who can comment about the abilities of an agent (e.g., other agents, a professional league's players' association); and *(Adopted: 1/11/94)*

(g) Visit with player agents or representatives of professional athletics teams to assist the student-athlete in determining his or her market value (e.g., potential salary, draft status). *(Adopted: 1/11/94)*

12.3.4.1 Appointment by President or Chancellor. This panel shall consist of at least three persons appointed by the institution's president or chancellor (or his or her designated representative from outside the athletics department). *(Revised: 3/8/06)*

12.3.4.2 Composition. The majority of panel members shall be full-time employees outside of the institution's athletics department. No more than one panel member may be an athletics department staff member. No sports agent or any person employed by a sports agent or agency may be a member of the panel. All panel members shall be identified to the NCAA national office. *(Revised: 1/11/94, 1/10/05)*

12.4 EMPLOYMENT

12.4.1 Criteria Governing Compensation to Student-Athletes. Compensation may be paid to a student-athlete: *(Revised: 11/22/04)*

(a) Only for work actually performed; and

(b) At a rate commensurate with the going rate in that locality for similar services.

12.4.1.1 Athletics Reputation. Such compensation may not include any remuneration for value or utility that the student-athlete may have for the employer because of the publicity, reputation, fame or personal following that he or she has obtained because of athletics ability.

12.4.2 Specific Athletically Related Employment Activities.

12.4.2.1 Fee-for-Lesson Instruction. A student-athlete may receive compensation for teaching or coaching sport skills or techniques in his or her sport on a fee-for-lesson basis, provided: *(Revised: 1/9/96 effective 8/1/96, 4/25/02 effective 8/1/02)*

(a) Institutional facilities are not used; *(Adopted: 4/25/02 effective 8/1/02)*

(b) Playing lessons shall not be permitted; *(Adopted: 4/25/02 effective 8/1/02)*

(c) The institution obtains and keeps on file documentation of the recipient of the lesson(s) and the fee for the lesson(s) provided during any time of the year; and *(Adopted: 4/25/02 effective 8/1/02)*

(d) The compensation is paid by the lesson recipient (or the recipient's family) and not another individual or entity. *(Adopted: 4/25/02 effective 8/1/02)*

(e) Instruction to each individual is comparable to the instruction that would be provided during a private lesson when the instruction involves more than one individual at a time. *(Adopted: 4/2/03 effective 8/1/03)*

(f) The student-athlete does not use his or her name, picture or appearance to promote or advertise the availability of fee-for-lesson sessions. *(Adopted: 4/2/03 effective 8/1/03)*

12.4.2.2 Broken-Time Payments. An individual may not receive "broken-time" payments except as authorized and administered by the United States Olympic Committee during the period immediately preceding and including actual Olympic competition. A permitted broken-time payment may cover financial loss as a result of absence from employment to prepare for or participate in the Olympic Games. Such compensation during any other period and payments administered independently of the USOC by other sports governing bodies (e.g., the United States Ski Association) are prohibited.

12.4.2.2.1 Exception When Individual Not Enrolled in Regular Term. An individual may receive broken-time payments administered by the United States Olympic Committee or the national governing body in the sport during a period when the individual is not enrolled (full or part time) in a regular term to cover financial loss as a result of absence from employment as a direct result of practicing and competing on a national team (defined in Bylaw 14.02.7), provided the amounts are consistent with the principles set forth in Bylaw 12.4.1 and do not exceed $300 per week, and the payment period covers no more than the period from the date the individual begins practice with the national team following selection to that team to one week after the conclusion of the competition. *(Adopted: 1/10/90; Revised: 1/9/96 effective 8/1/96)*

12.4.2.3 Athletics Equipment Sales. A student-athlete may not be employed to sell equipment related to the student-athlete's sport if his or her name, picture or athletics reputation is used to advertise or promote the product, the job or the employer. If the student-athlete's name, picture or athletics reputation is not used for advertising or promotion, the student-athlete may be employed in a legitimate sales position, provided he or she is reimbursed at an hourly rate or set salary in the same manner as any nonathlete salesperson.

12.4.2.4 Goodwill Tour Commissions. A student-athlete representing the institution in a goodwill tour during summer months, in conjunction with the tour, may sell such items as jackets, blazers or similar institutional promotional items to booster groups or other friends of the institution on a salary, but not a commission, basis.

12.4.2.5 Restitution. For violations of Bylaw 12.4.2 and its subsections in which the value of the benefit is $100 or less, the eligibility of the individual shall not be affected conditioned on the individual repaying the value of the benefit to a charity of his or her choice. However, the individual shall remain ineligible from the time the institution has knowledge of receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement staff. *(Adopted: 8/5/04)*

12.4.3 Camp/Clinic Employment, General Rule. A student-athlete may be employed by his or her institution, by another institution, or by a private organization to work in a camp or clinic as a counselor, unless otherwise restricted by NCAA legislation (see Bylaw 13.12 for regulations relating to camps and clinics). Out-of-season playing and practice limitations may restrict the number of players from the same institution who may be employed in that institution's camp (see the specific sport in Bylaw 17 for these employment restrictions and Bylaw 13.12).

12.4.4 Self-Employment. A student-athlete may establish his or her own business, provided the student-athlete's name, photograph, appearance or athletics reputation are not used to promote the business. *(Adopted: 12/12/06)*

12.5 PROMOTIONAL ACTIVITIES

12.5.1 Permissible.

12.5.1.1 Institutional, Charitable, Education or Nonprofit Promotions. A member institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), a member conference or a noninstitutional charitable, educational or nonprofit agency may use a student-athlete's name, picture or appearance to support its charitable or educational activities or to support activities considered incidental to the student-athlete's participation in intercollegiate athletics, provided the following conditions are met: *(Revised: 1/11/89, 1/10/91, 1/10/92)*

(a) The student-athlete receives written approval to participate from the director of athletics (or his or her designee who may not be a coaching staff member), subject to the limitations on participants in such activities as set forth in Bylaw 17; *(Revised: 1/11/89, 4/26/01)*

(b) The specific activity or project in which the student-athlete participates does not involve cosponsorship, advertisement or promotion by a commercial agency other than through the reproduction of the sponsoring company's officially registered regular trademark or logo on printed materials such as pictures, posters or calendars. The company's emblem, name, address, telephone number and Web site address may be included with the trademark or logo. Personal names, messages and slogans (other than an officially registered trademark) are prohibited; *(Revised: 1/11/89, 1/10/91, 5/6/08)*

(c) The name or picture of a student-athlete with remaining eligibility may not appear on an institution's printed promotional item (e.g., poster, calendar) that includes a reproduction of a product with which a commercial entity is associated if the commercial entity's officially registered regular trademark or logo also appears on the item; *(Adopted: 11/12/97)*

(d) The student-athlete does not miss class; *(Revised: 1/11/89)*

(e) All moneys derived from the activity or project go directly to the member institution, member conference or the charitable, educational or nonprofit agency; *(Revised: 1/11/89, 1/10/92)*

(f) The student-athlete may accept actual and necessary expenses from the member institution, member conference or the charitable, educational or nonprofit agency related to participation in such activity; *(Revised: 1/11/89, 1/10/92, 4/28/05)*

(g) The student-athlete's name, picture or appearance is not used to promote the commercial ventures of any nonprofit agency; *(Adopted: 1/10/92)*

(h) Any commercial items with names, likenesses or pictures of multiple student-athletes (other than highlight films or media guides per Bylaw 12.5.1.7) may be sold only at the member institution at which the student-athletes are enrolled, institutionally controlled (owned and operated) outlets or outlets controlled by the charitable or educational organization (e.g., location of the charitable or educational organization, site of charitable event during the event). Items that include an individual student-athlete's name, picture or likeness (e.g., name on jersey, name or likeness on a bobble-head doll), other than informational items (e.g., media guide, schedule cards, institutional publications), may not be sold; and *(Adopted: 1/16/93, Revised: 1/9/96, 4/27/06 effective 8/1/06)*

(i) The student-athlete and an authorized representative of the charitable, educational or nonprofit agency sign a release statement ensuring that the student-athlete's name, image or appearance is used in a manner consistent with the requirements of this section. *(Revised: 1/11/89, 1/10/92)*

12.5.1.1.1 Promotions Involving NCAA Championships, Events, Activities or Programs. The NCAA [or a third party acting on behalf of the NCAA (e.g., host institution, conference, local organizing committee)] may use the name or picture of an enrolled student-athlete to generally promote NCAA championships or other NCAA events, activities or programs. *(Adopted: 8/7/03)*

12.5.1.1.2 Promotions Involving Commercial Locations/Sponsors. A member institution or a charitable, educational or nonprofit organization may use the appearance, name or picture of an enrolled student-athlete to promote generally its fundraising activities at the location of a commercial establishment, provided the commercial establishment is not a cosponsor of the event and the student-athlete does not promote the sale of a commercial product in conjunction with the fundraising activity. A commercial establishment would become a cosponsor if the commercial establishment either advertises the presence of the student-athlete at the commercial location or is involved directly or indirectly in promoting the activity. *(Adopted: 1/10/92)*

12.5.1.1.3 Distribution of Institutional Items through Commercial Outlets. A member institution may distribute noncommercial items that include names or pictures of student-athletes (items not for sale) at commercial establishments, provided the institution generally distributes such items to other commercial establishments in the community and the distribution of the items does not require the recipient to make a purchase at the commercial establishment. *(Adopted: 1/16/93, Revised: 5/21/08)*

12.5.1.1.4 Player/Trading Cards. A member institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), a member conference or a noninstitutional charitable, educational or nonprofit agency may distribute but may not sell player/trading cards that bear a student-athlete's name or picture. *(Adopted: 1/11/94 effective 8/1/94)*

12.5.1.1.4.1 Exception—Olympic/National Team. A national governing body may sell player/trading cards that bear the name or picture of a student-athlete who is a member of the Olympic/national team in that sport, provided all of the funds generated through the sale of such cards are deposited directly with the applicable Olympic/national team. *(Adopted: 1/6/96)*

12.5.1.1.5 Schedule Cards. An advertisement on an institution's wallet-size playing schedule that includes the name or picture of a student-athlete may include language other than the commercial product's name, trademark or logo, provided the commercial language does not appear on the same page as the picture of the student-athlete. A violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility. *(Adopted: 1/10/92, Revised: 1/14/08, 5/21/08)*

12.5.1.1.6 Effect of Violations. If an institution, without the student-athlete's knowledge or consent, uses or permits the use of the student-athlete's name or picture in a manner contrary to Bylaw 12.5.1.1, the violation shall be considered an institutional violation; however, the student-athlete's eligibility shall not be affected. In addition, a violation of Bylaw 12.5.1.1 related to any permissible promotional activity in which the only condition of the legislation not satisfied is the failure to obtain written approval from the director of athletics (or his or her designee who may not be a coaching staff member) shall be considered an institutional violation; however, the student-athlete's eligibility shall not be affected, provided the approval would have been granted if requested. *(Adopted: 1/14/97, Revised: 4/26/07)*

12.5.1.2 United States Olympic Committee/National Governing Body Advertisement Prior to Collegiate Enrollment. Prior to initial, full-time collegiate enrollment, an individual may receive payment for the display of athletics skill in a commercial advertisement, provided: *(Adopted: 1/11/94)*

(a) The individual receives prior approval to appear in the advertisement from the U.S. Olympic Committee or the applicable national governing body;

(b) The U.S. Olympic Committee or national governing body approves of the content and the production of the advertisement;

(c) The individual forwards the payment to the U.S. Olympic Committee or national governing body for the general use of the organization(s); and

(d) The funds are not earmarked for the individual.

12.5.1.3 Continuation of Modeling and Other Nonathletically Related Promotional Activities after Enrollment. If an individual accepts remuneration for or permits the use of his or her name or picture to advertise or promote the sale or use of a commercial product or service prior to enrollment in a member institution, continued remuneration for the use of the individual's name or picture (under the same or similar circumstances) after enrollment is permitted without jeopardizing his or her eligibility to participate in intercollegiate athletics only if all of the following conditions apply: *(Revised: 1/14/97, 3/10/04)*

(a) The individual's involvement in this type of activity was initiated prior to his or her enrollment in a member institution;

(b) The individual became involved in such activities for reasons independent of athletics ability;

(c) No reference is made in these activities to the individual's name or involvement in intercollegiate athletics;

(d) The individual does not endorse the commercial product; and *(Revised: 3/10/04)*

(e) The individual's remuneration under such circumstances is at a rate commensurate with the individual's skills and experience as a model or performer and is not based in any way upon the individual's athletics ability or reputation.

12.5.1.4 Congratulatory Advertisement. It is permissible for a student-athlete's name or picture, or the group picture of an institution's athletics squad, to appear in an advertisement of a particular business, commercial product or service, provided:

(a) The primary purpose of the advertisement is to publicize the sponsor's congratulations to the student-athlete or team;

(b) The advertisement does not include a repoduction of the product with which the business is associated or nay other item or description identifying the business or service other than its name or trademark;

(c) There is no indication in the makeup of wording of the advertisement that the squad members, individually or collectively, or the institution endorses the product or service of the advertiser;

(d) The student-athlete has not signed a consent or release granting permission to use the student-athlete's name or picture in a manner inconsistent with the requirements of this section; and

(e) If the student-athlete has received a prize from a commercial sponsor in conjunction with participation in a promotional contest and the advertisement involves the announcement of receipt of the prize, the receipt of the prize is consistent with the provisions of Bylaw 12.5.2.3.3 and approved official interpretations. *(Revised: 11/1/07 effective 8/1/08)*

12.5.1.5 Educational Products Related to Sport-Skill Instruction. It is permissible for a student-athlete's name or picture to appear in books, articles and other publications, films, videotapes, and other types of electronic reproduction related to sport-skill demonstration, analysis or instruction, provided:

(a) Such print and electronic media productions are for educational purposes;

(b) There is no indication that the student-athlete expressly or implicitly endorses a commercial product or service;

(c) The student-athlete does not receive, under any circumstances, any remuneration for such participation; however, the student-athlete may receive actual and necessary expenses related to his or her participation; and *(Revised: 1/9/06 effective 8/1/06)*

(d) The student-athlete has signed a release statement ensuring that the student-athlete's name or image is used in a manner consistent with the requirements of this section and has filed a copy of the statement with the student-athlete's member institution.

12.5.1.6 Camps. An institutional or privately owned camp may use a student-athlete's name, picture and institutional affiliate only in the camp counselor section in its camp brochure to identify the student-athlete as a staff member. A student-athlete's name or picture may not be used in any other way to directly advertise or promote the camp. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, and do not affect the student-athlete's elgibility. *(Revised: 4/26/01 effective 8/1/01 for camps that occur during the 2001 academic year and thereafter, 4/17/02, 7/12/04, 1/9/06)*

12.5.1.7 Promotion by Third Party of Highlight Film, Videotape or Media Guide. Any party other than the institution or a student-athlete (e.g., a distribution company) may sell and distribute an institutional highlight film or videotape or an institutional or conference media guide that contains the names and pictures of enrolled student-athletes only if: *(Revised: 1/16/93)*

(a) The institution specifically designates any agency that is authorized to receive orders for the film, videotape or media guide; *(Revised: 1/16/93)*

(b) Sales and distribution activities have the written approval of the institution's athletics director;

(c) The distribution company or a retail store is precluded from using the name or picture of an enrolled student-athlete in any poster or other advertisement to promote the sale or distribution of the film or media guide; and *(Revised: 1/16/93)*

(d) There is no indication in the makeup or wording of the advertisement that the squad members, individually or collectively, or the institution endorses the product or services of the advertiser.

12.5.1.8 Promotion of NCAA and Conference Championships. The NCAA [or a third party acting on behalf of the NCAA (e.g., host institution, conference, local organizing committee)] may use the name or picture of a student-athlete to generally promote NCAA championships. A student-athlete's name or picture may appear in a poster that promotes a conference championship, provided the poster is produced by a member that hosts a portion of the championship or by the conference. *(Adopted: 1/11/89; Revised: 8/7/03)*

12.5.1.9 Olympic, Pan American, World Championships, World Cup and World University Games. A student-athlete's name or picture may be used to promote Olympic, Pan American, World Championships, World Cup or World University Games as specified in this section. *(Adopted: 1/10/92; Revised: 1/9/96 effective 8/1/96)*

12.5.1.9.1 Sale and Distribution of Promotional Items. Promotional items (e.g., posters, postcards, film, videotapes) bearing the name or picture of a student-athlete and related to these events may be sold or distributed by the national or international sports governing body sponsoring these events or its designated third-party distributors. It is not permissible for such organizations to sell player/trading cards that bear a student-athlete's name or picture, except as noted in Bylaw 12.5.1.1.3.1. Promotional items may include a corporate sponsor's trademark or logo but not a reproduction of the product with which the business is associated. The name or picture of the student-athlete may not be used by the distribution company or retail store on any advertisement to promote the sale or distribution of the commercial item. *(Adopted: 1/10/92; Revised: 1/16/93, 1/11/94 effective 8/1/94)*

12.5.1.9.1.1 Corporate Sponsors. A corporate sponsor may sell a promotional item related to these events that uses the name or picture of a team but not an individual student-athlete. *(Adopted: 1/10/92)*

12.5.2 Nonpermissible.

12.5.2.1 Advertisements and Promotions After Becoming a Student-Athlete. After becoming a student-athlete, an individual shall not be eligible for participation in intercollegiate athletics if the individual:

(a) Accepts any remuneration for or permits the use of his or her name or picture to advertise, recommend or promote directly the sale or use of a commercial product or service of any kind; or

(b) Receives remuneration for endorsing a commercial product or service through the individual's use of such product or service.

12.5.2.1.1 Exceptions. The individual's eligibility will not be affected, provided the individual participated in such activities prior to enrollment and the individual:

(a) Meets the conditions set forth in Bylaw 12.5.1.3 that would permit continuation of such activities; or

(b) Takes appropriate steps upon becoming a student-athlete to retract permission for the use of his or her name or picture and ceases receipt of any remuneration for such an arrangement.

12.5.2.1.2 Improper Use of Student-Athlete's Name or Picture. If an institution, without the student-athlete's knowledge or consent, uses or permits the use of the student-athlete's name or picture in a manner contrary to Bylaw 12.5.2.1, the violation shall be considered an institutional violation; however, the student-athlete's eligibility shall not be affected. *(Adopted: 1/11/97)*

12.5.2.2 Use of a Student-Athlete's Name or Picture without Knowledge or Permission. If a student-athlete's name or picture appears on commercial items (e.g., T-shirts, sweatshirts, serving trays, playing cards, posters) or is used to promote a commercial product sold by an individual or agency without the student-athlete's knowledge or permission, the student-athlete (or the institution acting on behalf of the student-athlete) is required to take steps to stop such an activity in order to retain his or her eligibility for intercollegiate athletics. Such steps are not required in cases in which a student-athlete's photograph is sold by an individual or agency (e.g., private photographer, news agency) for private use. *(Revised: 1/11/97, 5/12/05)*

12.5.2.3 Specifically Restricted Activities. A student-athlete's involvement in promotional activities specified in this section is prohibited.

12.5.2.3.1 Name-the-Player Contest. A student-athlete may not permit use of his or her name or picture in a "name-the-player" contest conducted by a commercial business for the purpose of promoting that business.

12.5.2.3.2 Athletics Equipment Advertisement. A student-athlete's name or picture may not be used by an athletics equipment company or manufacturer to publicize the fact that the institution's team uses its equipment.

12.5.2.3.3 Promotional Contests. Receipt of a prize for winning an institutional or noninstitutional promotional activity (e.g., making a half-court basketball shot, being involved in a money scramble) by a prospective or enrolled student-athlete (or a member of his or her family) does not affect his or her eligibility, provided the prize is won through a random drawing in which all members of the general public or the student body are eligible to participate. *(Revised: 1/9/96 effective 8/1/96, 3/25/05, 6/12/07)*

12.5.2.4 Other Promotional Activities. A student-athlete may not participate in any promotional activity that is not permitted under Bylaw 12.5.1. *(Adopted: 11/1/01)*

12.5.3 Media Activities.

(a) **During the Playing Season.** During the playing season, a student-athlete may appear on radio and television programs (e.g., coaches' shows) or engage in writing projects when the student-athlete's appearance or participation is related in any way to athletics ability or prestige, provided the student-athlete does not receive any remuneration for the appearance or participation in the activity. The student-athlete shall not make any endorsement, expressed or implied, of any commercial product or service. The student-athlete may, however, receive actual and necessary expenses directly related to the appearance or participation in the activity. A student-athlete participating in media activities during the playing season may not miss class, except for class time missed in conjunction with away-from-home competition or to participate in a conference-sponsored media day. *(Revised: 1/16/93, 1/14/97, 1/9/06, 4/27/06)*

(b) **Outside the Playing Season.** Outside the playing season, a student-athlete may participate in media activities (e.g., appearance on radio, television, in films or stage productions or participation in writing projects) when such appearance or participation is related in any way to athletics ability or prestige, provided the student-athlete is eligible academically to represent the institution and does not receive any remuneration for such appearance or participation. The student-athlete may not make any endorsement, expressed or implied, of any commercial product or service. The student-athlete may, however, receive legitimate and normal expenses directly related to such appearance or participation, provided the source of the expenses is the entity sponsoring the activity. *(Revised: 1/16/93, 1/14/97)*

12.5.4 Use of Logos on Equipment, Uniforms and Apparel. A student-athlete may use athletics equipment or wear athletics apparel that bears the trademark or logo of an athletics equipment or apparel manufacturer or distributor in athletics competition and pre- and postgame activities (e.g., celebrations on the court, pre- or postgame press conferences), provided the following criteria are met. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, they shall not affect the student-athlete's eligibility. *(Revised: 1/11/94, 1/10/95, 1/9/96 effective 8/1/96)*

(a) Athletics equipment (e.g., shoes, helmets, baseball bats and gloves, batting or golf gloves, hockey and lacrosse sticks, goggles and skis) shall bear only the manufacturer's normal label or trademark, as it is used on all such items for sale to the general public; and *(Revised: 1/10/95)*

(b) The student-athlete's institution's official uniform (including numbered racing bibs and warm-ups) and all other items of apparel (e.g., socks, head bands, T-shirts, wrist bands, visors or hats, swim caps and towels) shall bear only a single manufacturer's or distributor's normal label or trademark (regardless of the visibility of the label or trademark), not to exceed 2¼ square inches in area (rectangle, square, parallelogram) including any additional material (e.g., patch) surrounding the normal trademark or logo. The student-athlete's institution's official uniform and all other items of apparel shall not bear a design element similar to the manufacturer's trademark/logo that is in addition to another trademark/logo that is contrary to the size restriction. *(Revised: 1/11/94, 1/10/95, 2/16/00)*

12.5.4.1 Laundry Label. If an institution's uniform or any item of apparel worn by a student-athlete in competition contains washing instructions on the outside of the apparel on a patch that also includes the manufacturer's or distributor's logo or trademark, the entire patch must be contained within a four-sided geometrical figure (rectangle, square, parallelogram) that does not to exceed 2¼ square inches. *(Adopted: 1/10/95)*

12.5.4.2 Pre- or Postgame Activities. The restriction on the size of a manufacturer's or distributor's logo is applicable to all apparel worn by student-athletes during the conduct of the institution's competition, which includes any pre- or postgame activities (e.g., postgame celebrations on the court, pre- or postgame press conferences) involving student-athletes. *(Adopted: 1/10/95)*

12.5.4.3 Outside Team Uniforms and Apparel. The provisions of Bylaw 12.5.4-(b) do not apply to the official uniforms and apparel worn by outside teams.

12.5.4.4 Title-Sponsor Recognition. Racing bibs and similar competition identification materials (e.g., bowl-game patches) worn by participants may include the name of the corporate sponsor of the competition, provided the involved commercial company is the sole title sponsor of the competition.

12.6 FINANCIAL DONATIONS FROM OUTSIDE ORGANIZATIONS

12.6.1 Professional Sports Organizations.

12.6.1.1 To Noncollegiate Amateur Team. A noncollegiate amateur team or playing league shall not be considered a professional team or league, even if it receives financial support from a national amateur sports administrative organization or its equivalent that in turn receives developmental funds from a professional team or professional sports organization.

12.6.1.2 To Intercollegiate Event. A professional sports organization may not serve as a financial sponsor of intercollegiate competition. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the student-athlete's eligibility. *(Adopted: 1/10/92; Revised: 8/5/04)*

12.6.1.2.1 Exception—Sports Other Than Football and Men's Basketball. In sports other than football and men's basketball, an institution's marketing department may enter into a reciprocal contractual relationship with a professional sports organization for the specific purpose of marketing and promoting an institutionally sponsored sport. *(Adopted: 4/29/04 effective 8/1/04)*

12.6.1.3 Developmental Funds to NCAA. A professional sports organization may provide funds for intercollegiate athletics developmental purposes in a particular sport (e.g., officiating expenses, research and educational projects, the conduct of summer leagues, purchase of equipment). However, such funds shall be provided in an unrestricted manner and administered through the Association's national office.

12.6.1.4 To Institution, Permissible. A member institution may receive funds from a professional sports organization, provided: *(Revised: 4/29/04 effective 8/1/04)*

(a) The money is placed in the institution's general fund and used for purposes other than athletics;

(b) The money is placed in the institution's general scholarship fund and commingled with funds for the assistance of all students generally; or

(c) The money is received by the institution as a result of a reciprocal contractual marketing relationship and is placed in the athletics department's budget for the specific purpose of marketing and promoting any institutionally sponsored sport other than football and men's basketball. *(Adopted: 4/29/04 effective 8/1/04)*

12.6.1.5 To Institution, Nonpermissible. A member institution shall not accept funds from a professional sports organization if:

(a) The funds are for the purpose of recognizing the development of a former student-athlete in a particular sport. The receipt of such funds by an institution would make additional moneys available that could benefit student-athletes and thus result in student-athletes indirectly receiving funds from a professional sports organization;

(b) The money, even though not earmarked by the donor, is received and credited to institutional funds for the financial assistance of student-athletes generally; or

(c) The money is placed in the institution's general fund and credited to the athletics department for an unspecified purpose.

12.6.1.6 Revenues Derived from Pro-Am Events. The distribution of revenues from an event involving an intercollegiate athletics team and a professional sports team (e.g., a baseball game in which a member institution's team plays against a professional baseball team) or pro-am event (e.g., golf, tennis) that results in a member institution's receiving a share of receipts from such a contest is permitted, provided the institution has a formal agreement with the professional sports team regarding the institution's guarantee or share of receipts and the contractual terms are consistent with agreements made by the professional team or individuals for similar intercollegiate or nonprofessional competition.

12.6.1.7 Promotion of Professional Athletics Contests. A member institution may host and promote an athletics contest between two professional teams from recognized professional sports leagues as a fundraising activity for the institution. *(Revised: 1/9/96 effective 8/1/96)*

12.6.2 Organizations (Nonprofessional Sports Organizations).

12.6.2.1 Individual Athletics Performance. A member institution shall not accept funds donated from a nonprofessional sports organization based on the place finish of a student-athlete or the number of student-athletes representing the institution in an event. However, the organization may donate an equal amount of funds to every institution with an athlete or team participating in a particular event.

12.6.2.2 Individual and Team Rankings. A member institution may accept funds donated to its athletics program from a nonprofessional sports organization based on an individual's or a team's national or regional ranking. *(Revised: 1/9/06 effective 8/1/06)*

12.6.2.3 Academic Performance. A member institution may accept funds donated to its athletics program from a nonprofessional sports organization based on an individual's or a team's academic performance (e.g., the number of academic all-American award recipients).

Sam Keller Takes On 'The Man'

Files suit against the NCAA, video game empire

from Staff Reports
May 06, 2009

More than 18 months after taking his final snap as a Nebraska quarterback, Sam Keller is choosing to challenge more formidable opponents: The NCAA and EA Sports.

Keller has filed a lawsuit against the two entities for, "blatant and unlawful use of [NCAA] student likenesses" in a number of EA Sports' college football games during his time at Arizona State and Nebraska without paying him for it. The "NCAA 08" game, for example, lists Keller at his approximate height and weight.

"With rare exception, virtually every real-life Division I football or basketball player in the NCAA has a corresponding player in Electronic Arts' games with the same jersey number, and virtually identical height, weight, build and home state," the lawsuit said. "In addition Electronic Arts often matches the player's, skin tone, hair color, and often even a player's hair style."

Player ratings tend to be tied the presumed skills of an athlete before the beginning of the season.

The lawsuit also contends that the NCAA looks the other way when gamers download rosters names from the Internet. On the most recent Playstation 3 version of the college football game, EA provides an option to download rosters created by other users.

Suit targets NCAA athletes' likenesses in video games

Steve Weiberg
USA Today
May 8, 2009

Former Arizona State and Nebraska quarterback Sam Keller is suing the NCAA and its video game partner, EA Sports, claiming they've gone too far in using the likenesses of college players who are prohibited from sharing in the game's profits.

The class action antitrust suit, filed this week in U.S. District Court in San Francisco, asserts the games make illegal use of football and basketball players' names – through downloadable team rosters – and unidentified but scarcely hidden likenesses and the NCAA condones the practice in violation of its own rules.

Also named in the suit is Collegiate Licensing, which represents a number of colleges and the NCAA.

The suit seeks unspecified damages for every football and basketball players on an opening-game roster whose jersey number appeared in an EA game. "I think the merits are very strong," said Steve Berman, one of Keller's attorneys.

The suit cites examples of actual college players' heights, weights and other distinguishable characteristics – along with their positions, jersey numbers and even hometowns – matching those of virtual players on the same teams in the games.

Unlike the pro football and basketball versions of the games, however, the college video games use neither players' names nor facial features. In a statement, the NCAA said, "We are confident that no such use has occurred and that we will ultimately be dismissed from this lawsuit."

The challenge comes amid a debate within the NCAA over increased commercial activity in college sports, including where and how to draw the line on the role of athletes.

A task force weighing the issue recently re-emphasized that they not be exploited as sales tools. It recommended guidelines governing the use of names and likenesses be loosened but not to the point that they would allow student-athletes to be portrayed as promoting or endorsing commercial products or services.

EA Sports also issued a statement: "EA, the NCAA and CLC regularly conduct reviews of EA's NCAA-branded games, and we do not believe that any violations of student-athlete rights or bylaws have occurred."

Break point in college tennis

Selena Roberts
SI.com
This story appears in the June 1, 2009, issue of Sports Illustrated.

In the folksy reaches of Terre Haute -- where Larry Bird became a star and the Coca-Cola bottle was designed -- understanding the native tongues of Indiana State's top tennis players this year all but required those clunky headphones mothballed in a United Nations closet.

A Swede, a Serb and a South African wore the Sycamores' royal blue, a reflection of the global reach of collegiate tennis. Of the top 25 men's and 25 women's players in Division I, as ranked by the Intercollegiate Tennis Association (ITA), more than half were born outside the U.S. That's led to more than a few jingoistic remarks from the moms and dads of American tennis hopefuls who have watched precious scholarships

go to foreigners, many of whom enter college in their 20s. "If parents invest $50,000 a year into their child's tennis career, some feel they're owed," says David Benjamin, executive director of the ITA. "But it's not in the Constitution that if you spend a certain amount, you'll get a scholarship to the school of your choice. Intellectually, a family understands this, but emotionally it's difficult to accept. That's where you get the anger."

It's the land of opportunity -- why wouldn't there be an open casting call?

Chris Finney, for one, didn't have to go all Patriot Act. Rather than feel squeezed out, Finney, a freshman from Scranton, Pa., nudged his way into the Benetton ad, determined to play among the best in the world. The top player at Wallenpaupack Area High and a district doubles champion, he walked on to an Indiana State team that improved as the season progressed. College is where the Bryan brothers got on the fast track to doubles fame. Where James Blake developed a swashbuckling forehand straight out of a Johnny Depp scene. Where the landscape is more competitive than ever, but increasingly threatened too.

Around 7 p.m. on May 14, Finney, having just finished his semester, was dining out with his family when he picked up a call from his coach, Malik Tabet. The signal was clear; the words were a jolt: The men's and women's tennis programs had been the first casualties of budget cuts in what athletic director Ron Prettyman called a "difficult" but "necessary" decision. "Everyone was left high and dry," says Finney. "What am I going to do now? That's the question we have. I don't know if I want to go back to Indiana State. I don't know what I'd do without tennis. It's been my life."

Tennis career crises are an NCAA epidemic. The international stars are handy when schools need to fill the trophy cases, but they make teams vulnerable when money gets tight; boosters aren't likely to phone in protests from Barcelona. Since April, the men's programs have been slashed at Southeastern Louisiana (nine of 10 players were foreign-born), Tennessee-Martin (four of seven) and Southern (five of five) on top of a half-dozen Division I programs cut in 2008. "What is happening now," says Benjamin, "is like going from a normal flu season to a pandemic."

AD's don't merely shutter tennis programs because of Title IX (the old excuse) or foreign players (the new excuse). They do it to preach the gospel of revenue-producing sports without disclosing the secret -- that few of them turn a profit -- to football-obsessed boosters. "We've got kids who are completely disgusted," says Tabet, who was born in France and played at NAIA Mobile (Ala.). He was the Missouri Valley Conference coach of the year in 2008 after the Indiana State women's team, composed entirely of foreign players, went undefeated in conference and won the title. This year he coached the men, too. While they struggled to rebuild, they have been dominant in the past, winning 60 straight conference matches from 1999 through 2004 with largely international talent.

"We were getting closer as the year went on," Finney says of his teammates. "I'd made plans to share an apartment with [Serbian] Milos Pavlovic next year." Isn't this what the modern college experience is all about? Networking in a global marketplace?

There is a paradox to the purging: Tennis is in a recession-era revival. In March TheWall Street Journal ran a story -- is tennis hip again? -- that was almost as stunning as the numbers to back it up. The Sporting Goods Manufacturers Association rated tennis as the fastest-growing sport in the country, with participation jumping 9.6% in 2008 while golf, baseball and football lost bodies. The sport is cathartic to play ("People in these hard times have found hitting a ball therapeutic," says Benjamin) and cheap to start (Wilson's Roger Federer signature beginner's racket retails for $19.99 at Target).

Even on the college level tennis is a bargain. Average operational cost (equipment, travel, insurance, etc.) of a men's or women's team: $15,000 a year. Cost of competing in a football arms race (air travel, spa tubs, flat screens, etc.): endless.

These days in Terre Haute, there is talk of upgrading the locker room for the Sycamores' football team, which has gone 1-44 since 2005. So here's a question, in plain English: Which sport was ripe for the ax?