A G E N D A

National Collegiate Athletic Association

Division I Amateurism Cabinet

NCAA National Office
Indianapolis, Indiana

February 25-26, 2010

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

2. Review of September 24, 2009, Division I Amateurism Cabinet meeting report. [Supplement No. 2]

3. Guiding principles. [Supplement No. 3]

4. Review of November 10, 2009, and December 18, 2009, Division I Communications and Coordination Committee report. [Supplement No. 4]

5. Student-Athlete Advisory Committee report.

6. Review of newly adopted legislation. [Supplement No. 5]

   a. Update on Proposal 2009-22 - Definition of a professional team. [Supplement No. 6]

7. Litigation update.

8. Student-athlete likeness issue. [Supplement No. 7]

   a. CoSIDA working group. [Supplement No. 8]

   b. Examples of proposed legislation. [Supplement No. 9 - to be distributed at a later date]

9. Review of 2010 Compliance Forms. [Supplement No. 10]

10. Athletics Certification Review Process.

11. Eligibility Center report.

    a. Amateurism Task Force update. [Supplement No. 11]

    b. Documentation Standards for Verifying Asserted Expenditures. [Supplement No.12]

12. News articles. [Supplement No. 13]

13. Summary of key items and takeaways.

14. Other business.

15. Future meeting dates.

    a. June 24 and 25, 2010, Indianapolis Marriott Downtown, Indianapolis, Indiana.

    b. September 29 and 30, 2010, The Westin Indianapolis, Indianapolis, Indiana.

16. Adjournment.

Schedule for February 25 and 26, 2010, Meeting of the Division I Amateurism Cabinet

Wednesday, February 24 **Meeting Room**

Cabinet members arrive in Indianapolis - dinner on your own.

Hotel: Indianapolis Marriott Downtown
350 West Maryland Street
Indianapolis, Indiana 46225

Thursday, February 25 - all activities are at the NCAA National Office

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.

Friday, February 26 - all activities are at the NCAA National Office

Breakfast	8 to 8:30 a.m.	Atrium
Cabinet meeting	8:30 a.m. to 12 p.m.	Ced Dempsey

Schedule return flights after 2 p.m. Eastern time.

REPORT OF THE NCAA DIVISION I AMATEURISM CABINET SEPTEMBER 24, 2009, MEETING

KEY ITEMS.

1. **NCAA Proposal No. 2009-22 (Amateurism and Eligibility – Involvement with Professional Teams – Exception – Prior to Initial Full-Time Collegiate Enrollment – Seasons of Competition).** The cabinet agreed to exclude the sport of men's ice hockey from this proposal. As is set forth more fully in informational item 1-(a) below, the cabinet, after reviewing feedback from USA Hockey, the American Hockey Coaches Association and the Hockey Commissioner's Association, agreed that the legislative changes included in the proposal would be detrimental to men's ice hockey prospective student-athletes, to Division I institutions that sponsor men's ice hockey and to the performance of United States national teams.

2. **Commercial Activity in Division I Intercollegiate Athletics.** The cabinet continued its review and examination of the final report of the Task Force on Commercial Activity in Intercollegiate Athletics. The cabinet expressed support for the principles in the report and requested that staff draft the principles as legislative concepts to be reviewed at their February in-person meeting or at an earlier date via teleconference. During its discussion, the cabinet identified several areas to be given careful consideration, as detailed below in informational item 2-(a), including student-athlete consent and the importance of referencing the name of a student-athlete's institution in conjunction with the use of their name or likeness.

ACTION ITEMS.

1. **Legislative Items.**

   a. **Request for Noncontroversial Legislation to Modify Temporary Certification Period Related to Certification of Amateur Status.**

      (1) Recommendation. The Division I Amateurism Cabinet recommends the NCAA Division I Legislative Council adopt noncontroversial legislation to specify that both recruited and non-recruited student-athletes may practice, but not compete, for a maximum period of 45 days before the student-athlete's amateur status has been certified.

      (2) Effective Date. Immediate.

      (3) Rationale. Currently, recruited student-athletes are only permitted to practice for 14 days prior to their amateur status being certified by the Eligibility Center. However, each year since the inception of the

amateurism certification process, the NCAA Division I Legislative Council Subcommittee for Legislative Relief has issued a blanket waiver to permit recruited and nonrecruited student-athletes to practice (but not compete) while awaiting final amateurism certification from the Eligibility Center. The blanket waivers have been granted to provide flexibility to the NCAA amateurism certification staff due to the high volume of urgent amateur cases as a result of late registrants, delayed responses for additional information and the time required to complete amateurism certifications. Based on feedback from the amateurism certification staff, these issues have been consistent from year-to-year and there is no indication they will be sufficiently remedied to accommodate a 14-day temporary certification period. The amateurism certification staff noted, however, that the 45-day temporary certification period generally provides sufficient time to issue a final certification decision for a student-athlete. Accordingly, this legislative change would permanently address this issue and eliminate the need to issue a blanket waiver annually.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

b. Request to Adopt NCAA Proposal No. 2009-25 (Amateurism – Promotional Activities – Institutional, Charitable, Education or Nonprofit Promotions – Release Statement –De Minimis Vioilation) as Noncontroversial Legislation.

(1) Recommendation. The Division I Amateurism Cabinet recommends the NCAA Division I Legislative Council adopt NCAA Proposal No. 2009-25 (Amateurism – Promotional Activities – Institutional, Charitable, Education or Nonprofit Promotions – Release Statement –De Minimis Violation) as noncontroversial legislation.

(2) Effective Date. Immediate.

(3) Rationale. This proposal does not substantially modify existing legislation which states that violations involving the use of a student-athlete's name or picture, without his or her consent, in a manner contrary to the promotional activities legislation are considered institutional violations, but do not impact student-athletes' eligibility. This proposal simply expands the current de minimis provisions to situations in which a promotional activity would have been permissible had the appropriate consent paperwork been processed. This change is requested as noncontroversial legislation, inasmuch as broader consultation and debate

are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing legislation.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

2. Nonlegislative Items.

- None.

INFORMATIONAL ITEMS.

1. Legislative Informational Items.

a. Modification to NCAA Proposal No. 2009-22 (Amateurism and Eligibility – Involvement with Professional Teams – Exception – Prior to Initial Full-Time Collegiate Enrollment – Seasons of Competition). The cabinet agreed to modify this proposal to exclude the sport of men's ice hockey. After sponsoring the proposal at its June 2009 meeting, the cabinet received significant feedback from several constituent groups involved in the sport of men's ice hockey, including USA Hockey, the American Hockey Coaches Association and the Hockey Commissioners' Association, which comprises the six NCAA Division I men's ice hockey conferences (hereinafter the "ice hockey community"). According to the ice hockey community, the proposal would have far-reaching negative effects on both institutions that sponsor the sport of men's ice hockey, prospective student-athletes and U.S. National Teams. Specifically, the ice hockey community strongly believes that many more prospective student-athletes seeking to participate in NCAA Division I men's ice hockey would elect to participate in Major Junior A hockey prior to initial collegiate enrollment. As a result, although the proposal would permit such activity, their eligibility status would likely be jeopardized once they became involved in the Major Junior A leagues (e.g., by being influenced to accept more than actual and necessary expenses, signing with an agent, or by signing a professional contract). The ice hockey community expressed concern that the Canadian Hockey League, the governing body for Major Junior A ice hockey, would intentionally attempt to jeopardize prospective student-athletes' NCAA eligibility in order to retain their services and continued participation in their league. Further, the ice hockey community asserted that participation in Major Junior A hockey would be detrimental to prospective student-athletes' academic success given the demands

of participation in that league. Lastly, USA Hockey commented that the proposal would adversely impact future U.S. performance in international competition, including the Olympic Winter Games.

The ice hockey community is also strongly opposed to the delayed enrollment portion of the proposal due to the fact that it is very common for men's ice hockey prospective student-athletes to compete in junior hockey for more than one year after high school graduation and before initial collegiate enrollment. As a result, the average age of an incoming men's ice hockey prospective student-athlete is higher than in many other sports. The ice hockey community asserted that the extremely positive Academic Progress Rates (APR) in their sport can be attributed to the maturity level of their incoming prospective student-athletes and the fact that the prospective student-athletes who elect not to participate in Major Junior A hockey have a clear commitment to earning a college degree. For example, in the years 2005-06, 2006-07 and 2007-08, the APR scores for men's ice hockey were 970, 970 and 973, respectively. Accordingly, for all the foregoing reasons, the cabinet agreed to modify its proposal.

b. **Modification to NCAA Proposal No. 2009-24 (Amateurism – Involvement with Professional Teams – Tryouts – Men's Ice Hockey).** The cabinet agreed to modify this proposal to specify that a prospective or enrolled student-athlete may accept actual and necessary expenses only from the National Hockey League (NHL), but not from a professional sports organization that is a member of the NHL, to attend the NHL scouting combine, regardless of the duration of the combine. The Hockey Commissioners' Association asserted that limiting the provision of these expenses to the NHL would reduce the likelihood of improper benefits being provided to a prospective or enrolled student-athlete from a professional team.

2. Nonlegislative Informational Items.

a. **Commercial Activity in Division I Intercollegiate Athletics.** The cabinet continued its discussion and review of the final report of the Task Force on Commercial Activity in Intercollegiate Athletics. The cabinet expressed support for the principles in the report and requested that the principles be drafted as legislative concepts to be reviewed at their February in-person meeting or at an earlier date via teleconference. During its review, the cabinet identified several issues within the principles to be given careful consideration. First, the cabinet agreed the legislation should clearly require that any use of a student-athlete's name or likeness be accompanied by a reference to the student-athlete's institution (e.g., "Watch *State University* Quarterback Joe Smith this Saturday on ABC"). The cabinet also agreed that institutions should be required to obtain a student-

athlete's consent for each separate promotional activity in which their name or likeness will be used. The cabinet gave strong consideration to the position of the National Student-Athlete Advisory Committee with regard to the consent issue. The cabinet also addressed the importance of portraying student-athletes in a positive light and ultimately agreed that this issue could be addressed through the principles related to student-athlete exploitation, student-athlete consent or the commercial activities oversight committee as described in Principle No. 5.

The cabinet expressed concern regarding time demands placed on student-athletes as a result of their participation in promotional activities (e.g., when student-athletes are asked to make in-person appearances or be filmed for a specific promotion). The cabinet agreed to continue to discuss this issue. Lastly, the cabinet discussed, but did not come to agreement on the issue of the degree to which institutions, conferences and the NCAA would have autonomy to use student-athlete images in connection with specific types of sponsors.

b. **Receipt of Expenses to Attend National Hockey League (NHL) Rookie Camps.** The cabinet reviewed a recommendation from the American Hockey Coaches Association and the Hockey Commissioners' Association to permit prospective and enrolled student-athletes to receive actual and necessary expenses to attend a NHL team's rookie camp after being drafted by that team. The cabinet did not support modifying NCAA Proposal No. 2009-24 (Amateurism – Involvement with Professional Teams – Tryouts – Men's Ice Hockey) to include this exception, but requested that staff obtain additional information regarding the rookie camps (e.g., timing and duration of the camps, purpose of the camps) in order to continue the discussion at its February meeting.

c. **Bylaw and Practices Review.** The cabinet continued its examination of Bylaw 12 to identify bylaws that could be modified in order to provide possible financial relief to institutions. The cabinet also reviewed feedback solicited from the National Association of Athletics Compliance (NAAC). The cabinet noted the difficulty of identifying areas for cost savings within the amateurism legislation but agreed that the two primary areas of discussion during its meeting (NCAA Proposal No. 2009-22 and the legislative concepts within the task force report on commercial activities) hold the potential for cost savings and increased revenue generation.

d. **Amateurism Certification Process Update and Review of Policy and Procedure Manual.** The cabinet received an update from the Eligibility Center amateurism certification staff related to the fall certification season and approved several amendments to the amateurism certification process policy and procedure manual. The cabinet received a presentation of the new Eligibility Center Web

site, including the registration process for prospective student-athletes. The cabinet discussed the fact that the new Web site requires a prospective student-athlete to pay the registration fee (or request a fee waiver) and complete the amateurism questionnaire before being classified as registered. The cabinet agreed to solicit feedback from the membership regarding the impact of the new registration process as it relates to legislative requirements for official visits and to revisit the issue at its February meeting.

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

GUIDING PRINCIPLES FOR THE AMATEURISM CABINET

1. Student-athletes shall be an integral part of the student-body and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived.

2. Ensure that legislation reinforces that student participation in intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation.

3. Minimize missed class time; maximize time spent pursuing educational opportunities

4. All commercial activities shall support intercollegiate athletics and be consistent with the values of higher education.

5. Ensure legislation is written in a simple, clear and enforceable manner.

6. Consider the amount of time legislation has been in effect before supporting a legislative change.

7. Consider the impact of proposals on institutional, conference, NCAA and Eligibility Center resources and staff members.

8. Ensure feedback has been solicited from stakeholders.

9. Consider if sport-specific legislation is warranted or if proposed legislation can/should be expanded to other sports.

10. Examine potential unintended consequences when reviewing legislation.

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

Participants: November 10, 2009

Grace Calhoun, Indiana University – (Awards, Benefits Expenses and Financial Aid Cabinet)
Carolyn Callahan, University of Virginia – (Academic Cabinet)
Joseph D'Antonio, Big East Conference – (Legislative Council)
Damon Evans, University of Georgia – (Leadership Council)
Rob Halvaks, Big West Conference – (Administration Cabinet)
Petrina Long, UCLA – (Recruiting/Athletics Personnel Cabinet)
Mike Rogers, Baylor University – (Amateurism Cabinet)
Jackie Campbell, NCAA – recording secretary

Jeff Schemmel, chair of the Championships/Sports Management Cabinet, and Matt Baysinger, chair of Division I Student Athlete Advisory Committee, were unable to participate on the call.

NCAA Staff: David Berst, Matt Burgemeister, Jeremiah Carter, Julie Cromer, Diane Dickman, Lynn Holzman, Michelle Hosick, Brad Hostetter, Steve Mallonee, Rachel Newman-Baker, Carol Reep, Dave Schnase, Geoff Silver and Mark Tschaggeny also participated on the call.

The conference call was called to order at 2:05 p.m. by David Berst, NCAA vice president of Division I.

1. **Ongoing Matters**. The committee received updates on the following from David Berst:

   a. Executive Committee Search for NCAA President. The committee was notified that the search committee has been finalized. The search committee will work with NCAA Interim President Jim Isch and NCAA Vice President Wally Renfro to hire a search firm and conduct the search for a new NCAA president.

   b. Collaboration Zone – Pilot Program. The committee briefly discussed its newly established online Collaboration Zone. Jackie Campbell, NCAA director of Division I, will work with committee members to ensure the Collaboration Zone is used effectively.

   c. Cost-Savings Initiative. The committee was reminded that cost-savings initiatives need to be a high priority in all upcoming council and cabinet meetings. The Championships/Sports Management Cabinet was praised for the cost-savings effects of recent changes in NCAA championships travel policies.

d. Plans for the 2010 NCAA Convention. Berst reviewed the 2010 NCAA Convention schedule, noting that committee members were invited to attend the combined Board of Directors/Leadership Council/Legislative Council luncheons on Thursday, January 14 and Friday, January 15. The committee members were notified that each cabinet and council will be given time during the Division I Issues Forum to update those in attendance on its primary agenda items. The committee will be notified of the timing of the Division I Issues Forum once it is finalized in December. The committee will hold a meeting Friday, January 15 from 4-6 p.m. David Berst will provide the committee with information on booking travel to Convention.

2. Brief Updates.

a. Board of Directors. The Board of Directors approved a number of interpretations related to recruiting legislation, adopted emergency legislation to define a "recruited prospective student-athlete" in the sport of men's basketball, and submitted several proposals into the current legislative cycle. Additionally, the Board sponsored several pieces of legislation arising from the Men's Basketball Academic Enhancement Group's recommendations. However, legislative proposals regarding a summer bridge program for men's basketball student-athletes and allowing institutions to cover travel expenses for parents or legal guardians to accompany a prospective men's basketball student-athlete on official visits were not put into this legislative cycle and will be discussed further at the 2010 NCAA Convention.

b. Leadership Council. Damon Evans, Leadership Council chair, provided the committee with an update on the council's recent discussions pertaining to membership standards and diversity within the governance structure. Evans noted that the Council plans to present a formal report to the Board of Directors after the Convention, in time for conferences' spring meetings, with the hopes that legislative proposals will be included in the 2010-11 legislative cycle. Evans also noted the Council's discussion of diversity within the governance substructure and its plans to submit recommendations to the Board after its January meeting.

c. Legislative Council. Joseph D'Antonio, chair of the Legislative Council, reported that the Council was pleased with the amount of feedback it received from the cabinets regarding the proposals in the 2009-10 legislative cycle. The committee briefly discussed how the Legislative Council and the cabinets could work together more effectively.

3. **Comments Regarding Cabinets' Key Items**. The cabinet chairs briefly shared the following meeting highlights:

   a. Academic Cabinet. The cabinet continued its review of initial-eligibility standards, employing the goals and principles drafted earlier this year. The cabinet invited committee members to give feedback regarding the correlation of cabinet actions with these goals and principles. The cabinet is not sponsoring legislation this legislative cycle, but is hopeful that it will have legislative proposals finalized in time for the 2010-11 legislative cycle.

   b. Administration Cabinet. The cabinet discussed the importance of educating the membership regarding the Division I committee nomination and selection processes, with a focus on improving the level of comfort conference offices have with the appointment process.

   c. Amateurism Cabinet.

      (1) The cabinet reaffirmed its commitment to eliminate vicarious professionalism in college athletics while sponsoring a legislative exception to men's ice hockey student-athletes, NCAA Proposal No. 2009-22, based on recommendations from USA Hockey, the American Hockey Coaches Association and the Hockey Commissioner's Association.

      (2) The cabinet continued its review and examination of the final report of the Task Force on Commercial Activity in Intercollegiate Athletics. NCAA staff is currently drafting legislative concepts based on the report's principles.

   d. Awards, Benefits, Expenses and Financial Aid Cabinet.

      (1) The cabinet continued its review of the financial aid model, focusing on countable versus non-countable aid. The cabinet will seek membership feedback regarding either completely exempting or exempting with conditions the following aid from "counter" status: federal need-based financial aid, state need-based financial aid and outside scholarships. Additionally, the cabinet discussed reducing the minimum G.P.A. standard for institutional aid and allowing student-athletes to turn down athletically-based financial aid for a more favorable non-athletically based financial aid package.

      (2) The cabinet continued its discussion of the merits of current NCAA legislation limiting the term of athletically related financial aid to a maximum of one year. The cabinet agreed to maintain the one-year term, concluding that the one-year

award period is in the best interest of college athletics. The cabinet is currently updating its financial aid best practices document with additional information related to the expectations of the institution and student-athlete as they relate to renewing and receiving athletics financial aid.

(3) The cabinet examined Bylaws 15 and 16 and developed legislative recommendations that could provide financial relief to the membership.

(4) The cabinet passed a motion requiring institutions to submit data to their conference offices regarding prospective student-athletes who sign a National Letter of Intent but do not matriculate at that institution, including the reasons the prospective student-athletes failed to matriculate.

e. Championships/Sports Management Cabinet. The committee did not receive an update from the cabinet, though the cabinet was commended for its cost savings efforts.

f. Recruiting Cabinet. The cabinet began a discussion of the current recruiting model. The cabinet identified key guiding principles to serve as a framework for the examination and discussion of the current recruiting model and hopes to present a preliminary discussion document during the Division I Issues Forum and speak with the Division I SAAC at the 2010 Convention.

4. **Proposed Future Call Dates**. Committee members were asked about their availability during the week of December 14. The dates may be expanded to ensure that the committee has the opportunity to speak about the upcoming Convention and touch base with cabinet and council liaisons.

5. **Adjournment**. The call was adjourned at 3:15 p.m. EDT.

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

Participants: December 18, 2009

Grace Calhoun, Indiana University – (Awards, Benefits, Expenses and Financial Aid Cabinet)
Carolyn Callahan, University of Virginia – (Academic Cabinet)
Joseph D'Antonio, Big East Conference – (Legislative Council)
Rob Halvaks, Big West Conference – (Administration Cabinet)
Petrina Long, UCLA – (Recruiting and Athletics Personnel Issues Cabinet)
Mike Rogers, Baylor University – (Amateurism Cabinet)
Jackie Campbell, NCAA – recording secretary

Damon Evans, chair of the Leadership Council, was unable to participate on the call.

NCAA staff: Julie Cromer, Diane Dickman, Michelle Hosick, Brad Hostetter, Kevin Lennon, Steve Mallonee, Rachel Newman, Carol Reep, Geoff Silver and Jackie Thurnes also participated on the call.

The conference call was called to order at 11:07 a.m. by the staff liaison Jackie Campbell.

1. **Welcome and opening remarks**. Jackie Campbell noted that the primary purpose of the call was to clarify the roles of the cabinet chairs during the 2010 NCAA Convention.

2. **Plans for the 2010 NCAA Convention**. Jackie Campbell reviewed the roles of the chairs during the Division I Issues Forum, the Division I Business Session, the Communications and Coordination Committee meeting/reception and the joint luncheons taking place during the course of the Convention.

3. **Proposed future call dates**. Jackie Campbell noted that the next conference call of the committee following the 2010 NCAA Convention will take place early in March following the February cabinet meetings and prior to the March Leadership Council meeting.

4. **Adjournment**. The call was adjourned at 11:35 a.m. EST.

The National Collegiate Athletic Association
January 4, 2010 JGC:pem

NCAA DI Legislative Proposals

Proposal Number	Title	Intent	Effective Date	Status
2009-22	AMATEURISM AND ELIGIBILITY -- INVOLVEMENT WITH PROFESSIONAL TEAMS -- EXCEPTION -- PRIOR TO INITIAL FULL-TIME COLLEGIATE ENROLLMENT -- DELAYED ENROLLMENT -- SEASONS OF COMPETITION -- SPORTS OTHER THAN MEN'S ICE HOCKEY AND SKIING	In sports other than men's ice hockey and skiing, to specify that prior to initial full-time collegiate enrollment, an individual may enter into an agreement to compete on a professional team and compete on a professional team, provided the agreement does not guarantee or promise payment (at any time) in excess of actual and necessary expenses to participate on the team; further, in sports other than men's ice hockey, skiing, tennis, swimming and diving and women's volleyball, to specify that a student-athlete who does not initially enroll full-time in a collegiate institution within one year (six months for tennis) or the next opportunity to enroll following the high school graduation date of the prospective student-athlete's class and participates in organized events after the specified time period shall be charged with a season of intercollegiate competition for each year of participation and shall fulfill an academic year in residence (one year for each year of competition in tennis) on matriculation at the certifying institution before being eligible to represent the institution in intercollegiate competition.	For all provisions other than section E, as it relates to tennis: August 1, 2010; applicable to student-athletes who initially enroll full time in a collegiate institution on or after August 1, 2010. For section E as it applies to tennis: August 1, 2011, applicable to student-athletes who initially enroll full time in a collegiate institution on or after August 1, 2011.	Adopted, 60-Day Override Period
2009-23	AMATEURISM AND AWARDS, BENEFITS AND EXPENSES -- EXCEPTIONS TO AMATEURISM RULE -- BENEFITS, GIFTS AND SERVICES -- INSURANCE AGAINST DISABLING-INJURY OR ILLNESS	To specify that an institution's president or chancellor may designate an institutional staff member (or staff members) to assist a student-athlete with arrangements for securing a loan against future earnings potential for the purpose of purchasing insurance against a disabling injury or illness and to assist with arrangements for securing such insurance.	Immediate	Adopted, 60-Day Override Period
2009-24	AMATEURISM -- INVOLVEMENT WITH PROFESSIONAL TEAMS -- TRYOUTS -- MEN'S ICE HOCKEY	In men's ice hockey, to specify that a prospective or enrolled student-athlete may accept actual and necessary expenses from the National Hockey League (NHL) to attend the NHL scouting combine, regardless of the duration of the combine.	Immediate	Adopted, 60-Day Override Period
2009-25	AMATEURISM -- PROMOTIONAL ACTIVITIES -- INSTITUTIONAL, CHARITABLE, EDUCATION OR NONPROFIT PROMOTIONS -- RELEASE STATEMENT -- DE MINIMIS VIOLATION	To specify that a violation of the promotional activities legislation in which the only condition of the legislation not satisfied is the requirement that the student-athlete and an authorized representative of the charitable, educational or nonprofit agency sign a release statement shall not affect the student-athlete's eligibility, provided the release statement would have been signed if such a request had been made.	Immediate	Adopted - Final

Date Printed: February 3, 2010

Proposal Number	Title	Intent	Effective Date	Status
2009-89	AMATEURISM -- VALIDITY OF AMATEUR STATUS -- ELIGIBLITY FOR PRACTICE OR COMPETITION -- TEMPORARY CERTIFICATION -- RECRUITED STUDENT-ATHLETE -- 45-DAY PERIOD	To specify that a student-athlete may practice, but not compete, for a period of 45 days before his or her amateur status has been certified by the NCAA Eligibility Center.	Immediate	Adopted - Final

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December 15, 2009

Mike Rogers
Professor of Law
Baylor Law School
Sheila and Walter Umphrey Law Center
1114 S University Parks Dr
Waco, TX 76706-1223

Dear Mr. Rogers,

I am writing on behalf of the NCAA Men's and Women's Skiing Committee. The following is a summary of the concerns within the collegiate skiing community with regards to NCAA Division I Proposal 2009-22.

The world of collegiate skiing is a small one, with only 37 institutions sponsoring the sport and a mere 13 Division I schools sponsoring teams.

While there are numerous competitive opportunities available to the best high school and college-aged skiers in the United States and other countries, collegiate skiing is viewed as an outstanding competitive option for those individuals who are not able to compete on the World Cup circuit – the pinnacle of the sport. Access to the top of the sport – either at a World Cup level or the Olympics can only be gained through national team participation, so participation through the national federation on lower level national teams is essential.

There are a number of young men and women who compete for their country in a national team program prior to arrival on our campuses. Some are able to buoy their NCAA success into more opportunities on a higher level and even the world stage after they complete their eligibility, but the vast majority exhaust these opportunities prior to collegiate enrollment.

The ski coaches in Division I and across all Divisions are concerned that this legislation will have the chilling effect of keeping the best and brightest skiers away from our campuses and off our collegiate teams. The NCAA Men's Women's Skiing Committee and coaches across all three divisions are unified in this view.

The one-year enrollment window prior to eligibility penalties is only aspect of Proposal 2009-22 at issue in terms of skiing.

Student-athletes in skiing who delay enrollment do not sign endorsement contracts -- they typically attend in-residence skiing academies or participate directly in national team programs. The national teams of most countries charge individuals who are not at the World Cup level. For example, the cost of being on the US "C" or "D" team this winter is $22,000 (it was $25,000 in 2008-09). This money is charged to the individual participant prior to the winter. Skiing academies come with tuition and fees that are similar in cost to national teams. The opportunity to participate on these national teams, or to pursue

selection for them gives many students reason to delay collegiate enrollment for more than one year after high school. The handful of skiers who do earn a spot on the full national team (the "A" team), are compelled by US Skiing to sign an endorsement contract and are thus not eligible for future collegiate competition.

Approximately half of the student-athletes who qualified for 2009 NCAA championships in alpine skiing came to college two or more years after their high school class graduated. While many participated on various U.S., Canadian and European national teams, many more were pursuing that dream at skiing academies in the U.S. These academies have students who are high school-aged and above. The rosters of the 13 Division I skiing programs are filled with individuals who have delayed enrollment.

The national teams require participation from November through March making full-time college enrollment difficult if not impossible.

By making these skiers spend a year in residence and lose a year of eligibility as is proposed in 2009-22, the coaching body fears that most will opt not to pursue the NCAA skiing option. In addition, given the limited athletically-related aid available to ski programs (7 full grants for women, 6.3 full grants for men), coaches and institutions do not have the latitude to take on students for what would amount to a two- or three-year athletic career.

The mission statement of the NCAA Men's and Women's Skiing Committee charges the group with "placing emphasis on quality competition for elite student-athletes and teams, while at the same time providing appropriate access for eligible institutions and student-athletes." Allowing prospective student-athletes to test their athletic boundaries and delay enrollment without penalty will ensure that elite athletes continue to pursue educational opportunities while competing as collegiate skiers.

The skiing committee understands the limited power that the Amateurism Cabinet has over the legislation at this point in the process, but appreciates the opportunity to apprise your body of the potential unintended consequences that the proposal would have on collegiate skiing.

Thanks for your attention.

Sincerely,

Drew Galbraith
Senior Associate Athletic Director
Dartmouth College

Chair, NCAA Men's and Women's Skiing Committee

Cc: Rachel Newman-Baker
Mark Bedics
NCAA Men's and Women's Skiing Committee

USA wrestling

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December 23, 2009

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

Dear Mike,

USA Wrestling is requesting that the U.S. Olympic Committee express the following feedback to the NCAA, regarding its proposed NCAA Legislation Item: #2009-22.

USA Wrestling is deeply concerned about the implications of this proposed legislation, which would not be in the best interest of student-athletes who participate in wrestling.

The sport of wrestling requests to be excluded from the provision which restricts the ability of an athlete to delay their entry into the NCAA athletics program, with the penalty of lost eligibility if they do not enroll within a year of their classes' high school graduation.

There are two situations where this harms both the student-athlete and the sport of wrestling directly.

In certain situations, there are elite high school athletes who may choose to pursue their Olympic quest prior to entering the college system and competing in NCAA wrestling programs. The most specific example is Henry Cejudo, who went directly from high school into full-time training with our U.S. Olympic Training Center resident program. Two years later, Cejudo won an Olympic gold medal at the 2008 Beijing Olympics. Had Cejudo chosen to pursue college wrestling, this proposal would have penalized him with loss of competitive college seasons, only because he had the talent and desire to achieve Olympic success prior to attending college.

USA Wrestling has provided numerous opportunities for elite athletes coming out of high school to concentrate on international wrestling prior to entering college athletics. This has proven to be a successful path for some athletes, who benefit themselves by the concentration on the international style, and also helps strengthen the depth of USA Wrestling's Senior-level development program.

We have some specific examples in freestyle wrestling. Wisconsin high school wrestler Jack Jensen entered the USOTC program after high school, then later entered Oklahoma State, where he became an All-American. Massachusetts high school wrestler Matt Stolpinski went to the USOTC after high school, and later attended the U.S. Naval Academy, where he was an All-American.

Current Univ. of Pennsylvania wrestlers Gabe Burak and Micah Burak went straight to the USOTC to wrestle freestyle after high school careers in Colorado. Both are now nationally respected in college wrestling. The current USOTC freestyle resident program includes two athletes who entered directly from high school, Cory Mock of North Carolina and Jon McArthur of Colorado.

The other situation where this rule could affect our sport as well as student-athletes is in regard to the decision to enter the U.S. military directly after high school. There are many athletes who for personal, family or academic reasons can not immediately attend college, and join one of the branches of the Armed Forces.

There is a strong international wrestling program in the U.S. Army, U.S. Marine Corps, U.S. Air Force and U.S. Navy. These athletes compete on the national level in both Greco-Roman and freestyle wrestling. These military teams are vitally important to our Olympic program, creating both competitive individuals and considerable depth to our program.

An example of an athlete who attended the U.S. military prior to college was Randy Couture of the U.S. Army, who after his enlistment enrolled at Oklahoma State and was a two-time NCAA finalist. Couture made numerous U.S. Greco-Roman World Teams, including the years he was a college student-athlete.

Another example is Charles Jones, who entered the U.S. Air Force prior to going to Purdue, where he was an NCAA Div. I champion. Others include Keith Wilson of the U.S. Marines, who went to Oklahoma and LaRock Benford of the U.S. Marines, who went on to Purdue. All were competitive both in international wrestling, as well as college wrestling.

Wrestling is an individual sport, and each participant develops at a different rate as athletes and human beings. Some are very talented at a young age, and the ability to pursue their Olympic careers immediately makes sense. Others can not enter college right away for a variety of reasons, but are able to develop as athletes and individuals through the military wrestling programs.

Please remember that the Olympic wrestling styles are different than the collegiate style of wrestling. There is specialized training in the Olympic styles. The earlier an athlete receives this training in their careers, the higher likelihood that they will achieve success at the international levels.

Allowing these individuals to delay their entry into the college system without penalty is in their own best interest. In addition, it enhances our Olympic developmental program. Wrestling is an individual sport, and athletes develop at different rates.

Penalizing athletes who do not immediately enter college after high school is not a good idea for the sport of wrestling.

Please contact me with any questions.

In the Olympic spirit,

Rich Bender
Executive Director

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
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John Swofford, commissioner, Atlantic Coast Conference
Craig Thompson, commissioner, Mountain West Conference
Keith Tribble, director of athletics, University of Central Florida

November 5th, 2009

TO: Mike Rogers (Baylor University)- Chair, NCAA Division I Amateurism Cabinet

FR: Justin Doherty (University of Wisconsin)- 2009-10 CoSIDA President, Charles Bloom (Southeastern Conference)- Chair of CoSIDA's University Division Management Advisory Committee, John Humenik- CoSIDA Executive Director

Mike, the leadership of CoSIDA (College Sports Information Directors of America) commends you and the fellow members of the Division I Amateurism Cabinet for your recent decision to conduct a comprehensive review of specifically determining and delineating what institutions can and can't do with regard to student-athlete names and likenesses in commercial activity and then perhaps draft specific proposals for the 2010-11 legislative review process.

As Communications and Information Directors, we are clearly involved in this specific area of discussion that your cabinet is undertaking. There are many daily requests and demands on and for the Communications Directors within this discussion area you and your colleagues will be trying to address.
Like many in college athletics, the Communications and Information Directors are looking for more guidance and direction. As such, we are significantly impacted by discussions and decisions in the areas that your group oversees and would appreciate the opportunity to assist your group as a resource in this discussion. We believe we can be a viable resource for your discussions and respectfully ask for your consideration in that regard.

This past spring/summer we requested, and were granted, an opportunity to take part directly in discussions with the Division I Recruiting Cabinet as it related to that group's discussion of proposals regarding "printed guides." We believe that cabinet chair Petrina Long (UCLA) would indicate to you that we were indeed a valued resource to those discussions and we believe that we can be to your group as well.

It might be appropriate, given the nature of these discussions and the role that Communications Directors play within this process on campuses and the direct impact on them by the discussions and potential legislation, that one or more Communications Directors be appointed jointly by CoSIDA and your cabinet to participate regularly in your discussions. We also believe that we have a organizational structure in place- our University Division Management Advisory Committee which includes a communications representatives from each of the Division I conferences- that could be used to help you gather input from Communications Directors on these discussion if you feel that is appropriate.

In short Mike, please know that we stand ready to assist you and your fellow cabinet members with regard to this important discussion. Thank you for your time and consideration with regard to this request.

CC: Erik Christianson- NCAA, Nick Joos (Baylor), Larry Dougherty (Temple)

Form 09-10a **Academic Year 2009-10**

General Amateurism and Eligibility Form for International and Select Student-Athletes – Division I

For:	NCAA Division I institutions.
Action:	Complete for each international student-athlete and file at your institution with other eligibility documents.
Due date:	The student-athlete's first day of outside competition.
Required by:	NCAA Bylaw 14.1.5
Purpose:	To qualify international student-athletes for intercollegiate practice or competition and assess compliance with NCAA general amateurism and eligibility rules.

1. General Information.

Full Name: _____ Sport(s): _____

Other possible spellings of your name:

_____

Date of Birth: _____/ _____ /_____

Month Day Year

Home Country: _____

Government Identification Number: _____

[Note: This is similar to a Social Security number.]

PART I: INSTITUTIONAL GUIDELINES.

To be eligible to represent an institution in intercollegiate athletics practice or competition, an international/select student-athlete shall be certified as eligible using this form. An international/select student-athlete is a student-athlete who either: (a) is not a U.S. citizen; or (b) resides in an unincorporated or commonwealth territory of the United States; or (c) has participated in foreign athletics activities or was associated as an athlete with a foreign athletics organization.

Each international/select student-athlete who is participating for the first time in intercollegiate athletics at the certifying institution should be given this form to complete and to sign. The form should be completed in the presence of the institution's eligibility-certification official. It may

be necessary for an institutional administrator to assist the student-athlete in understanding terms and to ensure that the student-athlete responds to all items. After the student-athlete has completed the form, the institution's eligibility official is responsible for investigating any answers that may result in ineligibility. Further, the statement must be signed by the institution's eligibility official and the student-athlete's head coach prior to the student-athlete engaging in competition. The completed form shall be maintained on file at the institution with other eligibility documents (NCAA Bylaw 14.1.5).

Please be aware that your institution is responsible for:

1. Reviewing Bylaw 10.1 with the student-athlete to ensure that all information is provided truthfully and that the student-athlete is aware that further eligibility consequences could result if false and misleading information is provided.

2. Verifying the validity of the information provided by the student-athlete.

3. Analyzing the information submitted by the student-athlete and applying general amateurism and eligibility rules, particularly those related to amateurism, to determine the student-athlete's general eligibility. (NCAA Division I Manual citations are included after each item to assist in this effort.)

4. Contacting the NCAA academic and membership affairs staff for assistance in determining the correct application of NCAA rules.

5. Advising the student-athlete that the information being provided through this form can affect the individual's eligibility.

[Note: International/select student-athletes also must sign the NCAA student-athlete statement, NCAA affirmation of eligibility and NCAA drug-testing consent form.]

PART II – INTERNATIONAL/SELECT STUDENT-ATHLETE INFORMATION.

[This section is to be completed by the student-athlete.]

To be eligible for intercollegiate athletics practice and competition, every student-athlete must meet all applicable NCAA eligibility requirements. As an international/select student-athlete, you are required to complete this form so that your institution may determine your eligibility under NCAA rules. You must fully disclose all information relative to the questions asked in order to determine your eligibility.

This questionnaire does not relate to your admission to the school – the admissions office of your institution will handle that process separately.

You must respond to each item below and sign the form to compete in intercollegiate athletics at an NCAA institution. (Use "N/A" if the question does not apply to you.) Ask an administrator at your institution for help if you do not understand an item. (References to NCAA bylaws that follow each item are for your institution's use.) The institution's eligibility-certification official and your head coach also must sign the completed form and keep it on file at the institution with other eligibility documents.

The information you provide on this form will be used to certify your eligibility and thus may impact your eligibility to compete at an NCAA institution. In addition, under NCAA legislation you are required to provide accurate information. If you knowingly provide false and misleading information on this form it may result in additional consequences to your NCAA eligibility.

[Note: In completing the following items, please use the back of the pages if you need additional space.]

---

1. **Educational Background.**

Please list all schools attended (e.g., high schools, preparatory schools, secondary schools).

Year	School	Country	Tuition Required, Amount & Paid By	Degree Received	Graduation Date

_____

- Did you attend any classes beyond high school?

  (Please circle) **YES** **NO** **I DON'T KNOW**

  If yes, please provide the name of the school(s) and the years attended. [Bylaw 14.2.1]

SCHOOL	YEARS ATTENDED

2. **Participation in Athletics.**

   a. Date of birth: _____ Age: _____

List all athletics activities that you have participated in after your 21st birthday. [Bylaw 14.2.3.5]

ACTIVITY AND LOCATION	DATES OF PARTICIPATION

   b. To be completed by ***tennis or swimming and diving*** student-athletes only.

   Date of High School Graduation: _____

Please list all ***tennis or swimming and diving*** tournaments/events you competed in after graduating from high school. [Bylaw 14.2.3.2]

TOURNAMENT/EVENT AND LOCATION	YEAR

_____

3. Participation on an organized team.

Please list all organized teams you have participated on, including the dates participated and all expenses received.

TEAM AND LEAGUE	DATES PLAYED	MEALS AND LODGING RECEIVED	TRAVEL AND TRANSPORTATION EXPENSES RECEIVED	OTHER EXPENSES RECEIVED

_____

a. Did you get paid for your participation on any of the teams mentioned in Section No. 3? [Bylaw 12.1.2] **YES NO**

b. Were any members of your team paid (e.g., salary)? [Bylaw 12.2.3.2]

YES NO I DON'T KNOW

If yes, please indicate which team paid its members.

_____

_____

c. Did you sign any type of agreement to participate on any of the teams mentioned in Section No. 3? [Bylaw 12.1.1] **YES NO**

If yes, for which team and please provide a copy of the agreement signed.

_____

_____

d. Did any of the teams you participated on call themselves a professional team? [Bylaw 12.02.4] **YES NO I DON'T KNOW**

If yes, which ones?

_____

_____

4. Additional issues.

a. Have you ever accepted any prize money for your participation in athletics: [Bylaws 12.1.2.1.5 and 12.1.2.4] **YES NO**

If yes, how much prize money did you receive? _____

If yes, what were your actual and necessary expenses directly related to the competition? _____

b. Have you accepted any other items not listed on this form from individuals other than your parents or legal guardians? [Bylaw 12.1.2.1.4.5] **YES NO I DON'T KNOW**

c. Have you ever been involved in an advertisement or promotional activity? [Bylaws 12.1.1 and 12.5.1] **YES NO I DON'T KNOW**

If yes, please list the activities.

_____

_____

_____

d. Have you ever accepted any money or items of any kind for your participation in an advertisement or promotional activity? [Bylaws 12.1.2 and 12.5.1] **YES NO**

_____

e. Did you or someone on your behalf ever pay a recruiting service or another individual to assist you in finding an institution or obtaining an athletics scholarship? [Bylaw 12.3.3.1] **YES NO I DON'T KNOW**

_____

f. Who paid for your transportation to the United States?

_____

g. When did you first arrive in the United States?

_____

h. Where did you live once you arrived in the United States?

_____

i. Did you ever have any contact with an agent or anyone associated with an agent? [Bylaw 12.3.1] **YES NO**

(1) Did you agree orally or in writing to be represented by an agent? **YES NO**

(2) Did you accept any benefits from an agent or anyone associated with an agent? **YES NO**

(3) Did any family member or friend accept any benefit from an agent or anyone associated with an agent? **YES NO**

j. List all official visits taken.

_____
_____
_____
_____
_____

_____

PART III – INTERNATIONAL/SELECT STUDENT-ATHLETE INFORMATION.

[Part III of this form is to be completed by your institution's eligibility-certification officer based on the above responses.]

STUDENT-ATHLETE: PLEASE PROCEED TO THE LAST PAGE AND COMPLETE THE INTERNATIONAL/SELECT STUDENT-ATHLETE AFFIRMATION AND RETURN THIS FORM TO THE APPROPRIATE ATHLETICS DEPARTMENT OFFICIALS.

The purpose of the information below is to ascertain whether the individual previously has been involved with a team that is considered a professional team, or received prohibited forms of pay pursuant to NCAA rules. An individual loses amateur status if he or she competes on any professional athletics team, or receives benefits not authorized by the NCAA. If the student-athlete did not know an answer to any of the above questions, it is the institution's responsibility to further investigate the information.

The following questions will enable the NCAA institution to better determine the individual's eligibility status.

1. **Date prospect requested final certification for amateurism by the NCAA Eligibility Center:** _____

2. **High School Graduation Information.**

   a. Student-athlete's high school graduation date as determined by the Eligibility Center: _____

   b. Graduation date of the student-athlete's high school class (as determined by the first year of high school enrollment, or the international equivalent, as specified in the NCAA Guide to International Academic Standards for Athletics Eligibility): _____

3. Professional Team Issues.

- Has the individual competed on any organized team that:

Yes	No		
_____	____	(1)	Declares itself as a professional team?
_____	____	(2)	Has any athlete on the team received for his or her participation any kind of payment, directly or indirectly, above actual and necessary expenses from a professional team or professional sports organization?

4. Additional Amateurism Issues.

- Has the individual:

Yes	No		
____	___	1.	Accepted any direct or indirect salary, gratuity or comparable compensation for the individual's participation on a team?
____	____	2.	Received prize money or payment based on the individual's performance in competition that exceeds actual and necessary expenses from the sponsor of the event?
_____	____	3.	Received prize money or payment based on the individual's performance in competition, including actual and necessary expenses, from an individual or entity other than the sponsor of the event?
_____	____	4.	Received prize money or payment based on the individual's performance in competition, including actual and necessary expenses, in an event other than an open athletics event?

_____ _____ 5. Received preferential treatment, benefits or services because of the individual's athletics reputation or skill other than expressly authorized by NCAA rules?

_____ _____ 6. Received expenses to participate in a competition from the outside professional team that the individual is representing in the event?

_____ _____ 7. Entered into an oral or written agreement with an agent?

_____ _____ 8. Signed a contract or entered into an oral or written commitment of any kind for participation in professional athletics?

The individual may have jeopardized his or her amateur status and may not be eligible for intercollegiate competition in a particular sport if the answer to any of the questions in Part No. 4 is **"YES."** Therefore, it is incumbent on the institution to further investigate the individual's amateur status.

International/Select Student-Athlete's Affirmation

By signing below, I, _____, affirm that I have
(Student-athlete's name)
discussed the information I provided on this form with the eligibility-certification official at _____ to determine my eligibility for participation
(Name of your NCAA Institution)
in intercollegiate athletics. I have completed and reviewed the responses to the questionnaire above and agree that the information is correct. The eligibility-certification official has reviewed NCAA Bylaw 10.1 with me, and I understand that if I knowingly have given false or misleading answers to these questions, I will jeopardize my eligibility for participation in intercollegiate athletics at NCAA institutions.

_____ _____
Student-athlete's signature Date

[Note: You may wish to keep a copy of this form should you enroll at or transfer to another NCAA institution.]

Eligibility-Certification Official's Affirmation

By signing below, I, _____, affirm that I have
(Eligibility-certification official's name)
reviewed the responses to the questionnaire above as well as other information and agree that _____ has met all academic eligibility
(Student-athlete's name)
requirements (including certification by the NCAA Eligibility Center, if a freshman) and other general eligibility requirements and, therefore, is eligible for participation in intercollegiate athletics.

_____ _____
Eligibility-certification official's signature Date

Head Coach's Affirmation

By signing below, I, _____, affirm that I have read and understand the application of NCAA Bylaw 10.1, and the information provided by the student-athlete is accurate and complete to the best of my knowledge.

_____ _____
Head coach's signature Date

SUPPLEMENT NO. 11
DI Amateurism Cabinet 2/10

NCAA Divisions I and II

Amateurism Fact-Finding

Policies and Procedures Manual

Effective: 09/08/06

Last Updated: 07/06/09

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GENERAL POLICIES FOR THE NCAA DIVISION I AMATEURISM FACT-FINDING COMMITTEE AND NCAA DIVISION II AMATEURISM FACT-FINDING GROUP

1. **Legislated Duties of the NCAA Division I Amateurism Fact-Finding Committee (NCAA Division I Bylaw 21.7.6.3.3.2) and NCAA Division II Amateurism Fact-Finding Group (NCAA Division II Constitution 4.7.2.3.1.2).**

   The NCAA Division I Amateurism Fact-Finding Committee/NCAA Division II Amateurism Fact-Finding Group shall be responsible for making a determination of facts related to the certification of a prospective student-athlete's amateur status on request of an institution. An institution may make such a request if it disagrees with the determination of facts rendered by the NCAA Eligibility Center.

2. **Legislated Committee/Group Composition and Reporting Lines (Division I Bylaws 21.7.6.3.3 and 21.7.6.3.3.1 and Division II Bylaw 4.7.2.3.1.1).**

   In NCAA Division I, the committee shall consist of 15 members appointed by the NCAA Division I Amateurism Cabinet. The committee shall report directly to the Amateurism Cabinet.

   In NCAA Division II, the group shall consist of five members appointed by the NCAA Division II Management Council. The group shall report directly to the Division II Management Council.

3. **Committee/Group Terms.**

   Committee/group members shall be appointed to one four-year term. The committee/ group members' terms shall be staggered.

   The committee/group member's term of service shall commence on the first day of September following the member's appointment. The member may be appointed to an additional term after three years have elapsed. A member may not serve more than two terms on the committee/group.

4. **Committee/Group Appointments and Resignations.**

   In Division I, the Amateurism Cabinet shall appoint members of the committee as needed to fill vacancies that occur.

In Division II, the Management Council shall make appointments as needed to fill vacancies that occur. The NCAA Division II Nominating Committee shall make recommendations to the Management Council regarding these appointments. A motion and approval is required by the Management Council to confirm appointments to the group. The NCAA Division II Presidents Council shall ratify the appointments made by the Management Council.

The appointment procedures shall be handled according to the NCAA national office committee-administration policy.

The Amateurism Cabinet and Management Council should consider the following in making appointments to the subcommittee/group:

a. An individual's position on campus or at the conference office;

b. Individuals eligible for reappointment; and

c. An individual's expertise/background in the area of amateurism.

If a member of the committee/group decides that he or she must resign from participating as a member of the committee/group, the committee/group member must provide written notice to the NCAA staff member responsible for committee administration. Once the NCAA staff has received a written notice of resignation, the procedures to solicit and appoint a new member shall be initiated and a new member shall be appointed as soon as possible.

5. Selection of the Chair.

The committee/group shall solicit nominations from its members and shall recommend to the Amateurism Cabinet or Management Council one member to serve as chair. The Amateurism Cabinet or Management Council shall appoint the chair. Generally, the committee/group chair shall serve as chair for the remainder of his or her term on the committee/group.

6. Confidentiality.

The committee/group and the staff shall treat all cases before them as confidential until it announces the determination in accordance with the prescribed procedures. The staff shall

not confirm or deny the existence of a case prior to complete resolution of the case through normal NCAA procedures. However, if the involved institution makes a public announcement concerning a case, the vice president for academic and membership affairs or his designee may confirm the information made public and may correct erroneous or incomplete information about the investigation that has been made public by the institution or an involved individual. The staff's release of information shall always comport with federal law (i.e., Federal Educational Rights and Privacy Act). The vice president for academic and membership affairs or his designee has the discretion to prepare a press release on behalf of the NCAA when appropriate.

7. Ex-Parte Communications.

Members of the committee/group shall not discuss a pending appeal with the NCAA staff, institutional representatives, the prospective student-athlete or his or her legal counsel without all parties having the opportunity to participate. The staff may contact committee/group members to arrange a teleconference or a paper review of an institution's request. When an institution requests reconsideration of a committee/group's decision, the staff may contact the chair of the committee/group to provide the information submitted by the institution and the staff's evaluation of it. The staff may also contact the chair of the committee/group regarding procedural matters relevant to processing an institution's request.

8. Quorum.

A quorum of more than 50 percent of the committee/group members is required for the committee/group's review of requests. If the designated committee/group chair cannot participate in the review, he or she will appoint a presiding chair. If it is not possible to have the entire committee/group hear or review the request and it is necessary to do so without delay, the proceeding or review may take place with less than a full committee/group as long as the quorum requirements are met.

9. Recusal.

A committee/group member shall recuse himself or herself from participating in proceedings (e.g., representing his or her institution or deliberating as a committee/group member) connected with a case when he or she is directly connected with the involved institution making the request, including, but not limited to, a member of the committee/group member's institution or institution's conference. A committee/group member with a personal relationship or institutional affiliation that reasonably would

result in a conflict or the appearance of bias or prejudice should refrain from participating in any manner in the processing of a request for determination of facts. It is the responsibility of the committee/group member to remove himself or herself if a conflict exists. Objections to the participation of a committee/group member should be raised as soon as recognized. The chair of the committee/group has the final authority to determine whether the committee/group member shall recuse himself or herself.

10. Voting Requirements.

The final finding of fact shall be decided by majority vote of the members of the committee/group present and voting. A simple majority is necessary for a decision. However, in case of a tie vote, the chair will request the committee/group meet via teleconference to discuss the case and reach a majority decision. Vote tallies of decisions are private and will not be provided to the media, the involved institution(s), the prospective student-athlete or his or her legal counsel.

11. Revision of Procedures.

The committee/group has the authority to revise the procedures governing the applicable request procedures at any time, subject to the approval of the Amateurism Cabinet or Management Council.

12. Flow of Information.

All materials relevant to the consideration of a request to the committee/group shall be submitted to the Eligibility Center amateurism-certification process (ACP) staff by the institution. The involved prospective student-athlete, as well as his or her legal counsel, shall work through the institution in preparing and submitting the request. Information submitted directly to the ACP staff shall be sent to the institution for it to determine whether the information should be included in its request.

13. Request for New Information.

In arriving at its determinations, the committee/group may request additional information from any appropriate source, including the ACP staff, institutional representatives, the prospective student-athlete or his or her legal counsel.

14. Basis of Findings.

The committee/group shall base its findings on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs.

15. Determination of Violation.

The committee/group does not have the authority to determine whether a violation of NCAA amateurism legislation has occurred. The determination of a violation shall be made by the academic and membership affairs staff after either the prospective student-athlete has agreed to the facts presented by the ACP staff or the fact-finding committee/group has issued its findings. Any appeals of the interpretation of the legislation used to determine the violation shall be heard by the appropriate interpretative authority in each division.

16. Imposition of Condition of Reinstatement.

The committee/group does not have the authority to impose a condition of reinstatement. The authority to impose conditions is vested with the NCAA Division I Student-Athlete Reinstatement Committee and the NCAA Division II Student-Athlete Reinstatement Committee. The Student-Athlete Reinstatement Committees have the authority to delegate the imposition of conditions to the student-athlete reinstatement staff. In addition, the Student-Athlete Reinstatement Committee in each division has the authority to create prescribed penalties to be administered by the ACP staff.

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

1. Notification of Hearing Procedures.

An institution representing a prospective student-athlete's interest in an amateurism review shall be advised to contact the academic and membership affairs (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 prospective student-athlete does not agree with an amateurism certification process (ACP) staff's statement of facts, a member institution may submit a written request, through a required form, on the prospective student-athlete'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 prospective student-athlete, or member institution with whom the case manager is working on behalf of the prospective student-athlete, 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 calendar 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 prospective student-athlete's position with respect to the disputed fact(s);

d. All documents and information that support the institution and prospective student-athlete'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) Prospective student-athlete; and

(3) The prospective student-athlete's parent(s) or legal guardian(s), if the prospective student-athlete 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 prospective student-athlete 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 position regarding the facts; and

(2) The information on which the ACP staff relied and the sources 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-hours notice of such a request. The committee 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 electronic 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 the 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 call, if necessary, to reach a decision. Such teleconference call 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 prospective student-athlete and/or the institution(s) involved may not participate on the teleconference.]

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. Prospective student-athlete;

d. Prospective student-athlete's parent(s) or legal guardian(s), if the prospective student-athlete is under 18 years of age; 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. Prospective student-athlete'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 prospective student-athlete shall have 10 minutes, respectively, to describe the case and explain the reasons 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 amateurism certification staff) is introduced.

c. The teleconference will conclude with the ACP staff, institution and prospective student-athlete 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 prospective student-athlete reasonably can and should answer before a decision by the committee is made.

e. When the hearing has concluded, the institutional representatives, the involved prospective student-athlete [and parent(s) or legal guardian(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 prospective student-athlete and the institution with a copy of the determined facts. The prospective student-athlete 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 Decisions of the Committee/Group.

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

a. In Division I, after the 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] 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 Amateurism Fact-Finding Group has rendered a determination of facts, the involved institution may appeal that determination to the Management Council. The Management Council's determination shall be final, binding and conclusive and shall not be subject to further 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 calendar days must include an explanation regarding the reason(s) the appeal was not filed within the prescribed time period. The chair of the Division I Amateurism Cabinet or the Division II Management Council shall determine whether any appeal filed after 30 calendar 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 Interpretations(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 student-athlete reinstatement staff and in consultation with the student-athlete reinstatement staff, determine the appropriate penalties. If additional information is needed, the ACP staff shall work with the student-athlete reinstatement staff to obtain the information.

b. 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 prospective student-athlete or the institution shall have 30 calendar days to submit a written request to appeal the interpretation and/or student-athlete reinstatement 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 prospective student-athlete. 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.

MEMORANDUM

February 1, 2010

TO: NCAA Division I Amateurism Cabinet.

FROM: NCAA Eligibility Center Amateurism Certification Staff.

SUBJECT: Documentation Standards for Verifying Asserted Expenditures.

Background.

When analyzing most pre-enrollment, individual sport prospective student-athletes (PSAs) under the prize money exception (NCAA Bylaw 12.1.2.4.1), particularly in the sport of tennis (where most prize money issues arise), objective information related to the amount of prize money accepted by the PSA is generally readily available and rarely disputed. Thereafter, an event-by-event analysis must be conducted in which each individual tournament (in which prize money was accepted) is evaluated alongside the asserted actual and necessary expenses to determine whether the exception is applicable. This event-by-event analysis is necessary for two distinct reasons:

1. Any one tournament in which accepted prize money exceeds expenses will trigger a violation of NCAA Bylaw 12.1.2.1.5 (Payment Based on Performance); and

2. The student-athlete reinstatement staff (when making penalty determinations related to Bylaw 12.1.2.1.5 violations) utilizes "career prize money vs. expenses" figures in its analysis.

Increasingly, tennis PSAs (particularly international ones) who have previously accepted "significant" prize monies are submitting spreadsheets or charts (Supplement No. 1) as verification that their expenses exceed the accepted prize money. In the vast majority of such cases, no receipts, credit card statements are any other form of objective documentation is submitted in conjunction with the spreadsheet. The reason generally given for a complete absence of objective expense documentation is either "all payments were made in cash" or "it is not customary in this part of the world for transactions to generate receipts." When conducting an "expenses vs. prize money" analysis in such cases where no objective documentation is forwarded, the assigned staffer must balance the need to certify that PSA under the applicable legislation with reasonable objective documentation requests.

Documentation Standard Examples for Other NCAA Programs.

While not all NCAA programs contain explicit documentation standards, it is not uncommon for certain programs to mandate them. This most often is the case when an assertion serves as the basis for requested relief. While this generally occurs within various waiver areas, the concept that the asserted "mitigating" information (i.e., expenses) is necessary for relief from applicable legislation pertains to both waivers and the event-by-event prize money analysis previously discussed in this memorandum.

The following two examples are instances when waiver procedures require verifying objective documentation for particular scenarios:

1. For **Hardship and Extension waivers** in which medical incapacitation is being asserted, the following documentation standards universally apply:

   "[I]n order to demonstrate that an injury or illness prevented further competition and, therefore, meets the standard of the hardship waiver legislation or in the case of extension legislation the injury prevented any competition, an institution also needs to provide ***objective documentation*** *to substantiate the incapacitation. In processing either a hardship waiver or recovering a particular year in question when an injury or illness prevented any competition, three key components must be included in the objective documentation:*

   Contemporaneous Diagnosis of Injury or Illness.

   a. ***Required****: A medical document from a treating physician dated at or near the initial time of the injury or illness that establishes the onset of the injury or illness.*

   b. ***Recommended if available****: A medical document from a treating physician dated at or near the initial time of the injury or illness that verifies the initial severity of the injury or illness (i.e., demonstrates that the injury or illness likely results in incapacitation for the remainder of the season or for the period beyond the second contest or 20 percent (whichever is greater).*

   c. ***Recommended if available****: Any other medical documents, operation report(s), surgery report(s), or emergency room document(s) that describe the severity of the injury or illness and/or the time of incapacitation."*

2. For **SLR Waivers** involving the Tennis, Swimming and Diving rule (Bylaw 14.2.3.2) and assertions of mandatory military service, the following documentation standards universally apply:

"a. Mandatory military service requirement must be supported by objective documentation [e.g., service enlistment date, service discharge date, attendance report that includes all leave time taken by the student-athlete to practice, train and/or compete in his or her sport];

b. Date of high school graduation as determined by the NCAA Eligibility Center. [Note: If the individual never received an amateurism certification from the Eligibility Center, then the institution must determine the date of high school graduation as defined and required in Bylaw 14.2.3.2];

c. Certification that the individual's participation since graduation from high school was amateur in nature. There can be no amateurism violations as a result of the individual's participation (including during the one-year grace period);

d Documentation related to the amount of competition the individual participated in during each year that the student-athlete was subject to the legislation. This documentation must include the actual dates of competition on which the individual competed as opposed to the dates of the scheduled events in which the student-athlete competed;

e. Documentation that the individual immediately enrolled as a full-time student at a collegiate institution at his or her first opportunity on being discharged from mandatory military service."

Conclusion.

The amateurism certification staff seeks feedback from the Amateurism Cabinet as to when objective expense documentation should be reasonably requested and/or required prior to "crediting" an asserted expense, especially regarding a significant asserted hotel and/or air travel expense.

MM/djt

Attachments

LIST OF TOURNAMENTS PLAYED AND DETAILS OF PRIZE MONEY COLLECTED

PLAYER NAME

TOURNAMENT	PLACE	COUNTRY	DATE	RESULT		PRIZE MONEY IN $	
ITF WOMENS				SINGLES	DOUBLES	SINGLES	DOUBLES
2009							
ITF 100K	ATHENS	GREECE	28-Sep-09	Q-R32		126	
ITF 10K	PRAGUE	SLOVAK REP	24-Aug-09	R32	QF	98	48
ITF 25K	TRNAVA	SLOVAK REP	10-Aug-09	Q-R32	QF	68	98
ITF 10K	VIENNA	AUSTRIA	3-Aug-09	R32	W	98	319
ITF 10K	PIESTANY	SLOVAK REP	20-Jul-09	R16	F	196	172
ITF 25K	DARMSTADT	GERMANY	13-Jul-09	R32	QF	294	98
ITF 75K	ZAGREB	CROATIA	6-Jul-09	Q-R16		163	
ITF 25K	STUTTGART	GERMANY	29-Jun-09	Q-R16		133	
ITF 25K	PADOVA	ITALY	15-Jun-09	Q-R32		68	
ITF 50K	ZLIN	CZECH REP	8-Jun-09	Q-R32		95	
ITF 25K	BRNO	CZECH REP	1-Jun-09	Q-R16	QF	133	98
ITF 10K	GRADO	ITALY	25-May-09	Q-R16		133	
ITF 10K	MICHALOVCE	SLOVAK REP	11-May-09	R16	QF	196	49
ITF 50K	ZAGREB	CROATIA	4-May-09	Q-R32		95	
ITF 50K	MAKARSKA	CROATIA	27-Apr-09	Q-Q	R-16	285	143
ITF 75K	MONSON	SPAIN	6-Apr-09	Q-R16	R-16	232	186
ITF 10K	LATINA-NASCOSA	ITALY	23-Mar-09	R32	R-16	98	25
ITF 10K	AMIENS	FRANCE	16-Mar-09	R32		98	
ITF 10K	DIJON	FRANCE	9-Mar-09	R32	SF	98	98
ITF 25K	MINSK	BELARUS	2-Mar-09	Q-R32		68	
ITF 25K	LUTZ	USA	19-Jan-09		R16		49
ITF 25K	BOCA RATON	USA	12-Jan-09		R16		49
						2775	**1432**
2008							
ITF 25K	PREROV	CZECH REP	8-Dec-08	Q-R16		133	
ITF 10K	OPOLE	POLAND	17-Nov-08	R16		490	
ITF 100K	KRAKOW	POLAND	3-Nov-08	Q-R32		217	
ITF 100K	BRATISLAVA	SLOVAK REP	27-Oct-08	Q-R32		217	
ITF 100K	ORTISEI	ITALY	13-Oct-08	Q-R32		217	
ITF 50K	MESTRE	ITALY	15-Sep-08	Q-R16		143	
ITF 25K	BRNO	CZECH REP	1-Sep-08	R16	R-16	490	49
ITF 10K	PRAGUE	CZECH REP	25-Aug-08	R16	SF	196	98
ITF 50K	PALIC	SERBIA	11-Aug-08	Q-R16	QF	143	190
ITF 25K	MONTERONI	ITALY	4-Aug-08	Q-R16	QF	133	98
ITF 75K	RIMINI	ITALY	28-Jul-08	Q-R16		232	
ITF 25K	DARMSTADT	GERMANY	14-Jul-08	QF		686	
ITF 175K	BUDAPEST	HUNGARY	1-Jul-08	Q-R16	QF	350	630
ITF 10K	BUDAPEST	HUNGARY	23-Jun-08	QF	F	245	172
ITF 75K	ZLIN	CZECH REP	9-Jun-08	Q-R16	R16	232	186
ITF 75K	ROME	ITALY	2-Jun-08	Q-R16		232	
ITF 10K	GORIZIA	ITALY	19-May-08	R16		196	
ITF 25K	SZCZECIN	POLAND	12-May-08	R32	SF	294	196
ITF 50K	BUCHAREST	ROMANIA	5-May-08	Q-R16		143	
ITF 10K	HVAR	CROATIA	21-Apr-08	SF	F	490	172
ITF 10K	BOL	CROATIA	14-Apr-08	R32	R16	98	25
ITF 50K	PATRAS	GREECE	31-Mar-08	Q-R16	R16	143	143
ITF 10K	ATHENS	GREECE	24-Mar-08		SF		98
ITF 10K	PORTO RAFTI	GREECE	17-Mar-08	QF	R16	245	25

SUPPLEMENT NO. 1
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ITF 10K	KAARST	GERMANY	21-Jan-08	QF		245	
						5720	**1423**
2007							
ITF 25K	OPOLE	POLAND	19-Nov-07	Q-R16		133	
ITF 100K	BRATISLAVA	SLOVAK REP	22-Oct-07	Q-R32		217	
ITF 10K	BRATISLAVA	SLOVAK REP	17-Sep-07	R32	WINNER	98	319
ITF 10K	INNSBRUCK	AUSTRIA	10-Sep-07	R32	WINNER	98	319
ITF 10K	KEDZIERZYN	POLAND	3-Sep-07	R16		196	
ITF 10K	PRAGUE	CZECH REP	28-Aug-07	R32		98	
ITF 25K	MARIBOR	SLOVENIA	21-Aug-07	R32		294	
ITF 10K	ARAD	ROMANIA	24-Jul-07	R16		196	
ITF 10K	GARCHING	GERMANY	17-Jul-07	R16	QF	196	49
ITF 25K	DARMSTADT	GERMANY	10-Jul-07	Q-R32		68	
ITF 25K	STUTTGART	GERMANY	3-Jul-07	Q-R16	R16	133	49
ITF 50K	ZAGREB	CROATIA	5-Jun-07	Q-R16		143	
ITF 10K	SPLAVY	CZECH REP	29-May-07	SF	F	490	172
ITF 10K	VIENNA	AUSTRIA	21-May-07		QF		49
ITF 10K	MICHALOVCE	SLOVAK REP	15-May-07	SF	R16	490	98
ITF 10K	RABAT	MOROCCO	7-May-07	R32	QF	98	49
ITF 10K	RAMAT	ISRAEL	5-Mar-07		SF		98
ITF 25K	PRAGUE	CZECH REP	14-Feb-07	R32		68	
						2948	**1202**
2006							
ITF 25K	VALASSKE	CZECH REP	11-Dec-06	Q-R32		68	
ITF 10K	CORDOBA	ARGENTINA	20-Nov-06	R16	QF	196	49
ITF 10K	FLORIANOPOLIS	BRAZIL	13-Nov-06	R32	QF	98	49
ITF 10K	ITAJAI	BRAZIL	6-Nov-06		F		172
ITF 75K	BRATISLAVA	SLOVAK REP	23-Oct-06	Q-R16	R16	232	186
ITF 10K	INNSBRUCK	AUSTRIA	11-Sep-06	R32		98	
ITF 10K	BRATISLAVA	SLOVAK REP	15-Aug-06	R32	QF	98	49
ITF 10K	ARAD	ROMANIA	25-Jul-06	R16		196	
ITF 10K	PROKUPLJE	SERBIA	3-Jul-06	R32	R16	98	25
						1084	**530**
						12527	**4587**
			TOTAL PRIZE MONEY				
			WITHOUT DEDUCTING TAX				
							17114

EXPENSES									
TRANSPORTATION		HOTEL	FOOD	EQUIPMENT (RACQUETS, SHOES, STRINGS)					EXPENSE:
400		0	120	0					520
150		200	100	0					450
100		0	100	0					200
250		60	120	40					470
100		350	100	35					585
310		370	175	20					975
250		180	120	0					550
290		210	120	0					620
200		170	130	20					520
150		320	200	10					680
250		100	150	0					500
260		190	110	15					575
190		210	160	45					605
195		180	90	10					475
300		250	210	50					810
310		325	165	25					825
400		290	150	0					840
240		180	120	20					560
120		280	130	0					530
250		180	110	0					540
900		0	130	30					1060
200		225	140	50					615
150		180	60	10					400
200		210	100	30					540
100		80	60	10					250
50		0	150	30					230
300		100	60	0					460
240		120	80	0					440
350		80	100	40					570
150		200	60	10					420
200		200	80	0					480
400		180	100	0					680
350		100	85	0					535
400		200	100	25					725
400		450	120	40					1010
150		250	80	20					500
200		200	100	0					500
350		100	50	0					500
185		100	70	0					355
300		200	150	10					660
300		100	80	0					480
400		350	0	30					780
40		300	0	10					350
150		200	100	0					450
50		300	50	20					420
400		150	100	0					650

200		100	100	0					400
150		100	50	0					300
50		0	200	0					250
50		0	300	80					430
300		200	125	20					645
200		150	150	0					500
100		80	40	0					220
250		120	50	0					420
150		100	80	0					330
300		120	100	0					520
150		100	60	0					310
250		0	140	25					415
120		80	70	0					270
250		300	120	35					705
100		0	50	0					150
250		250	120	40					660
400		250	150	0					800
300		200	120	0					620
100		70	50	0					220
120		60	45	0					225
280		180	100	40					600
100		0	300	25					425
1100		500	200	30					1830
60		0	320	50					430
300		150	80	0					530
50		0	120	10					180
200		0	80	20					300
250		150	90	0					490

TOTAL EXPENSES FOR CAREER **39065**

	TOURNAMENTS		PRIZE MONEY SINGLES & DOUBLES	TOTAL PRIZE MONEY	EXPENSES TRAVEL	HOTEL	FOOD	ENTRY FEE	TOTAL EXPENSES	TOTAL LOSS
S	05/10/05	Mexico - Los Mochis	98.00							
D	05/10/05	Mexico - Los Mochis	25.00	123.00	80.00	400.00	150.00	40.00	670.00	-547.00
S	05/17/05	Mexico - Mazatlan	98.00							
D	05/17/05	Mexico - Mazatlan	25.00	123.00	40.00	0.00	100.00	40.00	180.00	-57.00
S	09/26/05	Mexico - Morelia 2	98.00							
D	09/26/05	Mexico - Morelia 2	49.00	147.00	300.00	500.00	130.00	40.00	970.00	-823.00
S	10/25/05	Mexico - Mexico City 2	294.00							
D	10/25/05	Mexico - Mexico City 2	98.00	392.00	60.00	280.00	150.00	40.00	530.00	-138.00
S	11/08/05	Mexico - Mexico City 3	68.00							
D	11/08/05	Mexico - Mexico City 3	49.00	117.00	30.00	250.00	150.00	40.00	470.00	-353.00
S	11/15/05	Mexico - Puebla	133.00							
D	11/15/05	Mexico - Puebla	49.00	182.00	200.00	500.00	130.00	40.00	870.00	-688.00
S	11/22/05	Mexico - San Luis Potosi	68.00	68.00	220.00	300.00	180.00	40.00	740.00	-672.00
D	05/02/06	Mexico - Matzalan	25.00	25.00	0.00	0.00	60.00	40.00	100.00	-75.00
S	09/11/06	Mexico - Tampico	98.00							
D	09/11/06	Mexico - Tampico	49.00	147.00	300.00	360.00	100.00	40.00	800.00	-653.00
S	09/18/06	Mexico - Guadalajara	98.00							
D	09/11/06	Mexico - Guadalajara	25.00	123.00	100.00	250.00	160.00	40.00	550.00	-427.00
		TOTALS		1,447.00					5,880.00	-4,433.00

SUPPLEMENT NO. 13
DI Amateurism Cabinet 2/10

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Are players who choose the OHL over college hockey scholarships really getting best of both worlds?

BY JEFF HICKS, RECORD STAFF

KITCHENER — Pop quiz for Ontario Hockey League education czar Joe Birch.

How many current OHL players are full-time university or college students?

"Very, very few," said Birch, a former Kitchener Ranger who ranks No. 94 on the Hockey News honour roll of the 100 most influential men in the business of pucks and pencils.

Can you name one? No answer.

Guelph's Tim Priamo and London's Scott Aarssen are past examples he cited of true OHL student-athletes.

The Rangers have no full-time college or university students.

Team education consultant Dave Tennant says such a course-load would be too strenuous given the demands of a 68-game OHL season. The scheduling of classes around games would be impossible.

Let's get educated on how post-secondary education works in the OHL.

Get out your notebooks, class.

The numbers scrawled on the blackboard by the league sound impressive. For the 2009-10 academic year, the OHL proclaimed last month it has awarded 355 "scholarships" to current and past players.

That's 164 "scholarships" to players currently in the league. Add in 191 "scholarships" to players who've blown through the 20-team major junior loop in a five-year span ending last season.

Sounds like an A-plus for the OHL, right? Surely, as Birch proudly proclaims, a player can get the same education and hockey experience in the OHL as kid at school full-time on a hockey scholarship in a U.S. college.

After all, that's what this is all about.

It's about the recruitment war to lure the best Canadian and American players into the OHL by convincing them they can get the "best of both worlds" in major junior – a hockey-heavy lifestyle now and a top-shelf education afterwards.

Once a kid plays a single OHL game, his U.S. college eligibility is busted since the NCAA considers the OHL a pro loop where players get paid, sign contracts and have agents.

Let's dig deeper into the OHL-provided numbers. Remember, class, there are no dumb questions.

So what does the OHL consider a scholarship when it comes to a current player? Let's look over the league-provided list of 164 recipients.

Well, Rangers goalie Mavric Parks takes a health course twice a week at Conestoga College.

Nothing wrong with that.Very commendable. But a "scholarship"? You decide.

The OHL pays for tuition, books, compulsory fees, etc. It also claims credit for providing room-and-board, which it has always done for players anyway.

There's ex-Ranger Josh Unice at the University of Windsor.

Oh, wait a minute. He went home to Ohio after the Windsor Spitfires ditched him while he was injured. Nice. Did we mention Unice tore up a full-ride scholarship to Bowling Green of Ohio to come to the OHL? He did.

Now, his agent says Unice is at the University of Western Ontario.

There are nine players from six different teams listed as Athabasca University students. That is an online school. No classrooms. They take online courses.

So do eight players from Brampton, Sarnia and Owen Sound who "attend" the University of Guelph, via their computers. Is that the equivalent of living on campus at the University of Michigan and going to class?

Don't forget Guelph Storm benchwarmer Vadim Guskov. He's on the list as a University of Moscow student. That's online, of course. There are more examples but you get the idea.

Let's look at defenceman Nick Crawford. He is listed as a student at Northwood University in Saginaw, Michigan on the OHL list, released on Nov. 24. On Nov. 9, he got traded from Saginaw to Barrie.

Birch said Crawford had met all his educational obligations to Northwood at the time of the trade. That's a pretty short semester.

How about Niagara College student Jay Gilbert? He left the Niagara IceDogs a few weeks ago and demanded a trade that is still pending.

Used to be that OHL players who broke their contracts – left the team without permission – lost all the education funds owing to them. Led to a nasty squabble in Kingston over school money owed to a kid named Brodie Todd.

Not so any longer, said Birch. Gilbert still has his package. "What a player has earned, a player is entitled to," Birch said.

Perhaps, but section 12.1 of the standard player agreement, could certainly be read differently. It says the club may terminate the contract for a variety of reasons, including refusal to provide services, and lose all benefits.

Question time again. How does an OHL educational package work?

Basically, here's the deal. Sounds very sweet. An OHL player is entitled to one year of post-OHL, post-secondary education cash for each year he is in the league.

Play a year, get one year. Play four, get four.

That includes tuition, textbooks and compulsory fees. Top picks, and a limited number of others, also get room and board covered. It can be used at any recognized university or college in the world.

Of course, there are catches. If you sign an NHL, AHL or European pro contract, you lose your education package.

You can keep it if you play in a lower North American pro loop. However, there's another catch. You only have 18 months to access it after leaving the OHL. Otherwise, it disappears.

Then, there's the "domicile" rule. That determines the dollar value of your package per year. The OHL takes the tuition fees at the college or university closest to a player's home.

That's what you get. In the case of a local kid like Waterloo's Matt Smith, it's a little tricky. Smith, a third-string goalie for the Rangers who didn't play one OHL second in 2007-08, lives close to both the University of Waterloo and Wilfrid Laurier University.

Which tuition value does he get? "The higher of the two," Birch said.

Not a big deal, Birch added. Laurier is currently about $5,700. Waterloo is about 5,900.

Smith's father Clive said the Rangers gave him an average of the two at the time his contract was signed.

Matt, a first year English student at the University of Guelph, gets $4,500 towards his schooling this year. "Pretty good chunk," Smith said after an exam on Wednesday.

His full tuition is about $5,700. He must pay to live in residence. After this year, he's on his own to pay for the rest of his schooling.

He dressed one year in the OHL, he gets one year worth of money. Most important, he dressed after Jan. 10 in his lone OHL season.

You see, if you don't play on or beyond that date, your education package is slashed in half for that year.

That's another catch. You see, OHL teams are very concerned about what the education war with the colleges is costing them. Rangers chief operating officer Steve Bienkowski said so at last June's annual general meeting.

The OHL says it spent $1.8-million on post-secondary education last year, $1.2-million on past players and $600,000 on current players. Birch said that will increase for this season.

The Rangers expect to spend $72,000 on post-secondary classes for current and past players this year. Based on their commitments, they could spend as much as $775,000 between now and 2014.

Of course, they won't spend anywhere near that. That's because fewer than half of OHL players will ever "access" any of the education money the OHL promises them. Maybe not even half of half of them.

Now, here's the BIG question: What percentage of OHL players access their school package payouts after they leave the league? Birch claims 49 per cent based on a study of overage 20-year-old players, limited to three per team.

The OHL says 24 overagers from last season signed pro deals while 30 tapped into their OHL school packages.

But what about the rest of the kids who never made it the overage year?

You know, the kids who play and leave before becoming 20-year-old victory-lappers like Mike Liambas playing against 16-year-olds like Ben Fanelli?

Birch doesn't think it's fair to look at those numbers even though he lists those guys in his 191 past players now receiving some OHL money towards post-secondary schooling.

He even counts ex-Ranger Chris Gravelding, who left the league after 2004-05, and is accessing his money at the University of Maine.

So, let's look at a four-year cycle. Twenty-five players per roster for 20 teams. That's 500 players.

Now add in an average turnover of seven players per team each year for three years. That's 420 players. We're up to 920 players.

Now add in the players who disappear quickly. The Mike Chmielewskis, Chris Brysons, Charles Lavignes etc. Lavigne, a one-year Rangers backup in net, is on the OHL list for St. Thomas University.

Say, two guys per team each year over four years. That's 160 guys.

Make the grand total 1,080 players, of which 191 are tapping into their OHL education packages after leaving.

That's a payout rate of 18 per cent.

Birch doesn't agree with that method of analyzing out the numbers. But he was not prepared with his own numbers on a four-year cycle, other than the 191 in school with OHL money.

"That doesn't make a lot of sense," Birch said. "That would mean that, on the 25-man roster, myself and three others would be post-secondary educated."

Right. And we haven't even got to the matter of whether they graduate from college or not.

This is just showing up and tapping into the money.

There's another catch. If students take a break from full-time status once they start school on their OHL package, they lose it. Says so in the players' contract.

So, where are the rest of the estimated 900 kids who've passed through the OHL? A few are NHL regulars. Many are in the minors or in Europe. All we know is the rest aren't accessing OHL money for post-secondary education.

Meanwhile, American kids are being sold like never before on coming north to the OHL to pursue a pro contract, while getting all the benefits of a college-style education.

Cam Fowler left a $50,000 a year scholarship at Notre Dame to join the Windsor Spitfires. A recent Windsor Star article suggested Fowler – whose parents live in Northville, Michigan – could attend Notre Dame on the Spitfires' dime.

The "domicile rule," if applied, could cap Fowler's annual OHL education fund at about $18,000 based on the top rates at the closet colleges to the family home. That includes Wayne State and Eastern Michigan.

But, according to Birch, the rule doesn't appear to apply to Fowler. "Cam could have received a full-ride from the Windsor Spitfires, no different than he received a full-ride from Notre Dame," Birch said.

Worth $50,000, if he accesses it? "Yes," Birch said.

Didn't realize it could go that high. Thought it was tied to tuition at the school closes to his parents' house.

"Are you being naïve here?" Birch said.

Guess so.

Of course, the OHL and the Spits need not worry. Fowler is a terrific player and will surely sign an NHL or AHL deal. He likely will never go to college. The OHL is banking on it.

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College hockey confronts Canadian recruiting challenges

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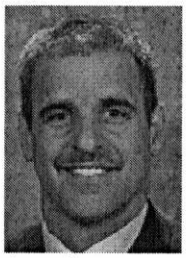
By Michelle Brutlag Hosick
The NCAA News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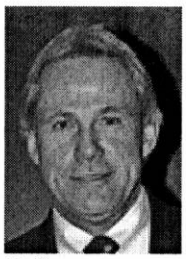
Kelly

When it comes to recruiting, college ice hockey coaches compete directly with Canadian junior leagues that offer an education, a pipeline to the NHL and – in some cases – an immediate payday to starry-eyed elite players.

But collegiate hockey officials say those promises aren't always what they seem and that NCAA ice hockey offers better training in all aspects than the Canadian leagues can provide.

To highlight these issues and to promote the sport, Division I ice hockey commissioners have created College Hockey Inc. and hired former National Hockey League Players Association Executive Director Paul Kelly to run the organization.

Kelly, who is charged with marketing and promoting Division I men's ice hockey, says the Canadian junior leagues represent a growing business created to make money and mold players for more professional leagues. Meanwhile, he said NCAA programs are part of the higher education system; if they develop athletes that go on to participate in the professional leagues, it's considered a side benefit.

The two philosophies are vastly different, but are both targeting the same elite, young players.

The Canadian leagues need more players, and the U.S. is developing good ones at an increasing rate. The leagues are recruiting the best talent they can find so they can fill their arenas and meet their business plan. But that business is hurting the collegiate game, something Kelly hopes to stop.

"This is overdue," he said. "The colleges desperately need help. They are losing this battle. I won't let that happen."

Education

One way Kelly hopes to fight the battle is by combating what he calls the "misinformation" spread by the Canadian Hockey League junior organizations. The major junior clubs tout their scholarship programs to prospective players, but collegiate hockey officials warn young players to be aware of the parameters of the educational programs before assuming it is the same as an NCAA grant-in-aid.

Tom Anastos, commissioner of the Central Collegiate Hockey Association, sees little comparison.

"Prospects exploring (the CHL) should make sure they thoroughly understand the 'conditions' that come with their scholarships," he said. "Most of their scholarship money is awarded after the completion of the player's playing career with them, not simultaneously like ours is."

Anastos said the CHL claims it has awarded $4.5 million in scholarship money this year, but NCAA programs award more than $30 million annually in athletically related financial aid.

Kelly said other rules restrict access to the CHL educational funds. For example, players receive just one year of a college education for every year they play in the Canadian league, and that is forfeited if the player signs a professional contract of any kind (including for a minor league). Players also have 18 months after their career in the league to access the educational funds, and the amount can be limited to the tuition of the college closest to their home.

"Those education packages have numerous flaws," Kelly said. "If I'm an American kid and I'm done playing up there after two years, I want to get an education. I want to go to Notre Dame. Even if you do live in South Bend by chance, they'll give you only $7,000 a year for two years. If you did that and forewent a full or a half scholarship, you made a bad decision."

Wish list: Earlier contact

NCAA coaches say another part of the problem is that they are often handcuffed by NCAA rules about contacting recruits and scholarship limits. The Canadian leagues can start wooing young players at early ages, but NCAA coaches can't begin the recruiting process until a player's junior year. Players often commit to the CHL even before NCAA coaches are allowed to begin the process.

That delayed contact period might give the impression to recruits and their families that college coaches aren't interested, Anastos said, especially if they are unfamiliar with the rules.

"The entire college hockey environment offers so many more benefits to student-athletes far beyond just the scholarship, which is obviously very significant," Anastos said. "The collegiate environment offers student-athletes the opportunity to grow and develop their social skills as much as their athletics skills, all within a strong infrastructure and special resources that will assist and support their needs in so many ways.

"Our recruitment issues are less about what we have to offer – because that is significant. Most of our challenges are based on our inability to make contact with prospects earlier in the recruitment process. This would allow us to better educate them on their options, as well as provide them with some indication that college programs are interested in them."

That's where Kelly and College Hockey Inc. come in. Because he doesn't represent a particular institution, Kelly is not bound by the same recruiting rules. He doesn't promote individual programs but simply educates young hockey players and their families about the benefits of collegiate hockey.

Besides the education aspect, collegiate hockey also offers young players the chance to train with some of the best coaches in the world, Kelly said. The competition schedule is less strenuous for NCAA student-athletes, leaving more time for skill instruction, conditioning and other training.

As the popularity of ice hockey increases, some areas of the country – like Arizona and California – are developing more ice players whose only exposure to the sport is through NHL teams. Because few NCAA teams in those areas sponsor ice hockey, young players aren't exposed to the collegiate ice hockey environment and can be easily convinced that their best route to the NHL is through the Canadian leagues.

"Statistics say college develops players for the NHL as effectively as the Canadian leagues, with the benefit of developing a foundation for your life," Kelly said. "If a kid makes a decision to go one way or the other, that's fine. We just want them to make the decision with the benefit of the most information possible. I can't stop the Canadian leagues from drafting them at age 14. All I can do is educate them."

Leaving midseason

Even if a college coach wins the recruiting war and a student-athlete enrolls in an NCAA school and begins the ice hockey season, the retention of the student-athlete is not certain. Kelly cited three student-athletes who recently left their teams at midseason to join junior programs in Canada. The phenomenon has been steadily increasing over the last several years, and he said Canadian teams often continue to recruit prospects even after they have committed to and enrolled in an NCAA institution.

Kelly's solution is to make all college players a part of USA Hockey. In addition to the insurance benefit provided to members of USA Hockey, the student-athletes would be bound by a transfer agreement in place between the Canadian and U.S. federations that says if you leave you program midseason, you cannot play in another country or for another federation unless you get a waiver from your home federation.

There would be an expense involved in registering student-athletes in this way, but Kelly called it "nominal" and something that would alleviate a problem that can otherwise wreak havoc on a program.

"You lose a kid midseason; you can't replace him," he said. "You lose the scholarship, it impacts the whole team. At least if you lose them in the summer, you have a little bit of latitude to do something about it."

Though Kelly, Anastos and others involved with collegiate ice hockey know they are facing a challenge going forward, they are looking for extraordinary ideas to address their issues, including changes in the way the sport is administered by the NCAA.

"The most important change is for those involved to get a greater understanding of the unique dynamics facing our sport and help find progressive solutions to address them," Anastos said. "There is no other NCAA sport that competes with another entity for prospects like hockey does – and we need unique solutions."