REPORT OF THE
NCAA DIVISION I AMATEURISM CABINET
FEBRUARY 25-26, 2010, 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 recommended that the Division I Legislative Council adopt noncontroversial legislation to modify the effective date of the delayed enrollment portion of NCAA Proposal No. 2009-22 to August 1, 2011, for sports other than tennis and, for tennis to August 1, 2012.

2. **Commercial Activity in Division I Intercollegiate Athletics.** The cabinet reviewed draft legislative concepts that would allow the use of current student-athletes name, picture and likeness to be used in institutional, charitable, education, or nonprofit promotions. The cabinet will continue to discuss this issue at its June meeting and hope to have a proposal in the 2010-11 legislative cycle.

***ACTION ITEMS*.**

1. **Legislative Items.**

   a. **Request for Noncontroversial Legislation to modify effective date of NCAA Proposal No. 2009-22.**

      (1) Recommendation. The Division I Amateurism Cabinet recommends the NCAA Division I Legislative Council adopt noncontroversial legislation to modify the effective date of NCAA Proposal No. 2009-22 to specify that section E, for sports other than tennis, is applicable to student-athletes who initially enroll full-time in a collegiate institution on or after August 1, 2011. For section E as it applies to tennis, August 1, 2012, applicable to student-athletes who initially enroll full-time in a collegiate institution on or after August 1, 2012.

      (2) Effective Date. Immediate.

      (3) Rationale. The current effective date for section E of NCAA Proposal No. 2009-22 permits prospective student-athletes who graduated from high school in 2009 to make necessary arrangements (e.g., sign scholarship offers) to enroll in a collegiate institution by fall 2010. However, prospective student-athletes who graduated from high school at an earlier date and are currently in their second year (or greater) removed from high school, but not yet enrolled in a collegiate institution at the time the proposal was adopted, would be negatively impacted if they competed in organized competition after their one-year grace period.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

2. Nonlegislative Items.

- None.

INFORMATIONAL ITEMS.

1. Legislative Informational Items.

a. NCAA Proposal No. 2009-22 – Application of newly adopted legislation to student-athletes already enrolled in a collegiate institution. The cabinet affirmed its previously agreed-upon position that the newly adopted legislation should not have a retroactive effective date, but rather should be limited to prospective student-athletes as described in NCAA Proposal No. 2009-22 [please note the cabinet's action item above to modify the effective date]. The cabinet noted that past changes to NCAA legislation related to pre-enrollment amateurism and competition with professionals issues have not been applied to currently enrolled student-athletes. The cabinet also discussed whether the newly adopted legislation should apply to transfers who may be enrolling in a NCAA institution for the first time in fall 2010 (e.g, junior college transfers). The cabinet supported the current effective date legislation as it relates to transfers and expressed concern that the modification described above would result in the more stringent previous legislation applying to those student-athletes who elected to transfer to an NCAA institution prior to fall 2010 while a transfer student-athlete who remained in a non-NCAA institution until fall 2010 would benefit from the new legislation.

b. NCAA Proposal No. 2009-22 – Discussion of sport-specific issues related to delayed enrollment. The cabinet discussed issues raised by several sports (i.e. wrestling, soccer, tennis, track and field, and cross country) related to the newly adopted delayed enrollment legislation. The cabinet agreed not to support any legislation excluding additional sports from the new legislation and noted that its recommendation to delay the effective date would alleviate some of the concerns addressed by various sports. The cabinet also requested the staff prepare for review at the June meeting, a draft legislative concept to provide greater flexibility to prospective student-athletes who delay collegiate enrollment in order to engage in national/international competition.

c. Commercial Activity in Division I Intercollegiate Athletics. The cabinet reviewed draft legislative concepts that would permit the use of current student-athletes' names, pictures and likenesses to be used in promotional activities. The cabinet heard from a member of National Student-Athlete Advisory Committee (SAAC) regarding the student-athletes' perspective on this subject. Specifically, the student-athletes emphasized the importance of student-athlete consent and that their names, images and likeness are used in a manner that fosters a positive student-athlete image. During its discussion, the cabinet agreed that a promotion must identify the commercial entity's affiliation with the institution, conference or noninstitutional agency; institution must have developed a process to obtain permission to use student-athlete name, picture or likeness; and student-athletes may not directly promote the use of a product or service in the advertisement.

The cabinet expressed support for a legislative proposal that would require an institution to include certain contractual language in all agreements (e.g. sponsorship, advertising, licensing). Such language would detail the commercial entity's obligation to comply with NCAA legislation and interpretations involving the use of current student-athletes. The cabinet discussed and determined that an Oversight Committee to retroactively review promotions involving student-athletes' names, likenesses or images was unnecessary in light of existing governance committees which have the authority in this area.

The cabinet will continue to review these legislative concepts at its June 2010 meeting.

d. Documentation standards used to verify expenditures in amateurism certification cases. The cabinet reviewed the report of the Amateurism Certification Process (ACP) staff regarding documentation standards for verifying asserted expenditures, particularly as it relates to the exception for prize money received prior to initial full-time collegiate enrollment. The ACP staff noted that prospective student-athletes (particularly in the sport of tennis) are increasingly providing expense report spreadsheets that do not include objective verifying information (e.g., receipts or other contemporaneous documentation) and that institutions have on occasion resisted requests from the ACP staff to gather such verifying expense documentation. The ACP staff advised that such requests are generally limited to asserted hotel or airfare expenses that relate to tournament(s) in which the prospective student-athlete accepted significant prize monies, with a recognition that it may not be possible in all instances to produce receipts for every expense cited for a particular event. The cabinet agreed that flexibility was warranted in some instances where it is reasonable to believe that receipts may not be available, but noted that documentation should be produced whenever possible and in particular for expenses of more than

nominal value where receipts can be readily produced/reproduced (e.g., hotel and airfare expenses).

e. **One-year renewal of pilot program related to expense valuation methodology for analyses involving Bylaw 12.02.4.** The cabinet agreed to a one-year extension (to March 31, 2011) of the pilot program related to expense valuation methodology. This program permits the ACP staff to use the US Census Bureau Web site (including hyperlinks to validated country-specific information) as the resource to obtain data to establish fair market value calculations when issues arise regarding an expense valuation within a Bylaw 12.02.4 professional team analysis. The cabinet recognized that the necessity of the pilot program will be significantly reduced due to the adoption of NCAA Proposal No. 2009-22, but remains necessary to apply the current legislation to the sports of men's ice hockey and skiing and to transfer student-athletes who enrolled full-time at a collegiate institution prior to August 1, 2010.

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