**REPORT OF THE**
**NCAA DIVISION I AMATEURISM CABINET**
**JUNE 24-25, 2010, MEETING**

***KEY ITEMS*.**

1. **Commercial Activity in Division I Intercollegiate Athletics.** The cabinet is proposing legislation related to the use of a current student-athlete's name or likeness for promotions, advertisements and media activities.

2. **Agent/Advisor Discussion** – The cabinet began initial discussions regarding current agent and advisor legislation. The staff provided the group background information related to current issues and trends involving prospective and current student-athletes' use of agents and advisors.

***ACTION ITEMS*.**

1. **Legislative Items.**

   a. **Request for Noncontroversial Legislation to permit a prospective student-athlete to accept payment based on performance (e.g., bonus money) from teams other than a professional teams.**

      (1) Recommendation. The Division I Amateurism Cabinet recommends the NCAA Division I Legislative Council adopt noncontroversial legislation to allow a prospective student-athlete to accept payment based on performance (e.g., bonus money) from a team other than a professional team (e.g., amateur team or an Olympic or National team) provided the combination of the payment and any expenses provided to the prospective student-athlete do not exceed actual and necessary expenses for participation on the team.

      (2) Effective Date. Immediate.

      (3) Rationale. With the adoption of 2009-22, prospective student-athletes are permitted to accept payment based on performance (e.g., bonuses) from a professional team, provided it does not exceed actual and necessary expenses to participate on the professional team. However, during its discussion of 2009-22, the cabinet never discussed whether this philosophy should apply to prospective student-athletes participating on nonprofessional teams (e.g., amateur teams and Olympic or national team). The cabinet believes it is illogical that NCAA legislation permits a prospective student-athlete to accept actual and necessary expenses in the form of payment based on performance from a professional team, but not from other types of teams. Therefore, the

cabinet believes this concept should be extended to teams other than professional teams.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

**2. Nonlegislative Items.**

- None.

***INFORMATIONAL ITEMS.***

**1. Legislative Informational Items.**

a. **NCAA Membership – Active Membership – Conditions and Obligations of Membership – Commercial Advertisement or Promotion -- Use of a Student-Athlete's Name, Picture or Likeness.** The cabinet agreed to sponsor legislation for the 2010-11 legislative cycle to specify that institutions and conferences shall include contractual language in all commercial agreements that outlines a commercial entity's obligation to comply with NCAA legislation on the use of a student-athlete's name, picture or likeness. Further, each institution and conference shall maintain written policies for its commercial agreements, which shall be made available for examination upon request by an NCAA staff member or an authorized representative of the NCAA.

b. **Promotional Activities – Use of a Student-Athlete's Name or Likeness.** The cabinet agreed to sponsor legislation for the 2010-11 legislative cycle to revise the regulations related to the use of a student-athlete's name or likeness for promotions, advertisements and media activities.

c. **Delayed Enrollment – Seasons of Competition - National/International Competition Exception.** The cabinet agreed to sponsor legislation for the 2010-11 legislative cycle to specify that, in sports other than men's ice hockey and skiing, for a maximum of one year, participation in activities that meet the criteria set forth in Bylaw 14.2.3.5.3 (organized competition) shall be excepted from Bylaw 14.2.3.2 (delayed enrollment – seasons of competition) if the competition is national or international competition that includes participation in:

i. Official Pan American, World Championships, World Cup, World University and Olympic training, tryouts and competition;

ii. Officially recognized training and competition directly qualifying participants for final Olympic tryouts; or

iii. Official tryouts and competition involving national teams sponsored by the appropriate national governing bodies of the U.S. Olympic Committee (or, for student-athletes representing another nation, the equivalent organization of that nation, or, for student-athletes competing in a non-Olympic sport, the equivalent organization of that sport).

**2. Nonlegislative Informational Items.**

**a. Impact of Amateurism Legislation on Prospects who Accept Earmarked Fundraised Dollars for Athletics Participation**. The cabinet reviewed and discussed various types of fundraising activities in which prospective student-athletes had jeopardized their amateur status by directly accepting expenses for athletics participation from outside sources or accepting expenses donated to an amateur team or organization specifically earmarked for the prospect's use. The cabinet agreed to continue its examination on the impact of current amateurism legislation on prospects and whether new legislation is appropriate to address the current realties of the economic challenges faced by families across the country, the practice of some club systems and state associations and resulting fundraising activities. The cabinet requested the staff solicit feedback from National Association of Athletics Compliance (NAAC) on the issues related to fundraising activities and prepare it for discussion at its next in-person meeting.

**b. Agent/Advisor Discussion -** The staff provided the cabinet a detailed overview of current Bylaw 12 legislation and interpretations pertaining to agents and advisors. The staff presented six fundamental concepts and three legislative concepts for the cabinet to consider in its discussions regarding agent legislation. The cabinet engaged in a discussion related to current issues and trends involving prospective and current student-athletes' use of agents and advisors. The cabinet requested the staff research and provide additional information to be discussed at the September 2010 meeting.

**c. Compliance Forms –** The cabinet reviewed and approved the final changes to Form 10-11A (General Amateurism and Eligibility Form for International and Select Student-Athletes). The form was updated to reflect the adoption of proposal 2009-22 (Involvement with Professional Teams).

**d. Division I Amateurism Fact-Finding Committee, Chair Appointment –** The cabinet appointed Stephen Robertello, Washington State University, as the chair of the Division I Amateurism Fact-Finding Committee, effective September 1, 2010.

**e. Division I Amateurism Fact-Finding Committee Policies and Procedures -** The cabinet reviewed and approved the final changes to the Division I Amateurism Fact-Finding Committee Policies and Procedures. The policies and procedures were updated to include the requirement that the institution and ACP staff determine the wording of the disputed facts prior to submitting a request for a determination of facts to the committee. In addition, modifications were made to the format and timeline of a request for a determination of facts. Finally, the policies and procedures now include a prohibition against an institution requesting a determination of facts in the interpretive, waiver or student-athlete reinstatement processes unless there is new information presented that meets the existing reconsideration standard.

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