# A G E N D A

National Collegiate Athletic Association

Division I Amateurism Cabinet

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

1. Opening remarks, welcome new members and review of schedule. [Supplement Nos. 1 and 2]

2. Review of February 24 and 25, 2010, Division I Amateurism Cabinet meeting report. [Supplement No. 3]

3. Guiding principles. [Supplement No. 4]

4. Review of April 21, 2010, Division I Communications and Coordination Committee report. [Supplement No. 5]

5. Student-Athlete Advisory Committee report. [Supplement No. 6]

6. Promotional Activities. [Supplement No. 7 to be distributed prior to the meeting.]

7. Litigation update.

8. TV Contract.

9. Review of 2010 Compliance Forms. [Supplement No. 8]

10. Amateurism Fact-Finding Committee and Appeals Committee.

    a. Appointment of chair for Division I Amateurism Fact-Finding Committee.

    b. Fact-Finding Appeals Committee replacement members. [Supplement No. 9]

    c. Approve Amateurism Fact-Finding Policies and Procedures Manual. [Supplement No. 10]

11. Eligibility Center update.

12. Basketball Focus Group (BFG) update.

13. Definition of a professional team. [Supplement No. 11]

    a. Update on effective date.

    b. Impact of the organized competition component on international prospective student-athletes in the British-pattern educational system.

    c. Olympic/National Team participation. [Supplement No. 12]

    d. Payment based on performance from amateur teams. [Supplement No. 13]

14. Fundraising/ear marking. [Supplement No. 14]

15. Update on 2010 NBA Draft/May 8 withdrawal date. [Supplement No. 15]

16. Review of agent and advisor legislation and hot topics. [Supplement No. 16 to be distributed prior to the meeting.]

17. Update on UAAA.

    a. California.

    b. Colorado.

    c. Illinois.

18. News articles. [Supplement No. 17]

19. Summary of key items and takeaways.

20. Other business.

21. Future meeting dates.

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

    b. February 17 and 18, 2011, Hyatt Regency Indianapolis, Indianapolis, Indiana.

21. Adjournment.

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NCAA/05/05/10/esb

# NCAA Divisions I and II

# Amateurism Fact-Finding

# Policies and Procedures Manual

**Effective: 09/08/06**

***Last Updated: 06/01/10***

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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 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 Committee on Student-Athlete Reinstatement and the NCAA Division II Committee on Student-Athlete Reinstatement. The Committees on Student-Athlete Reinstatement have the authority to delegate the imposition of conditions to the student-athlete reinstatement (SAR) staff. In addition, the Committee on Student-Athlete Reinstatement 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. Need for a Determination of Facts.

It may be necessary during a prospective student-athlete's amateurism certification review to have the committee/group resolve one or more disputed factual questions. Such a dispute will, in most circumstances, relate to facts proposed by the ACP staff in a draft statement of facts provided to an institution for the purpose of seeking interpretive review by the academic and membership affairs (AMA) staff or penalty assessment by the SAR staff. Disputes may also arise with respect to proposed mitigating facts, relating to an eligibility determination, submitted by an institution to the SAR staff or the AMA staff liaison to the Subcommittee (Division I) or Committee (Division II) for Legislative Relief (SLR and CLR, respectively) if the facts are inconsistent with information gathered during the ACP staff review.

### 2. Requirement Before a Request for a Determination of Facts Can Be Made by an Institution.

If a prospective student-athlete does not agree with one or more proposed facts within the ACP staff's statement of facts, an institution may submit a written request, on the prospective student-athlete's behalf, that the committee/group determine the facts. Before the institution submits its formal request with all required information and documentation (described below), the institution and ACP staff shall determine the wording of the question(s) that will be posed for the committee/group's review. Once agreement has been reached regarding the question(s), and within 30 calendar days from the date on which the ACP staff provides a written statement of facts to the prospective student-athlete or institution, the institution shall submit its request for a determination of facts to the AMA liaison to the committee/group (AMA liaison). Exceptions to the 30-day policy may be granted by the chair of the committee/group when an institution is able to demonstrate in writing that exceptional circumstances required the request be submitted beyond the 30-day period.

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

## 3. Contents of and Schedule for a Request for a Determination of Facts.

Upon notification by an institution of its intent to seek a determination of facts, the AMA liaison will work with the committee/group to determine the date of its deliberations and provide that information to the institution. The committee/group meets every other week via teleconference call to review requests for a determination of facts. The following submission schedule will be keyed off the scheduled deliberation date:

### a. Institution's Opening Submission.

Within 30 calendar days of receiving the ACP staff's statement of facts, the institution shall submit its opening submission. This submission shall not include new information (information not previously presented to the ACP staff) and shall include all of the following information and documentation:

i. A completed request form.

The institution must complete a required form. (See Appendix _X). Signatures from two of the following institutional staff members shall be present on the form: Chancellor or president, faculty athletics representative, senior woman's administrator or director of athletics. Additionally, the request form shall contain the signature of the prospective student-athlete and, if the prospective student-athlete is under 18 years of age, the prospective student-athlete's parent(s) or legal guardian(s).

ii. A statement identifying the disputed fact(s).

The institution's submission shall contain the agreed upon questions relating to the disputed facts. If a request is made before agreement has been reached on the disputed questions or if the agreed upon questions are modified in any way, the AMA liaison shall suspend all fact-finding procedures, which may include rescheduling the committee/group's deliberations, and send the review back to the ACP staff until agreement can be reached on the questions for the committee/group's review.

iii. Institution's position with respect to the questions at issue and its supporting documentation and information.

The institution shall include its position regarding the disputed facts and the rationale for that position. The institution shall also provide any documents and information that it believes supports its position.

**b. ACP Staff's Response Submission.**

The ACP staff shall have the opportunity to review the institution's submission before submitting its response to the committee/group. The ACP staff's position shall be submitted to the AMA liaison within five business days after receipt of the institution's position and not less than 48-hours before the committee/group's deliberations. If the timing of the institution's submission does not allow five business days before the 48-hour time period, the committee/group's deliberations may be rescheduled.

The ACP staff's submission shall include all of the following information and documentation:

i. A factual overview;

ii. The ACP staff's position on the disputed facts, including the information on which the ACP staff relied and the sources of that information; and

iii. The documents and information on which the ACP staff relied to support its position.

**c. Reply Memorandum.**

The AMA liaison shall provide the ACP staff's submission to the institution. The institution may, upon review of the ACP staff's position, draft a short reply memorandum. Such a reply shall only be submitted if the institution believes the ACP staff has included new information or unforeseen supportive arguments. The institution shall not reserve material for the reply submission which should have been included in a full and fair opening submission. Nor shall the institution include newly gathered information that may impact the position of the ACP staff or deviate from the agreed upon questions of fact.

**4. Deliberation by the Committee/Group.**

On the scheduled date of the committee/group's deliberations, at least a quorum of committee members shall discuss the case via teleconference in an attempt to reach a decision. The purpose of the call is to discuss the case and not to gather additional information and, therefore, the ACP staff, prospective student-athlete and institution shall not be participants on the call. On review of the required form and documentation submitted by an institution and ACP staff, committee/group members shall vote via

teleconference to the AMA liaison. A simple majority of the members voting is necessary for a decision. The committee/group shall render a decision not later than seven consecutive calendar days of receiving the information.

The committee/group may, upon review of the submissions, determine that a review of the case on the written record is sufficient and shall vote via electronic mail to the AMA liaison. A quorum of the committee/group members' votes is needed for the request to be decided on the written record and a simple majority is sufficient to render a decision.

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.

**5. Request for a Hearing of the Parties via Teleconference.**

Before or after the scheduled deliberations, the committee/group, in its discretion, may request a hearing conducted by teleconference. All parties shall be given 48-hours notice of such a request.

**6. Hearing of the Parties via Teleconference.**

The following individuals shall be present during a hearing:

a. AMA liaison;

b. ACP staff member who initially reviewed the case;

c. Prospective student-athlete;

d. If the prospective student-athlete is under 18 years of age, the prospective student-athletes' parent(s) or legal guardian(s), and at least one of the following:

e. 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 closing statements 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 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. Prohibition Against Requesting a Determination of Facts in the Interpretive, Waiver, or Student-Athlete Reinstatement Processes.**

If an institution submits a request for an interpretation; a request for a waiver of NCAA legislation (e.g., Subcommittee for Legislative Relief wavier); or a request for eligibility reinstatement; the institution is precluded from requesting factual determinations or appealing the agreed upon set of facts as determined by the committee/group, unless such information meets the reconsideration standard as set forth below. Thus, the institution acknowledges that it agrees with the facts as presented in the interpretation, waiver, or reinstatement request.

**9 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 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 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:

   i. The committee/group deviated from approved procedures;

   ii. The factual findings of the committee/group are clearly erroneous; or

   iii. 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 Divisions I and II Amateurism Fact-Finding Committee/Group Policies and Procedures Manual.

**10. Confidentiality of Submissions.**

The submissions provided to the committee/group and Division I Amateurism Cabinet/Division II Management Council shall remain confidential. The only individuals who are entitled to review the fact-finding submissions are the prospective student-athlete and his or her parents or legal guardians and their representatives (e.g., attorneys or eligibility consultants) and institutional staff members at the institution who provided the fact-finding submission on behalf of the prospective student-athlete as well as representatives from that institution. Under no circumstances shall an NCAA coach of a prospective student-athlete's selected sport(s) have access to the fact-finding submissions or the information contained therein. Only where a coach is of a different sport than those selected by a prospective student-athlete and has significant compliance-related responsibilities at the institution (with the compliance office itself and not simply attributable to an institution's policy regarding the compliance responsibilities of its coaches) may that coach have access to the fact-finding submissions.

**11. 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."

**12. Violation(s) or Season(s) of Competition.**

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

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

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

**13. Reconsideration.**

After the committee/group's decision has been rendered, the member institution or ACP staff may request that a determination of the facts be reconsidered based on the submission or discovery of new information that may affect the certification decision. That information must be newly discovered and nonrepetitive, and it must not have been reasonably available to any party involved in the review at the time of the factual determination for reconsideration to be appropriate. 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.

## The Application of NCAA Division I Proposal No. 2009-22

NCAA Division I Proposal No. 2009-22 has two components, one relating to an individual's amateur status prior to collegiate enrollment and the other impacting a student-athlete's eligibility status once he or she initially enrolls at a Division I institution.

**Amateur Status.**

Proposal No. 2009-22 specifies that in sports other than skiing and men's ice hockey, prior to initial full-time collegiate enrollment, an individual may enter into an agreement to 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, and compete on a professional team, provided he or she does not receive more than actual and necessary expenses to participate on the team.

This component of the proposal is applicable to any student-athlete [freshman and transfer student] who initially enrolls full time in a regular term [excluding summer] in a collegiate institution [two-year or four-year] on or after August 1, 2010.

**Seasons of Competition/Residence Requirement.**

Proposal No. 2009-22 specifies in sports other than skiing and men's ice hockey, 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 his or her high school graduation date or the graduation date of his or her class, whichever occurs earlier, 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 on matriculation at the certifying institution before being eligible to represent the institution in intercollegiate competition.

This component of the proposal is applicable to any student-athlete [freshman and transfer student] in sports other than skiing and men's ice hockey, who initially enrolls full time in a regular term [excluding summer] in a collegiate institution [two year or four year] on or after August 1, 2011. This component of the proposal is applicable to any student-athlete [freshman and transfer student] in tennis who initially enrolls full time in a regular term [excluding summer] in a collegiate institution [two year or four year] on or after August 1, 2012.

[Note: The delayed enrollment/organized competition legislation (NCAA Bylaw 14.2.3.2) currently applies to the sports of swimming and diving, tennis and, beginning August 1, 2010, to women's volleyball. See the Effective Date Issues section set forth in this document for additional clarification.]

**Currently Enrolled Student-Athletes/Prospective Student-Athletes.**

Proposal No. 2009-22 is not applicable to any student-athlete [freshman and transfer student] who initially enrolled full time in a regular term [excluding summer] in a collegiate institution [two year or four- year ] as a full-time student prior to August 1, 2010. The eligibility status of such a student-athlete will be governed by the amateurism and eligibility rules in effect at the time of his or her initial full-time enrollment. Such a student-athlete who participated on a professional team as defined by Bylaw 12.02.4 will be ineligible for intercollegiate competition in the applicable sport, regardless of whether the student-athlete received expenses [or a promise of expenses] in excess of actual and necessary expenses. Further, in sports other than swimming and diving and tennis, the provisions of Bylaw 14.2.3.5 (21st birthday rule) will govern the student-athlete's remaining seasons of competition. In the sports of swimming and diving and tennis, the provisions of Bylaw 14.2.3.2 (delayed enrollment/organized competition) will govern the student-athlete's remaining seasons of competition and whether the student-athlete must serve an academic year in residence.

**Skiing and Men's Ice Hockey.**

Proposal No. 2009-22 is not applicable to skiing and men's ice hockey. Therefore, an incoming student-athlete in skiing or men's ice hockey who participated on a professional team as defined by Bylaw 12.02.4 will be ineligible for intercollegiate competition in the applicable sport, regardless of whether the student-athlete received expenses [or a promise of expenses] in excess of actual and necessary expenses. Further, the provisions of Bylaw 14.2.3.5 (21st birthday rule) will govern the incoming student-athlete's remaining seasons of competition.

**Effective Date Issues.**

**2010-2011 Academic Year**

The provision of Proposal No. 2009-22 related to amateur status will apply to any student-athlete [freshman and transfer student] who initially enrolls full time in a regular term [excluding summer] in a collegiate institution [two year or four year] on or after August 1, 2010, while the provision of the proposal that impacts a student-athlete's seasons of competition is not applicable for the 2010-11 academic year. As such, for any student-athlete [freshman and transfer student] who initially enrolls as a full-time student in a regular term [excluding summer] in a collegiate institution [two year or four year] during the 2010-11 academic year, in sports other than swimming and diving, tennis and women's volleyball, the provisions of Bylaw 14.2.3.5 (21st birthday rule) will govern the student-athlete's remaining seasons of competition. In swimming and diving, tennis and women's volleyball, the provisions of Bylaw 14.2.3.2 (delayed enrollment/organized competition) will govern the student-athlete's remaining seasons of competition and whether the student-athlete must serve an academic year in residence.

In sports other than swimming and diving, tennis and women's volleyball, any incoming student-athlete who first enrolls as a full-time student in a collegiate institution during the 2010-11 academic year will never be subject to the provisions of Bylaw 14.2.3.2 (delayed enrollment/organized competition). Institutions will not have to recalculate their remaining seasons of competition when the new rule goes in effect for the 2011-12 academic year.

**2011-2012 Academic Year**

In sports other than skiing and men's ice hockey, for any student-athlete [freshman and transfer student] who initially enrolls full time in a regular term [excluding summer] in a collegiate institution [two year or four year] on or after August 1, 2011, the provisions of Bylaw 14.2.3.2 will govern the student-athlete's remaining seasons of competition and whether the student-athlete must serve an academic year in residence. The one-year grace period [or next opportunity to enroll in a collegiate institution after the one-year period] from the time of the student-athlete's high school graduation date or graduation date of his or her class, whichever is earlier, is applicable in all sports [other than skiing and men's ice hockey], including tennis.

**2012-2013 Academic Year**

In sports other than skiing and men's ice hockey, for any student-athlete [freshman and transfer student] who initially enrolls full time in a regular term [excluding summer] in a collegiate institution [two year or four year] on or after August 1, 2012, the provisions of Bylaw 14.2.3.2 will govern the student-athlete's remaining seasons of competition and whether the student-athlete must serve an academic year in residence. The one-year grace period [or next opportunity to enroll in a collegiate institution after the one-year period] from the time of the student-athlete's high school graduation date or graduation date of his or her class, whichever is earlier, is applicable in all sports [other than tennis, skiing and men's ice hockey]. In tennis, there will be a six-month grace period [or next opportunity to enroll in a collegiate institution after the six-month period] from the time of the student-athlete's high school graduation date or graduation date of his or her class, whichever is earlier.

14.2.4.2.3.3 **National/International Competition Exception.**

For a maximum of one year, participation in activities that meet the criteria set forth in Bylaw 14.2.4.2.3 shall be excepted if the competition is national or international competition that includes participation in: *(Adopted: 1/8/01 effective 8/1/01, for those individuals first entering a collegiate institution on or after 8/1/01)*

(a) Official Pan American, World Championships, World Cup, World University and Olympic training, tryouts and competition;

(b) Officially recognized training and competition directly qualifying participants for final Olympic tryouts; or

(c) 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).

MEMORANDUM

June 4, 2010

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TO: Division I Amateurism Cabinet.

FROM: Rachel Newman Baker
Director of Agent, Gambling and Amateurism Activities.

SUBJECT: Payment from an Amateur Team.

During the review of issues related to Proposal 2009-22, the Cabinet was comfortable allowing a prospective student-athlete to accept payment based on performance (e.g., bonuses) from a professional team, provided it did not exceed actual and necessary expenses. However, the Cabinet never discussed whether this same philosophy should apply to amateur teams.

Prior to 2009-22, the NCAA Academic and Membership Affairs staff treated payment based on performance as a completely separate analysis from a professional and/or amateur team analysis. However, based on the Cabinet's proposal and subsequent membership support, it would appear that not allowing the acceptance of these monies from an amateur team may have been an unintended consequence of the legislation. Specifically, it would not appear logical that a prospective student-athlete could accept payment based on performance from a professional team, but not an amateur team.

As a result, the staff would recommend that based on the Cabinet's previous support of 2009-22 as it applies to payments from a professional team that the Cabinet also sponsor legislation that would allow payments based on performance (so long as it does not exceed actual/necessary expenses) from an amateur team. This recommendation would be entered into the 2010-11 legislative cycle and the Cabinet would recommend that the Legislative Council consider this during the October meeting as noncontroversial legislation.

RNB:esb

## NCAA Division I Amateurism Cabinet

## Earmarking Fundraised Dollars for Athletes Discussion Document

### BACKGROUND

Over the past three years, approximately 56 NCAA Division I prospective student-athletes have jeopardized their amateur status due to directly accepting expenses for athletics participation from outside sources (not otherwise permitted under NCAA legislation) or by accepting expenses donated to an amateur team or organization specifically earmarked for the prospect's use. Often times, these direct donation or earmarked expense issues arise through the prospect's fundraising activities deemed necessary by the individual or club teams to participate in athletics events. Staff anticipates that this issue will continue to impact the amateur status of prospects certified by the NCAA Eligibility Center.

The Amateurism Certification Process (ACP), Academic and Membership Affairs (AMA) and Student-Athlete Reinstatement (SAR) staffs have examined issues and activities related to prospects directly accepting expenses or receiving earmarked funds. The activities ranged from less structured family fundraisers to more organized team fundraisers involving donations from local businesses. Over the past three years, the amount of expenses associated with these activities ranged from approximately $35 to approximately $14,500 for a particular prospect, totaling $99,798.57.

Based on research that staff has collected from one amateur organization, earmarking fundraised dollars is part of the fabric of youth sports inasmuch as the solicitation of earmarked funds motivates prospects to raise monies for their individual expenses to participate in competition. Moreover, if a prospect is not associated with an amateur team or organization that can permissibly provide financial assistance under NCAA legislation, this type of fundraising enables those youth who do not have the financial resources to participate in athletics competition and further their athletic aspirations.

As a result of its review of these issues over the past 12 months, the Division I Committee on Student-Athlete Reinstatement has established guidelines that require prospects to repay earmarked funds and funds received from impermissible sources in contravention of the current legislation. In establishing its guidelines, the committee noted the serious nature of any amateurism violation and a desire to support the current rules and the work of the ACP staff. In its discussions, however, the committee recognized that prospects lack an understanding of these rules and usually lack culpability in such violations and directed the SAR staff not to impose withholding conditions unless a certain dollar threshold received is met or exceeded. More detailed examples of activities resulting in a violation of NCAA amateurism legislation as well as more information related to SAR guidelines for reinstatement related to these activities are provided later in this document.

The staff recommends that the Amateurism Cabinet engage in a discussion related to the impact of the current legislation on prospects and whether new legislation is appropriate to address the current realities of the economic challenges faced by families across the country, the practice of some club systems and state associations and resulting fundraising activities. To aid in the

discussion, staff has set forth concepts for contemplation and inclusion in potential legislative changes for the cabinet's consideration.

## SECTION I –NCAA DIVISION I LEGISLATION

### Current Legislation

**Bylaw 12.1.2.1.4.5 (Expenses From Sponsor Other Than Parents/Legal Guardian or Nonprofessional Sponsor of Event)**

An individual may receive actual and necessary expenses to participate in athletics competition (while not representing an educational institution) from the individual's parents/legal guardians and/or the nonprofessional organization that is sponsoring the competition.

**Bylaw 12.1.2.1.4.3 (Expenses from Outside Team or Organization)**

An individual may receive actual and necessary expenses for travel, room and board, apparel and equipment from an outside amateur sports team or organization, for competition and practice held in preparation for such competition.

**Bylaw 12.1.2.4.6 (Training Expenses)**

An individual may receive actual and necessary expenses to cover developmental training, coaching, facility usage, equipment, apparel, supplies, comprehensive health insurance, travel, room and board without jeopardizing the individual's eligibility for intercollegiate athletics, provided such expenses are approved and provided directly by the U.S. Olympic Committee (USOC) or the appropriate national governing body (NGB) in the sport.

**Bylaw 12.1.2.1.4 (Expenses, Awards and Benefits)**

An individual jeopardizes his or her intercollegiate eligibility if he or she accepts any excessive or improper expenses. This includes expenses donated directly to the individual from outside sources not permitted under NCAA legislation. In addition, an individual may not receive money donated to an amateur team or organization earmarked for the individual's use.

### Summary of Relevant Interpretations and Educational Columns

*(Note: the full text of the interpretations and educational columns are attached)*

Current interpretations and educational columns related to fundraising activities state that it is not permissible for an individual to have a personal "sponsor" (i.e., person other than an individual upon whom the athlete is naturally or legally dependent, or the nonprofessional

organization sponsoring the competition) provide expenses or any other form of compensation for the individual's participation in any athletics competition. Therefore, donations made by someone other than a prospect's relatives or legal guardians (e.g., neighbors, local businesses) directly to a prospect or to an outside team or organization in the name of or on behalf of the prospect are prohibited, inasmuch as these donations would be considered "earmarked" for the prospect. However, in the case in which an individual is providing funds to an outside team or organization, it is permissible for such individual to make a donation to the general fund of the outside team or organization, provided it is not credited to a particular prospect.

## SECTION II: IMPACT OF CURRENT LEGISLATION ON PROSPECTIVE STUDENT-ATHLETES -- SPECIFIC EXAMPLES

The specific details of each donation and/or fundraising activity vary from prospect to prospect. Below the staff has identified eight different situations that have resulted in a violation of NCAA pre-enrollment amateurism legislation over the past three years.

1. Cross Country prospect solicited $2,000 in door-to-door donations to attend the Down Under Games.
2. Basketball prospect received $500 from a family-organized dinner created as a fundraiser for the prospect, as well as $1,460 in donations from individuals, businesses, organizations and churches located in prospect's community to participate in the Youth Friendship Games.
3. Baseball prospect received $2,945 from friends and various businesses in the community to attend two overseas baseball events.
4. Soccer prospect received $1,580 from teammate's father to compete in soccer tournament in Canberra, Australia as part of the New Zealand U-17 soccer club. Funds were provided directly to soccer club and earmarked for the prospect.
5. Golf prospect received $7,527.15 over a two-year period in a trust account operated by Sussex County Golf Union that specifically earmarked funds for prospect to be used for expenses associated with competition.
6. Golf prospect received $465 expenses from her father's employer to compete in five different tournaments.
7. Wrestling prospect received $1,500 earmarked donations through fundraising efforts to attend three wrestling tournaments. All donations were made out to USA Wrestling-Ohio with prospect's name written in the memo section for prospect to be credited.
8. Skiing prospect received $14,495 in actual and necessary expenses from the Ontario government as part of the Quest for Gold funding program.

In each of the violation examples above, the funds accepted by the prospect were less than the prospect's actual and necessary expenses to compete in the event(s). The Division I Committee on Student-Athlete Reinstatement guidelines state the penalty for accepting competition expenses under $3,500 from an impermissible source is prospect's eligibility being reinstated with the condition that the prospect make a donation in the amount of impermissible expenses

received to a charity of his or her choice. If the impermissible expenses are over $3,500, the committee directed that reinstatement decisions should be made on a case-by-case basis by the SAR staff and withholding conditions may apply.

## SECTION III: CONSIDERATIONS FOR POSSIBLE LEGISLATIVE CHANGE

### Legislative Option No. 1: Maintain Status Quo

Under NCAA legislation, it will continue to be impermissible for an individual to accept any excessive or improper expenses. This includes expenses donated directly to the individual from outside sources not permitted under NCAA legislation. In addition, an individual may not receive money donated to an amateur team or organization earmarked for the individual's use.

### Legislative Option No. 2: Propose a More Flexible Approach For Fundraising Efforts

The Cabinet may explore proposing a more flexible rule allowing prospects to accept expenses associated with athletics competition from someone other than a parent or legal guardian, nonprofessional sponsor of an event, or an amateur team or organization.

Oftentimes, it may be apparent from a given factual scenario that the individual providing the expenses is motivated in some way by personal gain. On the other hand, the prospect involved often has acted in a reasonable manner and has done nothing more than accept expenses that would be considered actual and necessary competition expenses.

There are both potential benefits and downfalls to proposing more flexible legislation. One benefit of a more flexible approach is that prospects, who otherwise could not afford it, would have the opportunity to participate in more athletics events. A potential downfall is that more permissive legislation is always subject to abuse or inequities. For instance, some elite-athletes might have their entire athletic experience funded. The question that needs to be answered is whether the potential benefits outweigh the potential downfalls? As a general rule, such expenses are not representative of someone attempting to profit from their athletics notoriety. Overall, it appears that permitting the receipt of these actual and necessary expenses for the purpose of athletics competition would permit prospects who otherwise do not have the means to participate in an event to do so and to further their athletic goals.

Finally, the Cabinet may consider including parameters if proposing more flexible legislative proposals to avoid any potential abuses by prospects who are attempting to financially gain because of their athletics status or by individuals who hope to become associated with a prospect because of his or her athletics notoriety.

**Items to Consider:**

The following items should be considered if the Cabinet decides to propose legislation that would be more flexible to prospects who accept competition expenses from outside sources. These items may help the Cabinet establish parameters on a more flexible rule to ensure the legislation is protected against abuse and any clearly impermissible situations.

1. Should a distinction be made between individual and team sports?
2. Should some sources remain prohibited from providing expenses to a prospect?
   - Agents.
   - Boosters.
   - Professional team (09-22).
3. Should the purpose of the expense be limited?
   - Competition.
   - Practice.
     - Practice immediately preceding competition.
   - General training.
4. Should the amount of expenses be limited?
   - Limit to actual and necessary.
   - Provide specific dollar amount (above specific dollar amount would be a violation, even if less than actual and necessary expenses).
5. Should some sports be excluded?
6. Should more flexible rule apply to non-NCAA transfers and/or current NCAA student-athletes?
7. Elite-athlete concerns.
8. Impact on Basketball Focus Group (BFG) efforts.

**CLOSING**

In closing, the staff hopes that this discussion document has aided in the understanding of current realities of fundraising activities and the potential benefits these types of activities have on a prospect's ability to participate in athletics. Further, we hope that it has assisted in the understanding of current legislation, its impact on prospects participating in these activities in order to obtain expenses to compete in athletics competition, and may help to determine what, if any, changes in legislation should be made to address the needs of prospects.

## Relevant Interpretations

**Donations Made for Prospective or Currently Enrolled Student-Athletes to Outside Team or Organization (I/II/III)**
Date Issued: February 10, 2010
Date Published: February 11, 2010
Item Ref: b

The academic and membership affairs staff confirmed that donations made by individuals other than a prospective or currently enrolled student-athlete's relatives or legal guardians (e.g., neighbors, businesses) to an outside team or organization in the name of or on behalf of the prospective or currently enrolled student-athlete are precluded, inasmuch as these donations would be considered "earmarked" for the prospective or currently enrolled student-athlete. However, it is permissible for such individuals to make a donation to the general fund of the outside team or organization, provided it is not credited to a particular prospective or currently enrolled student-athlete.

[References NCAA Division I Bylaws 12.1.2 (amateur status), 12.1.2.1.4.3 (expenses from outside team or organization) and 12.1.2.1.4.5 (expenses from sponsor other than parents/legal guardians or nonprofessional sponsor of event); Division II Bylaws 12.1.2.1.4.3 (expenses from outside team or organization) and 12.1.2.1.4.5 (expenses from sponsor other than parents/legal guardians or nonprofessional sponsor of event); Division III Bylaws 12.1.3 (amateurism status -- prior to initial, full-time collegiate enrollment), 12.1.4 (amateurism status -- delayed collegiate enrollment) and 12.1.5 (amateurism status -- following initial, full time collegiate enrollment); and staff interpretation (9/21/90, item d)]

**Parents receiving deduction in monthly dues contingent upon fundraising activities**
Date Issued: September 21, 1990
Date Published: September 21, 1990
Item Ref: d

Reviewed Bylaw 12.1.2 (forms of pay) in regard to a situation in which a local sports club wishes to have parents of the students participate in fund-raising activities for the club; noting that a percentage of the funds that the parents personally raise will be deducted from their child's monthly club dues; confirmed that the parents would be precluded from receiving such a deduction, inasmuch as donations from fund-raising activities would be considered "earmarked" for the parent's child, contrary to NCAA amateur regulations; noted, however, it would be permissible for the club to provide equal deductions in monthly dues to all the parents in the club.

## Relevant Educational Columns

**Amateurism -- Individual's Receipt of Expenses to Participate in Athletics Competition (I)**
Date Issued: January 2, 2008
Date Published: January 2, 2008
Item Ref: 1

NCAA Division I institutions should note that in accordance with NCAA Bylaw 12.1.2.1.4.5 (expenses from sponsor other than parents/legal guardian or nonprofessional sponsor of event), it is permissible for an individual to receive actual and necessary expenses to participate in athletics competition (while not representing an educational institution) from the individual's parents/legal guardians and the nonprofessional organization that is sponsoring the competition. In addition, in accordance with Bylaw 12.1.2.1.4.3 (expenses from outside team or organization), an individual may receive actual and necessary expenses for travel, room and board, apparel and equipment from an outside amateur sports team or organization, for competition and practice held in preparation for such competition.

However, based on Bylaw 12.1.2.1.4 (expenses, awards and benefits) and its subsections, an individual jeopardizes his or her intercollegiate eligibility if he or she accepts any excessive or improper expenses. This includes expenses donated directly to the individual from outside sources not permitted under NCAA legislation. In addition, an individual may not receive money donated to an amateur team or organization earmarked for the individual's use.

In golf, institutions should be aware that outside sources (e.g., neighbors, golf clubs, local businesses) are providing money to individuals to cover expenses to participate in golf competition. Moreover, it appears the money is provided directly to the individual or through a state or regional golf association and not through the sponsor of the event or any outside amateur sports team or organization. Institutions should note that providing expenses in this manner may jeopardize an individual's eligibility. The following situations will assist in the application of Bylaws 12.1.2.1.4.5 and 12.1.2.1.4.3 to individuals involved in golf competition:

1. Situation: An individual participates in a junior amateur qualifying golf competition and qualifies for the championship. The local golf club raises $3,000 earmarked specifically for the individual and gives the money to the individual to cover his or her expenses to attend the championship. The individual attends the championship and covers his or her expenses with the money raised by the golf club.

   Question: Has the individual jeopardized his or her eligibility in golf?

   Answer: Yes, the individual has accepted earmarked expenses from an impermissible source and, thus, would not be eligible (subject to student-athlete reinstatement) to participate in intercollegiate golf competition.

2. Situation: An individual participates in a golf tournament. A local business donates $300 to the golf team that the individual is representing in the competition. The golf team uses the funds to cover the team's expenses to attend the championship.

   Question: Has the individual jeopardized his or her eligibility in golf?

   Answer: No, provision of such funds is permissible under Bylaw 12.1.2.1.4.3 and, therefore, the money may be used to cover the individual's actual and necessary expenses for travel, room and board, apparel and equipment.

3. Situation: An individual participates in a golf tournament. A neighbor donates $500 to the state golf association earmarked specifically for the individual to cover his or her expenses to attend the tournament. The state golf association (who is not a sponsor of the golf tournament) provides the funds to the individual, who uses the money to cover a portion of his or her expenses for participation in the tournament.

   Question: Has the individual jeopardized his or her eligibility in golf?

   Answer: Yes, although the amount received does not exceed his or her actual and necessary expenses, the payment was earmarked for the specific individual. As a result, the individual no longer would be eligible (subject to student-athlete reinstatement) to participate in intercollegiate golf competition.

4. Situation: A nonprofessional sponsor of a golf tournament will reimburse actual and necessary expenses for amateur participants. The tournament will reimburse up to $100 per day.

   Question: May an individual accept money to cover actual and necessary expenses?

   Answer: Yes, the individual may accept money to cover only actual and necessary expenses from the nonprofessional sponsor of the event.

[References: Bylaws 12.1.2.1.4 (expenses, awards and benefits), 12.1.2.1.4.3 (expenses from outside team or organization) and 12.1.2.1.4.5 (expenses from sponsor other than parents/legal guardians or nonprofessional sponsor of event)]

**Student-Athlete Involvement in Institutional Team Fundraising Activities Subsequent to Enrollment (I/II/III)**
Date Issued: January 2, 2007
Date Published: January 2, 2007
Item Ref: 1

NCAA Division I, II and III institutions should note that NCAA amateurism rules govern the fundraising activities of student-athletes. It is important that funds raised by student-athletes to supplement team costs be obtained and dispersed in accordance with NCAA amateurism rules so as not to jeopardize the student-athlete's eligibility for intercollegiate competition in that sport.

Fundraising by Student-Athletes

It is permissible for an individual to participate in fundraising activities for a team, including activities that involve the use of athletics ability (e.g., swim-a-thons, free-throw shooting, 5-k runs); however, a student-athlete may not receive a benefit based upon athletics skill or reputation. Also, a student-athlete may not have a personal sponsor other than an individual upon whom the student-athlete is naturally or legally dependent. The funds raised cannot be solicited on behalf of or earmarked for any particular individual. It is also not permissible for an individual's ability to participate in an upcoming competition or event, including practices in preparation for such competition, be contingent on the amount of money raised by the individual or whether he or she participates in the fundraising activity. As such, funds raised must be provided to the team or institution as a general donation, rather than as a credit toward a specific student-athlete's expenses. In addition, all donations should clearly indicate that they are made directly to the institution (e.g., a check should not be made out directly to the student-athlete).

Examples of prohibited activities include crediting funds raised towards an individual's specific expenses and the use of solicitation materials requesting funds for a specific named individual.

[References: NCAA Division I Bylaws 12.1.2 (amateur status), 12.1.2.1 (prohibited forms of pay), 12.1.2.1.4.5 (expenses from sponsor other than parents/legal guardians or nonprofessional sponsor of event), 12.1.2.1.6 (preferential treatment, benefits or services), 12.1.2.4.3 (exception for institutional fundraising activities involving athletics ability of student-athletes). Division II Bylaws 12.1.2 (amateur status), 12.1.2.1 (prohibited forms of pay), 12.1.2.1.4.5 (expenses from sponsor other than parents/legal guardians or nonprofessional sponsor of event), 12.1.2.1.6 (preferential treatment, benefits or services), 12.1.2.4.2 (exception for institutional fundraising activities involving athletics ability of student-athletes). Division III Bylaws 12.1.1 (amateur status), 12.1.1.1 (prohibited forms of pay), 12.1.1.1.4.5 (expenses from sponsor other than parents/legal guardians or nonprofessional sponsor of event), 12.1.1.1.6 (preferential treatment, benefits or services) and 12.1.1.4.2 (exception for institutional fundraising activities involving the athletics ability of student-athletes).]

**Amateurism/outside participation**
Date Issued: June 13, 1990
Date Published: June 13, 1990
Item Ref: Column 24 #2

Member institutions should note that inasmuch as many student-athletes participate in outside competition during the summer, it is important to pay special attention to NCAA amateurism regulations. NCAA amateurism regulations [Bylaw 12.1.1-(a) and (b)] prohibit an individual from participating in intercollegiate competition in a particular sport if the individual uses his or her athletics skill (directly or indirectly) for pay in any form in that sport, or accepts the promise of pay even if such pay is to be received following completion of intercollegiate athletics participation. Any excessive or improper expenses, awards and benefits would constitute receipt of pay, and would jeopardize the student-athlete's eligibility in the particular sport. In accordance with Bylaw 12.1.2-(e) and 1990 Convention Proposal No. 85, a student-athlete who participates on an outside amateur sports team or organization may not receive expenses in excess of actual and necessary travel, room and board expenses, and apparel and equipment (for individual and team use only) from teams or organizations not affiliated with member institutions, including local sports clubs (as set forth in Bylaw 13.11.2.4), for practice and game competition. In addition, it is permissible for a student-athlete who is participating in athletics competition (while not representing an educational institution) to receive actual and necessary expenses from the nonprofessional organization that is sponsoring the competition.

Several questions have been asked recently in reference to participation in a fund-raising event related to such competition. In this regard, it is permissible for student-athletes who are members of outside teams to participate in fund-raising activities for the team, including activities that involve the use of athletics ability to obtain funds. Any money raised through fund-raising efforts should not be earmarked for a specific student-athlete and should be contributed directly to the outside team of which the student-athlete is a member. Also, it would not be permissible for a student-athlete to have a personal "sponsor" (i.e., other than an individual upon whom the athlete is naturally or legally dependent, or the nonprofessional organization sponsoring the competition) to provide expenses or any other form of compensation for the student-athlete's participation in any athletics competition. Finally, Bylaw 12.2.3.1 permits an individual to participate singly or as a member of an amateur team against professional athletes without jeopardizing the individual's eligibility for intercollegiate athletics in that sport. In many instances, student-athletes participating in individual sports (tennis, golf) participate (as amateurs) in professional tournaments. NCAA legislation precludes such individuals from receiving any payment (including actual and necessary expenses) conditioned on the individual's place finish or performance, or given on an incentive basis. It would be permissible for such individuals to compete as amateurs and receive expenses not in excess of the same reasonable amount of expenses given to all individuals participating as amateurs. The amount of such travel, room and board expenses should be a uniform allowance (e.g., $100 per day) determined by the sponsors of the event prior to the individual's participation in the event and not conditioned on the individual's place finish in the event.

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MEMORANDUM

June 4, 2010

TO: Division I Amateurism Cabinet.

FROM: Rachel Newman Baker
Director of Agent, Gambling and Amateurism Activities.

SUBJECT: Information Regarding the 2010 National Basketball Association Draft.

Pursuant to NCAA Bylaw 12.2.4.2.1, an enrolled men's basketball student-athlete may enter the National Basketball Association (NBA) Draft one time during his collegiate career without jeopardizing his eligibility, provided the student-athlete requests that his name be removed from the draft list and declares his intent to resume intercollegiate participation no later than the end of May 8.

Based upon the information compiled by the NCAA agent, gambling and amateurism activities staff, 81 men's basketball student-athletes with remaining eligibility entered their names for the 2010 NBA Draft. Of those, 12 student-athletes were freshmen; 18 were sophomores; and 51 were juniors. Of all the underclassmen who declared for the 2010 NBA Draft, 30 withdrew their names prior to May 8, 2010.

RNB/MW:ms

AMATEURISM CABINET

# Likeness issue nears legislative crossroads

By Michelle Brutlag Hosick

The question of how student-athlete names, images and likenesses can be used in institutional promotions will come closer to an answer this summer when the Amateurism Cabinet proposes legislation aimed at updating rules that are decades old.

The cabinet is in the "consensus-building and drafting stage" right now, said chair Mike Rogers, faculty athletics representative at Baylor.

"We're still keeping an open mind, but our goal is to have the legislation finished in June so it can be a part of the 2010 legislative cycle," Rogers said. "We know there will have to be significant educational initiatives that go along with this because of the complexity and importance of this issue."

> "We need to get this right. We've needed all the stakeholders to weigh in on this."
> – Mike Rogers, Amateurism Cabinet chair

Some of the items the cabinet agrees on to date include:

- Student-athletes should not appear in promotions that endorse products or services.
- Athletics directors (or a representative of the AD) should have final approval on all promotions.
- Promotions must provide a clear reference to the sponsorship relationship between the corporate entity and the institution's athletics department.
- Student-athlete input will be a part of the process for determining when likeness will be used, and student-athletes will be portrayed in a positive manner.

Rogers acknowledged that updating the legislation has taken a long time – nearly five years, including studies by a separate working group and the Presidential Task Force on Commercial Activities in Intercollegiate Athletics. But he believes the time and study were worth it.

"We need to get this right. We've needed all the stakeholders to weigh in on this. I was pleased with the task force, because if the presidents get involved, something will get done," he said. "Now you have the student-athletes involved, and you really do have all the stakeholders. I think we'll be able to move forward in a meaningful way."

The student-athletes have indeed weighed in. The Division I Student-Athlete Advisory Committee made the issue one of its top priorities for the year. The group's top concerns include ensuring student-athlete input when likeness is used in an institutional ad featuring a commercial brand; limiting the use of student-athlete names, images and likenesses to existing media (such as game footage) to avoid missed class time; eliminating the use of actors to represent student-athletes in institutional ads; continuing the ban on payment of student-athletes for such activities; and portraying student-athletes in a positive light.

In a memo to the cabinet, SAAC chair Nick Fulton, a former swimming student-athlete from Wisconsin, acknowledged the tenuous balance between preserving the amateurism of student-athletes and promoting the good work they do on and off the field of play. But he also agreed that the issue must be tackled to address evolving technology.

"As media continue to develop, it is evident that the relationship among student-athletes, athletics departments and commercial entities can produce mutual benefits," Fulton said. "The continued success of these relationships requires shared responsibility predicated on the academic and athletics missions of institutions and their student-athletes."

The legislative proposals will continue to be refined in advance of the June meeting.

Rogers believes the time is right for an update.

"The membership is ready to address this issue in a meaningful way," he said. "This has been a long time coming, and I think they're ready for the discussion and for legislation that balances the interests of student-athletes and athletics departments."

SPORT GRAPHICS PHOTO ILLUSTRA

# NCAA's new leader won't run from revenue

By MICHAEL SMITH
Staff writer
Published May 03, 2010 : Page 05

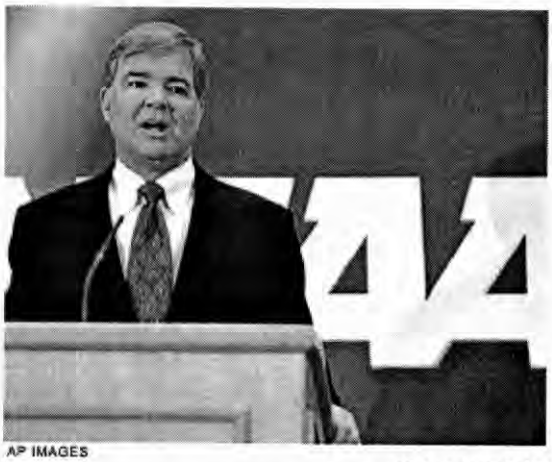
Under Mark Emmert's leadership, the NCAA will not apologize for generating massive amounts of revenue.

The NCAA's new president will take a progressive approach to the commercial side of intercollegiate athletics, not unlike the outlook expressed by former President Myles Brand, who died last September from pancreatic cancer. Jim Isch had served as interim president until Emmert's appointment last week and the new chief will begin officially on Nov. 1.

Emmert, the president at the University of Washington since 2004 and previously the chancellor at LSU and Connecticut, knows big-time sports and the big-time budgets that are required to run those programs.

But there's also a context in which those commercial enterprises must be kept.

"Part of our role is to help generate revenue to support those activities," Emmert said by phone the day after being named the NCAA's fifth chief executive last week. "First, you have to stick to the core values of athletics and remind people the way in which athletics fits into the academic model of the university. You can't tell people what to do and what not to do, but you can remind them why we're in this business and what we're trying to accomplish."



AP IMAGES

**Commercialism that serves the goals of the membership is a good thing, Mark Emmert says.**

Emmert, 57, came from off the radar to earn the invitation to Indianapolis, where he'll preside over an association with nearly 500 employees and more than 1,000 member institutions. He was not serving on any NCAA committees, but he's acutely aware of the pressures faced by athletic departments to generate more of their own revenue and rely less on university funding.

The athletic department and the rest of the university should not be considered fiscally separate entities, he said.

"If put in the right context, you can weave athletics into the overall educational experience, and make it part of the social and cultural experience, as well," Emmert said. "You shouldn't separate the cost of athletics from everything else. It's an integral part of the institution."

At Washington, Emmert presided over an athletic department with a $65 million annual budget. That's 2 percent of the university's overall budget, "but it takes about 98 percent of the attention," he said.

In 2009, the Huskies cut $2.8 million from the budget by eliminating men's and women's swimming and 13 staff positions. Washington also hired a new football coach, Steve Sarkisian, who made $2 million last year, a 43 percent increase over what Tyrone Willingham was making before he was fired.

"While we have some highly paid coaches, that's not unreasonable with the total impact they can make," Emmert said. "We've also made decisions that require budget cuts and program reductions."

When Emmert begins his tenure on Nov. 1, the most important financial decision will be behind the NCAA. Its $11 billion media deal with CBS and Turner Sports will supply the association for the next 14 years with a guaranteed revenue stream, 96 percent of which goes back to the member schools.

## Mark Emmert

**Age:** 57
**Resides:** Seattle
**Hometown:** Tacoma, Wash.
**Family:** Wife, DeLaine; children, Steve and Jennifer
**Education:** Bachelor's, political science, University of Washington (1975); master's (1976) and doctorate (1983), public administration, Syracuse University
**Current position:** President, University of Washington, 2004-present
**Previous positions:** Chancellor, LSU (1999-2004); chancellor, Connecticut (1995-1999); provost and vice president, Montana State University (1992-1995)
**Current professional activities:** Director, Weyerhaeuser Co.; member, Council of Foreign Relations; National Security Higher Education Advisory Board; vice chairman, Worldwide Universities Network Executive Group; Board of Trustees, Greater Seattle Chamber of Commerce

Generating the revenue that enhances the student-athlete experience is central to the NCAA's mission, he said.

"That's part of our role, to support these activities," Emmert said. "Is that revenue going back to support the student athletes? Yes. Whenever you have the conversation about commercialism, you have to look at the intent. Is it a great deal that serves the membership? If so, that's not a bad thing. It's a great thing. It's how we secure our future."

Gene Smith, the athletic director who manages the nation's largest budget at Ohio State, sees Emmert as "a critical hire at a critical time. I liked his first comments. ... I'm a believer that the academic reform movement has been strong. There are a couple of target areas we need to look at, like basketball. But we need to let the things that have been put in place in the last three or four years work so that we can have some historical indicator of success or failure. For the most part, we need to let that work and focus on finances.

"I think this is a great hire. He's committed to higher education, he has an understanding of what athletics is all about and he has diverse experience, so he has an appreciation for all sides of it. I think he'll be an outstanding leader. I know he is aggressive and he's politically savvy, and he's going to have to be both in this role."

During his time at LSU, Emmert worked closely with SEC Commissioner Mike Slive and other presidents on a task force to chart a new direction in rules enforcement and compliance. The document that outlined the SEC's methodology for tackling rules issues "became a cornerstone for much of what we've done in compliance," Slive said.

"It was obvious to me that he's someone who places a high value on intercollegiate athletics and realizes what it takes to provide those experiences," Slive said. "He understands the context of it and that it's in fact an important part of higher education. He gets that."

"I think he's a fantastic pick," said Georgia Tech Athletic Director Dan Radakovich, who worked in LSU's athletic department in the early 2000s when Emmert was there. "He's an effective communicator, he's a very good administrator and he's a great businessman."

Emmert said many of Brand's initiatives will maintain a prominent place in the new administration, foremost among them academic reform. On the business side, Emmert said the NCAA can't tell schools how much to pay their coaches or how much money to put in the budget, but it can provide information so that administrators know if they're out of line.

Like Brand, Emmert comes from a university president's background, which was thought to be essential during the selection process. "I'm 30 years in higher education and I've seen how it shapes student athletes, so I understand the role the NCAA plays," Emmert said when asked about his message to the selection committee, which was led by the search firm Parker Executive Search and by Oregon State President Edward Ray.

"Most importantly to me, I want to continue the transformational work that Myles started. The higher levels of academic reform are just starting to take hold and there remains a lot of work to do. We're also going to look at the way the organization interacts with the membership, to make sure we're as efficient and as effective as possible."

*Senior writer Bill King contributed to this report.*

USA TODAY

# One-and-done players concern new NCAA president

Updated 4/29/2010 1:59 AM

**By Steve Wieberg, USA TODAY**

INDIANAPOLIS — David Stern can expect to hear from the new president of the NCAA.

A day after being selected to lead college athletics' governing body, starting no later than Nov. 1, Mark Emmert walked through a handful of issues with USA TODAY — including one that will resurface with the NBA draft in June. Kentucky's John Wall and DeMarcus Cousins, Kansas' Xavier Henry and Georgia Tech's Derrick Favors, among others, have entered their names after a single season of college basketball, a one-and-done phenomenon that troubles Emmert.

"I think it creates difficult problems inside universities when we're trying to promote an emphasis on (players being) students as well as athletes," he said Wednesday. "It certainly creates a challenge for individual programs."

At some point, he said, he'll take up the issue with Stern, the NBA's commissioner, just as the late Myles Brand did during his tenure as NCAA president.

Brand insisted there was little the NCAA could do beyond that. The one-and-done door opened in 2005 when Stern and the NBA sought and got a clause in the league's collective bargaining agreement that requires players to be 19 and at least a year out of high school to enter the league. The agreement runs through the 2010-11 season and, while Stern has shown interest in stretching the waiting period to two years, NBA Players Association chief Billy Hunter has expressed resistance to backing off the one-year time frame.

Missouri athletics director Mike Alden, who sits on the NCAA's Division I Leadership Council, is one the few college officials who insist that, if there's no movement on the pro side, the NCAA wade in.

Ohio State AD Gene Smith agrees. "It's not even being discussed, because I think most people think there's nothing we can do," he told USA TODAY earlier this year. "But when we decide to lock ourselves in a room to look at an issue, a lot of times we come up with a resolution."

Emmert, president of the University of Washington since 2004 and chancellor at LSU for five years before that, declined to speculate on what the association could do. He'll start with dialogue.

"I have not obviously talked with the heads of any of the professional sports," he said. "But the impact of their policies and rules on intercollegiate sports is significant, and I intend to build relationships with t hose people to see how we can work together to mutual advantage if we can do that. The one-and-done rule would just be another example of things we could work on.

"We have to make sure we're proactive in building those relationships, and I'd expect to continue to do that with Stern and others."

Emmert said he'll also seek out U.S. Secretary of Education Arne Duncan, who has targeted college athletes' graduation rates and argued that basketball teams posting less than a composite 40% rate be barred from the NCAA tournament. NCAA officials prefer the association's newer Academic Progress Rate (APR), which they say provides a better real-

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time read of success in the classroom and already threaten chronically lagging squads with postseason bans.

"I think they've been addressed at least in part," Emmert said of Duncan's concerns.

He added, "What's happened in the past six to eight years is academic performance among athletic teams has become a serious topic of conversation, and that's terrific. We have guys ... even the Secretary of Education, saying, 'Oh, it's great that these teams are in the tournament. How are they doing academically?' You go back 10 years, and that conversation would not have occurred."

On another postseason issue — whether major college football should preserve the Bowl Championship Series or move to a tournament-style playoff — Emmert distanced himself from a prediction to *The Seattle Times* two Novembers ago that "it's inevitable we'll have a playoff."

Emmert said Wednesday, "There's been a lot of movement since then. There's a big difference, of course, between Mark Emmert as president of the NCAA and Mark Emmert the president of the UW in terms of his participation in that. So candidly, my own personal views on it not particularly relevant."

•Emmert will be the NCAA's fifth executive officer, dating to 1951, and the fifth white male. Of the other three finalists brought to Indianapolis for interviews this week, one — Ernst & Young executive and former Purdue basketball player Beth Brooke — was a woman and none was a minority, according to people with knowledge of the process.

There has been little push-back from minority activists, however. "I think they did a pretty thorough search, and I think (Emmert) has tried to be a champion on diversity and equality," said Eastern College Athletic Conference Commissioner Rudy Keeling, immediate past chairman of the NCAA's Minority Opportunities and Interest Committee.

Early in the NCAA's search, Keeling had called it "a great opportunity" to give serious consideration to a woman or minority.

"I do wish the final four candidates had a minority, but I don't question that because I don't really know the parameters of the search," he said Wednesday. "I know there was a minority on the (search) committee, and I believe it was a good search. Maybe these four were just head and shoulders above everybody else."

The other two finalists, according to those familiar with the search: U.S. Sen. Evan Bayh, D-Ind., and U. S. Military Academy Superintendent Franklin Hagenbeck.

"From what I know about him," Keeling said of Emmert, "I think he's going to be a good fit."

Dawn Reynolds, an associate athletics director at Miami (Fla.) and current chair of the NCAA minority opportunities committee, likewise said she was "pleased with the selection of President Emmert and his commitment to diversity and inclusion."

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# 'One and done' has consequences

Editorial
Lexington Herald Leader
April 28, 2010

The four freshman basketball players leaving the team this year were not really at the University of Kentucky as scholars, even though they received scholarships.

They weren't the student-athletes the National Collegiate Athletics Association lauds. They are talented athletes who needed a high-profile place to spend the requisite year before entering the National Basketball Association Draft.

There's nothing wrong with that from the players' perspectives. They made perfectly well-reasoned calculations about their careers.

The disconnect, the irrationality rests with the universities. They exist to educate, yet they are recruiting people who come with the fervent hope they won't stay to earn a degree, or even complete two semesters of class work.

UK President Lee T. Todd Jr., recently acknowledged that to Herald-Leader sports reporter Jerry Tipton. "It's a system problem," he said.

Todd, who will soon join the NCAA Division I Board of Directors, said he plans to raise the issue of one-and-dones there. Tipton reported that Todd is favorable to baseball's approach in which players can go professional after high school, but if they choose college, they are committed for three seasons.

A Kentucky native who earned a doctorate and succeeded in engineering, Todd campaigned for his job saying Kentucky would be a better place with a better-educated population.

He has to wince when the annual accounting of graduation rates in big-time college basketball programs are released. This year Kentucky, although seeded No. 1 in the tournament, was sixth lowest among 65 teams in graduation rates, with a pitiful 31 percent.

But Todd also has been in his job long enough to know you don't mess with basketball unless someone's got your back. That has to be his board of trustees. When the excitement over this remarkable season and these thrilling players dies down a bit, Todd and the trustees need to talk this over.

They need to determine — regardless of Coach John Calipari's skill at recruiting the rising stars — just how much they want the basketball program to become a one-year training camp for the NBA. And they need to weigh what consequences that could have, fairly or unfairly, on building a reputation as a top research university.

Whatever the solution, this problem can't be allowed to fester and undermine, in the most public way, the university's central mission.

## Schedule for June 24 and 25, 2010, Meeting of the Division I Amateurism Cabinet

**Wednesday, June 23** **Meeting Room**

Cabinet members arrive in Indianapolis - dinner on your own.

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

**Thursday, June 24 - all activities are at the Indianapolis Marriott Downtown**

| | | |
|---|---|---|
| Breakfast | 8 to 8:30 a.m. | Utah |
| Cabinet meeting | 8:30 a.m. to 12 p.m. | Indiana F-G |
| Lunch | 12 to 1 p.m. | Utah |
| Cabinet meeting | 1 p.m. to 5 p.m. | Indiana F-G |

Dinner on your own.

**Friday, June 25 - all activities are at the Indianapolis Marriott Downtown**

| | | |
|---|---|---|
| Breakfast | 8 to 8:30 a.m. | Michigan/Texas |
| Cabinet meeting | 8:30 a.m. to 12 p.m. | Indiana F-G |

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

**NOTE:** There will be ***no*** shuttle transport from hotel to airport at conclusion of meeting. You will be responsible for securing your return transportation to the airport. Taxi service is available from hotel to airport.

# 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*
*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: April 21, 2010

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)
Nick Fulton, chair of the Division I Student-Athlete Advisory Committee
Rob Halvaks, Big West Conference – (Administration Cabinet)
Mike Rogers, Baylor University – (Amateurism Cabinet)
Judy Rose, University of North Carolina, Charlotte (Championships/Sports Management Cabinet)
Jacqueline Campbell, NCAA – recording secretary

Petrina Long, UCLA – (Recruiting/Athletics Personnel Cabinet) was unable to participate on the call.

NCAA Staff: David Berst, Matt Burgemeister, Jeremiah Carter, Shauna Cobb, Angie Cretors, Julie Cromer, Vanessa Fuchs, Lynn Holzman, Steve Mallonee, Carol Reep, Kris Richardson, Dave Schnase, Carl Segura, Maricela Schukie, Jackie Thurnes, Sharon Tufano and Leeland Zeller also participated on the call.

The conference call was called to order at 3:07 p.m. by Damon Evans, chair. All were present as noted above.

## 1. Brief Updates from Leadership and Legislative Councils.

a. Leadership Council. The Leadership Council completed its work on the new Division I membership standards and forwarded a final report to the Board of Directors for review during its April 29 meeting. The Council also spent time reviewing possible cost savings measures recommended by various Division I cabinets. The Council recommended that staff collect additional data regarding actual spending areas and, with the possible help of consultants, develop a set of principles that could guide a review of spending. The Council suggested a two-pronged approach involving the evaluation of costs on campuses as well as a review of the Association's spending related to the activities of the national office.

b. Legislative Council. The Legislative Council reconsidered Proposal Nos. 2009-22 and 2009-51-B, which were subject to override requests from the membership. The

Council amended the effective date of section E of Proposal No. 2009-22 to August 1, 2011, for sports other than tennis, and August 1, 2012, for tennis. In reviewing Proposal No. 2009-51-B, the Council amended the proposal to apply only to men's and women's basketball. The Council's actions, relative to these proposals, will be reviewed by the Board of Directors during its April 29 meeting.

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

   a. Academic Cabinet. The cabinet continued its review of initial- and transfer-eligibility requirements, with the goal of aligning the requirements to ensure the academic success of student-athletes. In June, the cabinet will discuss the pros and cons of possible enhancements to the current initial- and transfer-eligibility standards. The cabinet also will meet jointly with the Committee on Academic Performance (CAP) in June.

   b. Administration Cabinet. During its February meeting, the cabinet engaged in its second cycle of committee appointments. During its June meeting, the cabinet will conduct its annual evaluation of institutions in the Division I membership reclassification process. The cabinet continues its work with the NCAA research staff to develop a governance assessment tool to determine if the new governance structure is achieving its stated goals and objectives.

   c. Amateurism Cabinet. The cabinet continued its review and examination of commercial activity in intercollegiate athletics. During its June meeting, the cabinet expects to review legislative proposals regarding the use of student-athletes' names, pictures and likenesses that will be introduced into the 2010-11 legislative cycle. The cabinet also plans to discuss the implications of Proposal No. 2009-22 on elite athletes who participate in Olympic and national team training programs.

   d. Awards, Benefits, Expenses and Financial Aid Cabinet. The cabinet continued its review of proposed changes to the financial aid model, which was shared with the membership through a discussion document. The cabinet reviewed feedback from the membership and will be sending out an updated document for membership review and comment during upcoming conference meetings.

   e. Championships/Sports Management Cabinet. During its February meeting, the cabinet continued its discussion of possible cost savings concepts related to the administration of championships and playing and practice seasons. The cabinet plans to continue its discussions in June.

f. Recruiting Cabinet. During its February meeting, the cabinet discussed the current recruiting model and developed three alternative models for membership review and feedback. The models recently were circulated to the membership for review and comment during upcoming conference meetings. The cabinet also reviewed the results of a survey pertaining to noncoaching staff members with sport-specific responsibilities and directed staff to draft proposals that include numerical limitations on such personnel in the sports of men's and women's basketball and football. The proposals will be circulated to the membership and the appropriate coaches' associations for review and feedback to be used by the cabinet in its consideration of legislation for the 2010-11 cycle.

3. **Expected Traffic Flow of Issues on the Division I agenda.** The committee was informed of the possible proliferation of legislation in the Division I cycle during the upcoming year. Legislation likely to move forward this year includes proposals in the areas of commercial activities, Division I membership requirements, financial aid, football and basketball academic working groups, and possibly cost savings. Legislation related to a new recruiting model and changes to the initial- and transfer-eligibility requirements may not be ripe until the next legislative cycle, unless membership feedback and academic data dictate otherwise. The staff noted that all of these areas include complex concepts that will require focus and debate by the membership. Therefore, the staff has encouraged conferences to be selective in submitting legislative proposals that add bulk but little substance to this year's legislative process.

4. **Appointment of New Cabinet and Council members.**

a. FBS Members of Cabinets and Councils. The committee was reminded that the terms of the Football Bowl Subdivision (FBS) representatives on all the cabinets and councils expire this summer; however, all of them have the opportunity for reappointment. The Board of Directors will approve the FBS nominations during its upcoming meeting, provided they meet the new diversity requirements endorsed by the Board in January.

b. Chairs of Cabinets and Councils. The staff noted that NCAA legislation mandates that chairs of the Division I cabinets and councils serve in that role for no longer than two years, which means the terms of all chairs expire this summer. In order to maintain continuity on this committee, the staff will recommend to the Board that the terms of half of the chairs be extended for one year. The staff will keep the chairs informed of the Board's action regarding this matter.

5. **Update on Division I Governance Collaboration Zone.** The staff noted that it continues to work internally to have the Division I Governance Collaboration Zone (CZ) fully operational prior to the fall cabinet and council meetings. The cabinets will receive a brief demonstration of the CZ during their June meetings. Additional information and instructions regarding use of the CZ will be forwarded to cabinet and council members this summer.

6. **Proposed Future Call Dates**. The staff noted that the expected next call date would probably be in mid-August following the Board of Directors meeting. The committee will be sent calendars to indicate their availability sometime in early summer.

7. **Adjournment**. The call was adjourned at 3:53 p.m. EDT.

## REPORT OF THE
## NCAA DIVISION I STUDENT-ATHLETE ADVISORY COMMITTEE

The NCAA Division I Student-Athlete Advisory Committee (SAAC) submits the following report from its April 11, 2010, teleconference.

***KEY ITEMS.***

1. **Commercial Activity in Intercollegiate Athletics.** Scott Bearby, NCAA associate general counsel, updated SAAC regarding the continuing analysis of commercial activities in intercollegiate athletics and recent litigation on the topic. Bearby indicated that the SAAC's memo regarding aspects of commercialism related to student-athlete well-being was well received by the Amateurism Cabinet. Bearby discussed potential future action related to commercialism legislation including the distribution of a "best practices" document to institutions and requested additional feedback from SAAC on this topic.

2. **Terms of Service.** SAAC received an update regarding proposed changes to the terms of committee service. Members were informed that service terms will start July 1 each year to align with other cabinets and committees terms. The change will enable new members to begin service by attending an in-person meeting leading up to discussion and review of proposed legislation. This transition will be handled through attrition beginning with those members whose terms expire September 1, 2011, based on Legislative Council's action at its upcoming meeting.

***ACTION ITEMS.***

**Cabinet position selection.** SAAC selected Robert Nolte, men's diving student-athlete from Binghamton University, to represent SAAC on the Awards, Benefits, Expenses and Financial Aid Cabinet.

***INFORMATIONAL ITEMS.***

1. **New Members.**

   a. Logan Roberts, men's track and field student-athlete from Baylor University was introduced as a new member representing the Big 12 Conference.

   b. Susan Lipnickey, Faculty Athletic Representative from Miami University (Ohio), was introduced as the new member from the NCAA Leadership Council.

2. **Guest Speakers.**

   a. Eric McDowell, Chair of the College Sports Information Directors of America (CoSIDA), addressed SAAC regarding ways CoSIDA can assist SAAC with its mission and the benefits of building a relationship with CoSIDA.

   b. Eileen Patton, 2009-10 NCAA Educational Affairs intern, provided information about the 2010 Career in Sports Forum, 2010 Regional Leadership Conference and discussed the new Educational Affairs Grant available to 50 student-athletes in each division.

3. **Season of Competition Waiver – Competition While Eligible.** SAAC was provided several different scenarios involving coaching errors triggering the use of a season of competition. Members provided feedback about whether relief should be provided through the waiver process based on scenarios presented.

4. **Cabinet and Committee Reports.** SAAC was updated regarding Division I and association-wide cabinets and committees on which SAAC members serve.

5. **NCAA Leadership Council.** SAAC was updated regarding the March Leadership Council meeting including discussions related to expansion of the men's basketball championship and cost savings initiatives.

6. **NCAA Legislative Council.** SAAC was updated regarding the Legislative Council's upcoming meeting and its anticipated actions on legislative proposals including Proposal 2009-22 regarding amateurism.

7. **Media Update.** SAAC was updated regarding the media team's initiatives including the positive feedback related to SAAC 's blog and efforts to produce a video for display on Web page.

8. **2010 Gender Equity and Issues Forum.** SAAC was updated regarding the upcoming Gender Equity and Issues Forum which will take place April 25-27 in Chicago, Illinois. Eugene Daniels and Monique Carroll will attend the forum on behalf of SAAC and provide a report in July.

9. **National SAAC Award of Excellence.** SAAC discussed the National SAAC Award of Excellence including how institutions can apply and application deadlines.

10. **National Student-Athlete Day.** SAAC discussed National Student-Athlete Day, which took place April 6, 2010, and mentioned community service projects related to the event.

11. **Cabinet and Committee positions.** SAAC received information regarding future opportunities to represent SAAC on various cabinets and committees. It was noted that training for members serving in these positions will occur during July 2010 in-person meeting.

12. **Attendance.** Attendance for the April meeting is as follows:

| Conference | School | Name | Sport | Present |
|---|---|---|---|---|
| America East Conference | Binghamton University | Robert Nolte | Men's Diving | Yes |
| Atlantic 10 Conference | University of North Carolina at Charlotte | Darius Law | Men's Track and Field | Yes |
| Atlantic Coast Conference | Georgia Institute of Technology | D'Andre Bell | Men's Basketball | No |
| Atlantic Sun Conference | Jacksonville University | Danielle Gray | Women's Basketball | Yes |
| Big 12 Conference | Baylor University | Logan Roberts | Men's Track and Field | Yes |
| Big East Conference | Georgetown University | Norah Swanson | Women's Soccer | Yes |
| Big South Conference | Winthrop University | Matthew Horn | Men's Soccer | Yes |
| Big Sky Conference | California State University, Sacramento | Anne Morrison | Women's Rowing | Yes |
| Big Ten Conference | University of Wisconsin, Madison | Nick Fulton | Men's Swimming | Yes |
| Big West Conference | University of the Pacific | Danielle Neault | Field Hockey | Yes |
| Colonial Athletic Association | James Madison University | Matthew Goff | Football | Yes |
| Conference USA | East Carolina University | Jarrett Newby | Men's Track and Field | Yes |
| Horizon League | Cleveland State University | Audrey Piotrowski | Women's Cross Country | Yes |
| Ivy Group | Columbia University-Barnard College | Natalia Christenson | Women's Tennis | Yes |
| Metro Atlantic Athletic Conference | Loyola College | Eryn Crane | Women's Swimming | Yes |

| | | | | |
|---|---|---|---|---|
| Mid-American Conference | Kent State University | Catherine Marosszeky | Women's Soccer | No |
| Mid-Eastern Athletic Conference | Hampton University | Aminah Charles | Women's Volleyball | Yes |
| Missouri Valley Conference | Illinois State University | Scott Krapf | Men's Track and Field | Yes |
| Mountain West Conference | Colorado State University | Eugene Daniels | Football | Yes |
| Northeast Conference | Fairleigh Dickinson University, Metropolitan | Lauren Chapman | Women's Golf | Yes |
| Ohio Valley Conference | Jacksonville University | Chelsea Pelletier | Women's Soccer | Yes |
| Pacific -10 Conference | University of Southern California | Jonathan Hackett | Men's Volleyball | Yes |
| Patriot League | American University | Zack Solomon | Men's Soccer | Yes |
| Southeastern Conference | Mississippi State University | DJ Looney | Football | Yes |
| Southern Conference | Western Carolina University | Kendra Eaton | Women's Basketball | Yes |
| Southland Conference | Lamar University | William McInnis | Baseball | No |
| Southwestern Athletic Conference | University of Arkansas, Pine Bluff | Monique Carroll | Women's Volleyball, Track | Yes |
| The Summit League | Western Illinois University | Eric Anerino | Men's Cross Country/Track | No |
| Sun Belt Conference | Western Kentucky University | Patrick Jenkins | Men's Cross Country/Track | Yes |
| West Coast Conference | University of Portland | Natalie Hemphill | Women's Cross Country/Track | Yes |
| Western Athletic Conference | University of Nevada | Trisha Gibbons | Women's Soccer | Yes |

| Others: | | | | |
|---|---|---|---|---|
| Legislative Council | Texas State University – San Marcos, Associate Athletic Director | Tracy Shoemake | Southland Conference | No |
| Leadership Council | Pepperdine University, Director of Athletics | John Watson | West Coast Conference | No |
| Leadership Council | Miami University (Ohio), Faculty Athletic Representative | Susan Lipnickey | Mid-American Conference | Yes |

13. **Future Meeting Schedule.**

a. July 15-18, 2010, Indianapolis, Indiana.

b. Legislative Webinar, October 3, 2010.

c. November 19-21, 2010, Indianapolis, Indiana.

d. January, 2011, in conjunction with the NCAA Convention, San Antonio, Texas.

*Committee Chair: Nick Fulton, University of Wisconsin Madison, Big Ten Conference*
*Committee Vice-Chair: Scott Krapf, Illinois State University, Missouri Valley Conference*
*Staff Liaisons: Kelly Groddy, Academic and Membership Affairs*
*Tim Nevius, Enforcement*
*Abigail Renaker, Academic and Membership Affairs*
*Maricela Shukie, Educational Affairs*

**Form 10-11a** **Academic Year 2010-11**

# 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. |

## 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 international athletics activities or was associated as an athlete with a international 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 and notifying the NCAA Eligiblity Center of this

_____

information. That includes activities that take place subsequent to a final amateurism certification decision by the NCAA Eligibility Center, but prior to the first day of classes (i.e., gap time). 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.]**

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## 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 | Name of School | Country | If Tuition Required, List Amount and Paid By | Degree Received | Graduation Date |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

- Did you enroll full time and/or attend any classes at a university or post-secondary institution at any time following high school?

  (Please circle) **YES** **NO** **NOT TO MY KNOWLEDGE**

  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.**

[Bylaws 14.2.3.2, 14.2.3.2.1, 14.2.3.5]

a. Date of birth: _____ Age: _____

b. Date of high school graduation: _____

List all athletics competition that you have participated in after graduating from high school.

| Activity and Location | Dates of Participation |
|---|---|
| | |
| | |
| | |
| | |

_____

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 receive any compensation in excess of actual and necessary expenses for your participation on any of the teams mentioned in Section No. 3? [Bylaw 12.1.2]

**YES NO**

If yes, please indicate which team and how much payment you received in total for each of the seasons you were paid. _____

_____

b. Did you sign any type of agreement to participate on any of the teams mentioned in Section No. 3-a? [Bylaws 12.1.2, 12.2.5] **YES NO**

If yes, you must provide a copy of the agreement signed to the institution.

_____

_____

c. For transfer student-athletes in all sports and all men's ice hockey and skiing student-athletes, were any members of your team paid (e.g., salary)? [Bylaws 12.02.4, 12.1.2, 12.2.3.2]

**YES NO NOT TO MY KNOWLEDGE**

If yes, please indicate which team paid its members.

_____

_____

a. For transfer student-athletes in all sports and all men's ice hockey and skiing student-athletes, did any of the teams you participated on call themselves a professional team? [Bylaws 12.02.4, 12.1.2, 12.2.3.2]

**YES NO NOT TO MY KNOWLEDGE**

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, 12.1.2.4] **YES NO**

If yes, please provide the details of each event in which you accepted prize money below.

| Event | Date(s) | Expenses Received (e.g., meals, lodging, transportation) | Prize Money Received | Your Out of Pocket Expenses Related to Event |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

_____

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 NOT TO MY KNOWLEDGE**

c. Have you ever been involved in an advertisement or promotional activity? [Bylaws 12.1.2, 12.5.1] **YES NO NOT TO MY KNOWLEDGE**

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, 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 NOT TO MY KNOWLEDGE**

If yes, was any portion of your payment dependent on placing you in a collegiate institution as a recipient of institutional financial aid? **YES NO NOT TO MY KNOWLEDGE**

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 prospective student-athlete requested final certification for amateurism by the NCAA Eligibility Center: _____

2. Date prospective student-athete received a final amateurism certification decision by the NCAA Eligibility Center:_____

3. 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): _____

4. Professional Team Issues.

   - Has the transfer student-athlete in any sport or the individual in the sports of men's ice hockey or skiing competed on any organized team that:

| Yes | No | | |
|---|---|---|---|
| _____ | ____ | a. | Declares itself as a professional team? |
| _____ | ____ | b. | 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? |

5. Additional Amateurism Issues.

   - Has the individual:

| Yes | No | | |
|---|---|---|---|
| ____ | ___ | a. | Accepted any direct or indirect salary, gratuity or comparable compensation that collectively exceeds actual and necessary expenses for the individual's participation on a team? |
| ____ | ____ | b. | 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, amateur or professional team? |

| Yes | No | | |
|---|---|---|---|
| _____ | ____ | c. | 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, amateur or professional team? |
| _____ | ____ | d. | 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? |
| _____ | ____ | e. | Received preferential treatment, benefits or services because of the individual's athletics reputation or skill other than expressly authorized by NCAA rules? |
| _____ | ____ | f. | Entered into an oral or written agreement with an agent? |
| _____ | ____ | g. | 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

## *AMATEURISM FACT-FINDING APPEALS COMMITTEE ROSTER*

1. Hans Mueh - hans.mueh@usafa.edu
2. Rob Acunto - acunto@american.edu
3. Joyce Eggleston - jeggleston@siena.edu
4. Sandy Atkins - satkins@troy.edu
5. Gordon Finch - gordon.finch@villanova.edu
6. Tom Collins - tjcollins@bsu.edu
7. Michael Bitter - mbitter@stetson.edu
8. Mike Rogers (Nonvoting member) - Mike_Rogers@baylor.edu