A G E N D A

National Collegiate Athletic Association

Division I Amateurism Cabinet

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

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

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

3. Guiding principles. [Supplement No. 3]

4. Review of August 26, 2010, Division I Communications and Coordination Committee report. [Supplement No. 4]

5. Student-Athlete Advisory Committee report.

6. Collaboration Zone. [Supplement No. 5]

7. Professional Sports Counseling Panel. [Supplement No. 6 to be distributed at the meeting.]

8. Review of legislative proposals. [Supplement No. 7]

9. Impact of 2009-22 on other Bylaw 12 sites. [Supplement No. 8]

10. Promotional Activities.

    a. Leadership Council Update. [Supplement No. 9 to be distributed at the meeting.]

11. Fundraising/ear marking. [Supplement No. 10]

12. Eligibility Center update. [Supplement No. 11 to be distributed at the meeting.]

13. Agent/Advisor conversation.

    a. Baseball Committee update. [Supplement No. 12]

    b. Coaches association's feedback.

    c. NCAA/NFL/NFLPA discussion.

    d. Professional Leagues Draft Comparison. [Supplement No. 13]

14. New NCAA Meeting Policies. [Supplement No. 14]

15. News articles. [Supplement No. 15]

16. Summary of key items and takeaways.

17. Other business.

18. Future meeting dates.

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

    b. June 28, 2011, (1 to 6 p.m.) and 29 (8 a.m. to 3 p.m.), 2011, TBD, Indianapolis, Indiana.

19. Adjournment.

Schedule for September 29 and 30, 2010, Meeting of the Division I Amateurism Cabinet

Tuesday, September 28 — **Meeting Room**

Cabinet members arrive in Indianapolis - dinner on your own.

Hotel: The Westin Indianapolis
50 South Capitol Avenue
Indianapolis, Indiana 46204

Wednesday, September 29 - all activities are at The Westin Indianapolis

Breakfast	8 to 8:30 a.m.	Capitol 2 & 3
Cabinet meeting	8:30 a.m. to 12 p.m.	Capitol 2 & 3
Lunch	12 to 1 p.m.	Congress
Cabinet meeting	1 p.m. to 5 p.m.	Capitol 2 & 3

Dinner on your own.

Thursday, September 30 - all activities are at The Westin Indianapolis

Breakfast	8 to 8:30 a.m.	Capitol 2 & 3
Cabinet meeting	8:30 a.m. to 12 p.m.	Capitol 2 & 3

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 JUNE 24-25, 2010, MEETING

KEY ITEMS.

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

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

ACTION ITEMS.

1. **Legislative Items.**

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

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

      (2) Effective Date. Immediate.

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

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

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

2. Nonlegislative Items.

- None.

INFORMATIONAL ITEMS.

1. Legislative Informational Items.

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

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

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

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

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

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

2. Nonlegislative Informational Items.

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

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

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

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

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

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

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
AUGUST 26, 2010, CONFERENCE CALL

Participants: August 26, 2010

Sarah Bobert, Marquette University – (Awards, Benefits, Expenses and Financial Aid Cabinet)
Carolyn Callahan, University of Virginia – (Academic Cabinet)
Nick Fulton, Big Ten Conference, (Division I Student-Advisory Committee)
Rob Halvaks, Big West Conference – (Administration Cabinet)
Petrina Long, University of California, Los Angeles – (Recruiting and Athletics Personnel Issues Cabinet)
Shane Lyons, Atlantic Coast Conference – (Legislative Council)
Jane Miller, University of Virginia – (Championships/Sports Management Cabinet- vice chair)
Jacqueline Campbell, NCAA – recording secretary
Mike Rogers, Baylor University – (Amateurism Cabinet) and Judy Rose, University of North Carolina, Charlotte -- (Championships/Sports Management Cabinet) were unable to participate on the call.

NCAA staff: David Berst, Angela Cretors, Jennifer Daniels, Diane Dickman, Lynn Holzman, Steve Mallonee, Binh Nguyen, Kris Richardson, Maricela Shukie, Alex Smith, Jennifer Strawley, Sharon Tufano and Brandon Wright also participated on the call.

The conference call was called to order at 3:04 p.m. by Jacqueline Campbell. All were present as noted above.

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

   a. Academic Cabinet. The cabinet met jointly with the Division I Committee on Academic Performance and continued its discussion of initial-eligibility and two-year college transfer requirements. The cabinet also discussed non-traditional coursework and agreed to sponsor two proposals that would simplify the legislation regarding the use of nontraditional coursework to meet full-time enrollment and progress-toward-degree requirements. In September, the cabinet plans to continue its discussion and evaluation of enhanced eligibility models.

   b. Administration Cabinet. During its June meeting, the cabinet agreed to sponsor Proposal No. 2010-11, which would remove the requirement that override votes take place at the annual NCAA Convention. The cabinet also conducted its annual review of institutions in the Division I provisional/reclassification process, advancing two

institutions to active membership and several others to the next year of the process. The cabinet reviewed regional alignments of 10-member/eight-region sport committees and recommended that the Championships/Sports Management Cabinet consider sponsoring legislation that would reduce the number of regions for these committees, which would offer broader representation opportunities. During the September meeting, the cabinet will consider several committee appointments and discuss its role in the new reclassification process included should Proposal No. 2010-100 be adopted to implement new Division I membership standards.

c. Amateurism Cabinet. The cabinet agreed to sponsor legislation in the 2010-11 legislative cycle that would modify the current regulations related to the use of a student-athlete's name, picture or likeness in promotional activities. The cabinet also agreed to sponsor non-controversial legislation to allow student-athletes prior to collegiate enrollment to receive performance-based awards while participating on outside amateur teams, provided the value of the awards do not exceed actual and necessary expenses. The cabinet began a discussion regarding agents and advisors, and their relationships with prospective and current student-athletes, as well as the pre- and post-draft structures in various sports. During its September meeting, the cabinet plans to continue its discussion of agents/advisors, as well as embarking on the topic of earmarked funds received by prospective student-athletes through fundraising activities.

d. Awards, Benefits, Expenses and Financial Aid Cabinet. The cabinet agreed to sponsor ten proposals in the 2010-11 legislative cycle that would provide student-athletes with an opportunity to receive additional sources of financial aid without impacting team limits. The cabinet also reaffirmed its support for the current regulation that requires financial aid awarded based on athletics ability not to exceed a one-year period. Looking forward to the September meeting, the cabinet will review departure/return expense legislation, participation awards limitations and Bylaw 16 waivers.

e. Championships/Sports Management Cabinet. During its June meeting, the cabinet continued its Bylaws 17 and 31 review and the impact of possible cost-containment measures. The cabinet agreed to sponsor two proposals that would prohibit missed class time for competition during the non-championship segment for certain sports and lodging in conjunction with home competition for the Football Championship Subdivision (FCS). In September, the cabinet will review legislative proposals for which its feedback has been requested, as well as conduct its regular review of recommendations from the various sports committees.

f. Recruiting/Athletics Personnel Cabinet. The cabinet reviewed feedback from the membership regarding the various proposed recruiting models. The cabinet agreed to sponsor proposals in the 2010-11 legislative cycle that would: 1) prohibit official

visits for prospective student-athletes that have signed a National Letter of Intent; 2) limit the number of noncoaching staff members in the sports of men's and women's basketball and football, and 3) prohibit a verbal offer of athletics financial aid prior to July 1 following the prospect's junior year in high school, with an additional requirement that the institution must receive a five-semester transcript prior to making the verbal offer. In September, the cabinet will continue its discussion of the various recruiting models, review legislative proposals for which its feedback has been requested and explore the development of recruiting calendars for all sports.

2. Brief Updates from Board of Directors and Legislative/Leadership Councils.

a. Board of Directors. The Board of Directors met twice since this committee's last call. The April meeting immediately followed the signing of the new media contract as well as the hiring of the new NCAA president. The Board approved expansion of the NCAA Division I Men's Basketball Championship field from 65 to 68 teams. In August, the Board agreed to sponsor legislation that would: 1) establish a fall academic term requirement for competition for football student-athletes; 2) establish a summer academic preparation and college acclimatization model for designated men's basketball student-athletes; and 3) implement new Division I membership requirements. The Board also adopted emergency legislation requiring Division I institutions to maintain a concussion management plan. Lastly, the Board selected Judy Genshaft, president of the University of South Florida, as its new chair.

b. Leadership Council. During its April meeting, the Leadership Council finalized its recommendation for new Division I membership standards and recommended that the Board of Directors sponsor legislation to implement those standards. In October, the Council will spend considerable time discussing agents and their relationships with student-athletes, as well as a possible collaboration between the NCAA and Major League Baseball. The Council also will discuss a referral from the Administration Cabinet regarding the application of a Football Bowl Subdivision requirement that requires institutions to award at least 90 percent of the maximum permissible overall financial aid grants over a rolling two-year period.

c. Legislative Council. During its April meeting, the Council reviewed Proposal Nos. 2009-22 and 2009-51-B, which both received the requisite number of override vote requests. The Council modified its previous action and delayed the effective date of Proposal No. 2009-22 and revised Proposal No. 2009-51-B to apply only to the sport of basketball. The Council modifications were accepted by the membership and, therefore, there will be no Division I business session at the 2011 NCAA Convention for the purpose of voting on Division I legislation. During its October meeting, the

Council will review approximately 100 legislative proposals and will consider the Board of Directors' April Resolution that the Council develop a policy statement that would provide better guidance regarding consideration of proposed NCAA legislation.

3. **Student-Athlete Advisory Committee Update.** The chair of the Division I Student-Athlete Advisory Committee (SAAC) updated the committee regarding the Division I SAAC's work over the past several months. The Division I SAAC has spent considerable time discussing commercialism and the use of a student-athlete's name, picture or likeness in promotional activities. In November, the committee will conduct its annual review of proposed legislation and determine those proposals for which it would like to establish and communicate a position.

4. **Update on the Division I Governance Collaboration Zone.** The committee received a brief demonstration of the Division I Governance Collaboration Zone. The committee was asked for feedback regarding use of the collaboration zone and what features would assist cabinet/council members in their governance work.

5. **2011 NCAA Convention.** The committee was informed that there will be no Division I business session at the 2011 Convention. The staff requested feedback on ways to increase the division's attendance at the Convention.

6. **Proposed Future Call Dates.** The staff noted that the next expected call date would be in early to mid-November following the fall governance meetings. The committee will be sent a calendar in September to indicate availability for the November call.

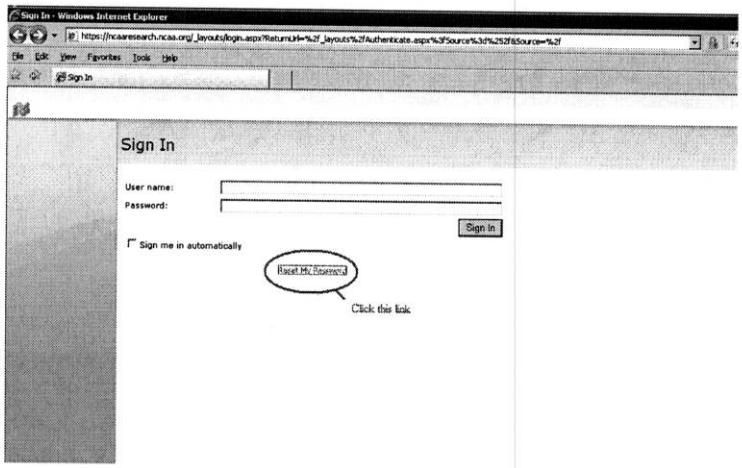
7. **Adjournment.** The call was adjourned at 4:03 p.m.

The National Collegiate Athletic Association
August 31, 2010 JGC:pem

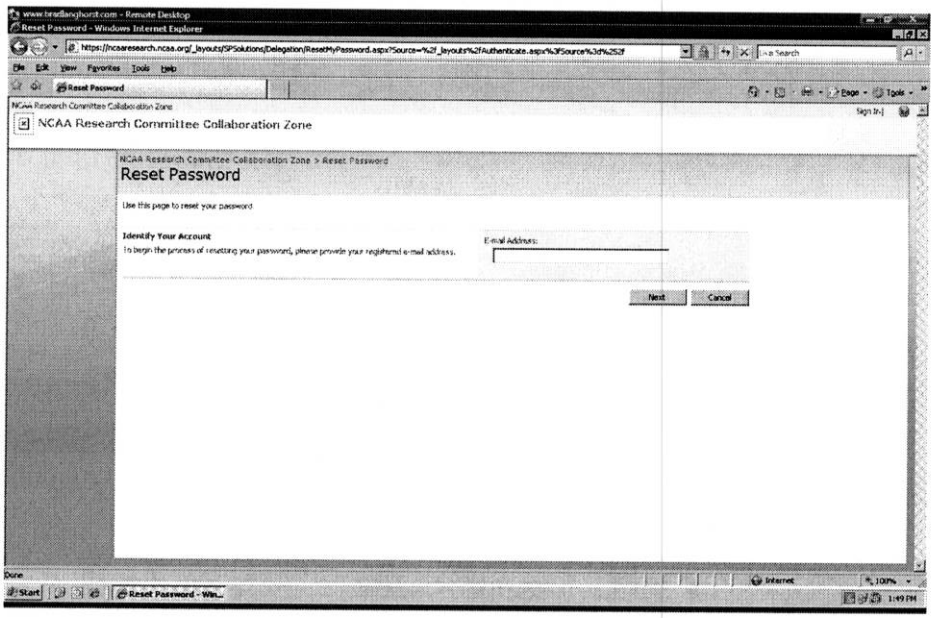
Logging into the new Division I Governance Collaboration Zone

1. From an internet browser, go to the following address for the Division I Governance Collaboration Zone: http://digovernance.ncaa.org.

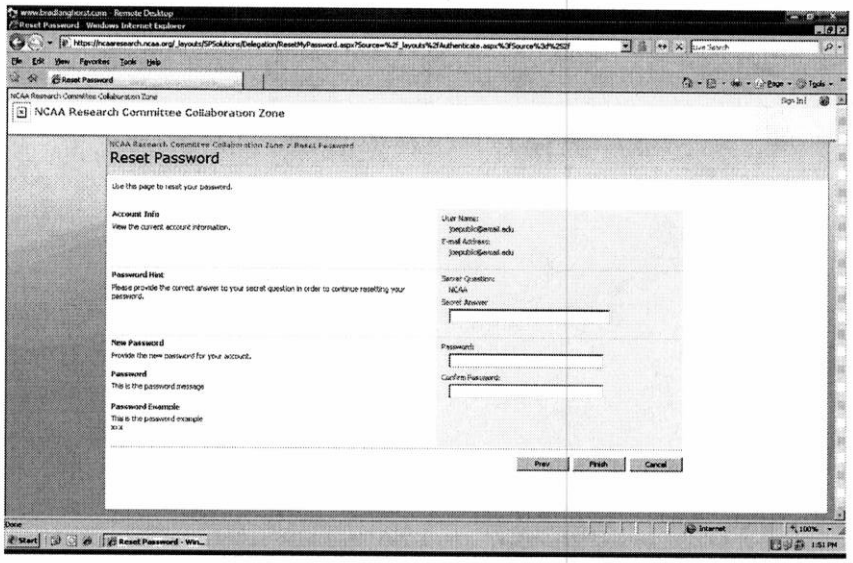
2. You will arrive at the screen below. Please click the "Reset My Password."



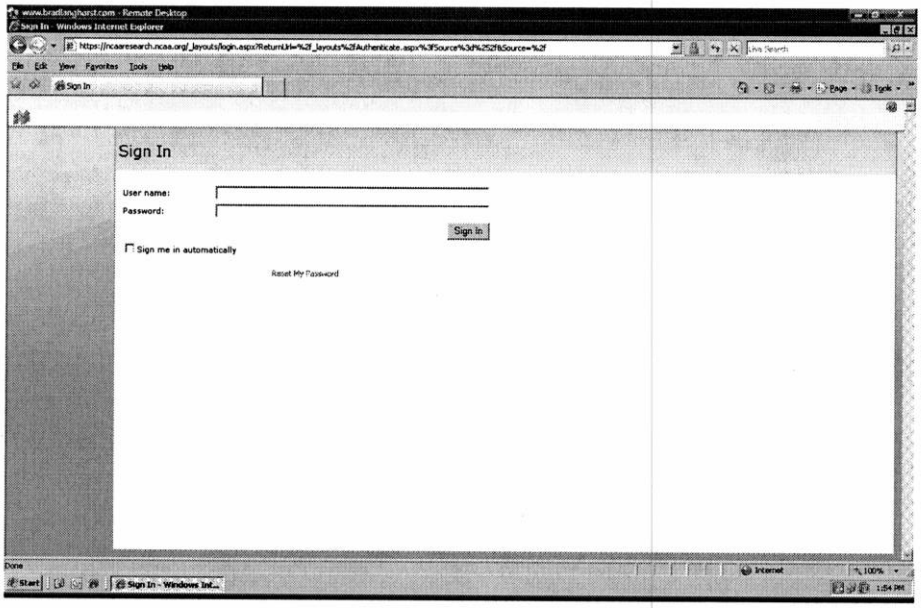
3. At the screen below, enter your email address and click NEXT.



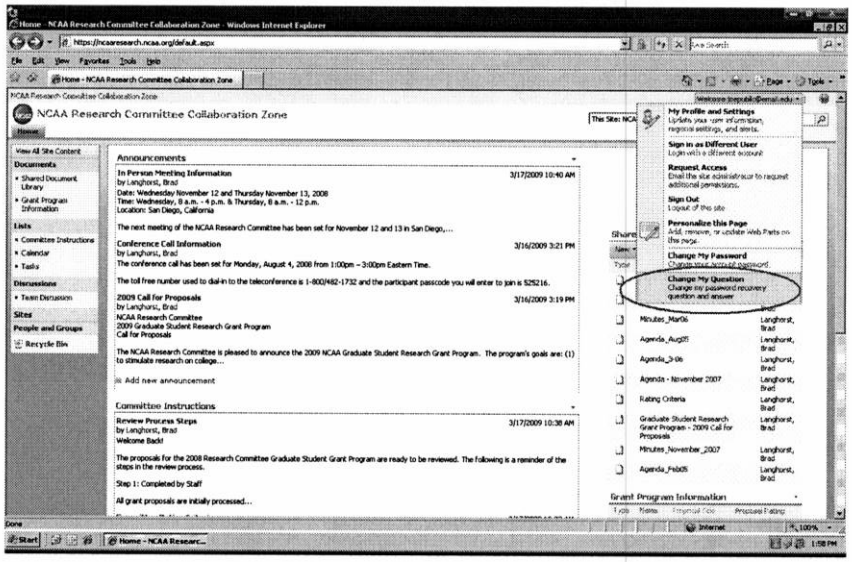
4. At the "Reset Password" screen shown below, enter the following:
   a. Secret Answer: AACN
   b. Password: Enter your desired password. Your password should be at least 6 characters long and contain a number, capital letter, and a non-alphanumeric character. An example would be NC@@2009 (please do not use this as your password).
   c. Confirm Password: Re-enter the password you typed above. Click FINISH.



5. At the screen below, enter your email address and the password you configured in Step 4.



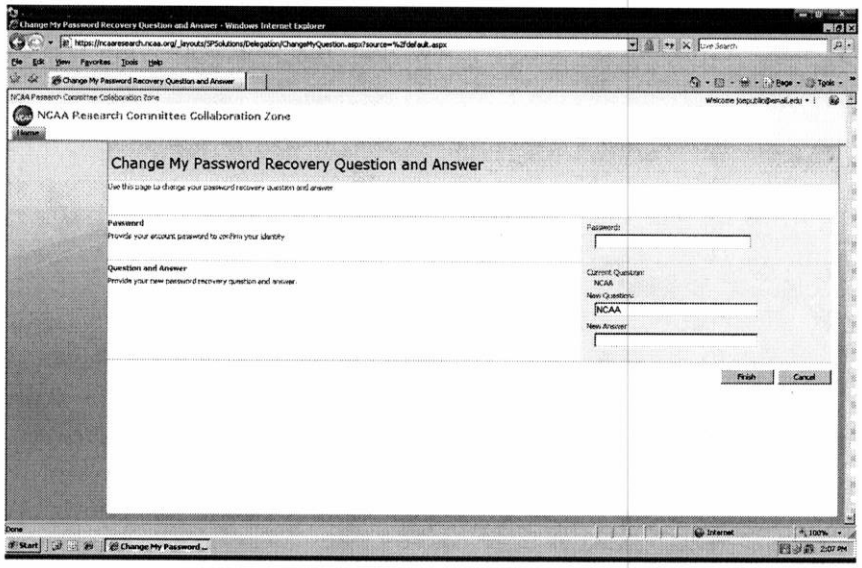
6. Once you have logged in, it is necessary for you to configure a new password secret question.
   a. At your collaboration zone's home page, click the dropdown arrow next to your username, located in the upper right-hand corner of the screen. Select "Change My Question" from the resulting menu.



b. At the screen below, enter your password and select a new secret question and an answer for this question. As illustrated in steps 1 – 4 above, the secret question is needed in order for you to reset your password in the future. As examples, common secret questions are as follows:

   i. What is your mother's maiden name?
   ii. What was the name of your first pet?

Type the question in the "New question" field and the answer in the "New Answer" field and click FINISH. You have changed your secret question.



2010-11 NCAA Division I Proposal Review Chart

Proposal Number	Title	Source	Effective Date	Group Responsible for Review
2010-9	NCAA Membership -- Active or Conference Membership -- Conditions and Obligations of Membership -- Use of a Student-Athlete's Name or Likeness -- Contracts and Commercial Agreements – Written Policies	NCAA Division I Amateurism Cabinet	August 1, 2011	
2010-23	Amateurism -- Amateur Status -- Exception for Payment Based on Team Performance -- Actual and Necessary Expenses -- Sports Other Than Men's Ice Hockey and Skiing	NCAA Division I Amateurism Cabinet	Immediate	Olympic Sports Liaison Committee
2010-26	Amateurism -- Promotional Activities – Use of a Student-Athlete's Name or Likeness	NCAA Division I Amateurism Cabinet	August 1, 2011	
2010-53	Eligibility – Seasons of Competition: Five Year Rule -- Delayed Enrollment -- Seasons of Competition -- Sports Other Than Men's Ice Hockey and Skiing -- Exception -- National/International Competition	NCAA Division I Amateurism Cabinet	August 1. 2011; applicable to student-athletes who initially enroll full time in a collegiate institution on or after August 1, 2011.	Academics Cabinet Olympic Sports Liaison Committee

ATTACHMENT

Proposal No.: 2010-9

Title: NCAA Membership -- Active or Conference Membership -- Conditions and Obligations of Membership -- Use of a Student-Athlete's Name or Likeness -- Contracts and Commercial Agreements – Written Policies

Status: Legislative Council Initial Consideration Process Diagram

Intent: To specify that institutions and conferences shall include language in all licensing, marketing, sponsorship, advertising, broadcast and other commercial agreements that outlines a commercial entity's obligation to comply with NCAA legislation, interpretations and policies on the use of a student-athlete's name or likeness; further, that each institution and conference shall maintain written policies for its licensing, marketing, sponsorship, advertising, broadcast and other commercial agreements, which shall be made available for examination upon request by an NCAA staff member or an authorized representative of the NCAA.

A. Constitution: Amend 3.2.4, as follows:

3.2 ACTIVE MEMBERSHIP

[3.2.1 through 3.2.3 unchanged.]

3.2.4 Conditions and Obligations of Membership.

[3.2.4.1 through 3.2.4.16 unchanged.]

3.2.4.17 Use of a Student-Athlete's Name and Likeness.

3.2.4.17.1 Contracts and Commercial Agreements. For agreements that may involve the use of a student-athlete's name or likeness, an institution shall include language in all licensing, marketing, sponsorship, advertising, broadcast and other commercial agreements that outlines the commercial entity's obligation to comply with relevant NCAA legislation, interpretations and policies on the use of a student-athlete's name or likeness.

3.2.4.17.2 Written Policies. An institution shall maintain written policies for its licensing, marketing, sponsorship, advertising, broadcast and other commercial agreements that may involve the use of a student-athlete's name or likeness. Such policies shall be made available for examination on request by an NCAA staff member or an authorized representative of the NCAA.

B. Constitution: Amend 3.3, as follows:

3.3 MEMBER CONFERENCE

[3.3.1 through 3.3.3 unchanged.]

3.3.4 Conditions and Obligations of Membership.

[3.3.4.1 through 3.3.4.5 unchanged.]

3.3.4.6 Use of a Student-Athlete's Name or Likeness.

3.3.4.6.1 Contracts and Commercial Agreements. For agreements that may involve the use of a student-athlete's name or likeness, a conference shall include language in all licensing, marketing, sponsorship, advertising, broadcast and other commercial agreements that outline the commercial entity's obligation to comply with relevant NCAA legislation, interpretations and policies on the use of a student-athlete's name or likeness.

3.3.4.6.2 Written Policies. A conference shall maintain written policies for its licensing, marketing, sponsorship, advertising, broadcast and other commercial agreements that may involve the use of a student-athlete's name or likeness. Such policies shall be made available for examination on request by an NCAA staff member or an authorized representative of the NCAA.

[Remainder of 3.3 unchanged.]

Source: NCAA Division I Amateurism Cabinet

Effective Date: August 1, 2011

Proposal Category: Amendment

Topical Area: NCAA Membership

Rationale: This proposal is a result of the work of the NCAA Task Force on Commercial Activity in Division I Intercollegiate Athletics. This legislation, in concert with the other concepts put forth by the task force, will help to achieve the balance in intercollegiate athletics that is needed with regard to commercial activities and the use of student-athletes' names and likenesses. The requirements that institutions and conferences maintain contractual language in all commercial agreements and that written policies be established that outline the institution's, the conference's and the corporate entity's obligation to comply with NCAA legislation, interpretations, and policies will help to minimize the potential negative exploitation of student-athletes and their names and likenesses. Further, the availability of an institution's and conference's written policies will allow various groups, including the Amateurism Cabinet, to evaluate trends and to ensure consistency with NCAA legislation, policies, interpretations and best practices among all Division I institutions.

Estimated Budget Impact: Minimal.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

History
Feb 25, 2010: Submit; Submitted for consideration.
Jun 25, 2010: Amateurism Cabinet, Sponsored

Proposal No.: 2010-23

Title: Amateurism -- Amateur Status -- Exception for Payment Based on Team Performance -- Actual and Necessary Expenses -- Sports Other Than Men's Ice Hockey and Skiing

Status: Legislative Council Initial Consideration Process Diagram

Intent: In sports other than men's ice hockey and skiing, to specify that before full-time collegiate enrollment, an individual may accept payment based on his or her team's place finish or performance, or given on an incentive basis (e.g., bonus) from a team, provided the combination of such payments and expenses provided to the individual does not exceed his or her actual and necessary expenses to participate on the team.

Bylaws: Amend 12.1.2.4, as follows:

12.1.2.4 Exceptions to Amateurism Rule.

[12.1.2.4.1 through 12.1.2.4.2 unchanged.]

12.1.2.4.3 Exception for Payment Based on Team Performance Before Full-Time Collegiate Enrollment -- Sports Other Than Men's Ice Hockey and Skiing. In sports other than men's ice hockey and skiing, before full-time collegiate enrollment, an individual may accept payment based on his or her team's place finish or performance, or given on an incentive basis (e.g., bonus) from a team, provided the combination of such payments and expenses provided to the individual does not exceed his or her actual and necessary expenses to participate on the team. The calculation of actual and necessary expenses shall not include the expenses or fees of anyone other than the prospective student-athlete (e.g., coach's fees or expenses, parent's expenses).

[12.1.2.4.3 through 12.1.2.4.13 renumbered as 12.1.2.4.4 through 12.1.2.4.14, unchanged.]

Source: NCAA Division I Amateurism Cabinet

Effective Date: Immediate

Proposal Category: Amendment

Topical Area: Amateurism

Rationale: With the adoption of Proposal No. 2009-22, as of August 1, 2010, in sports other than men's ice hockey and skiing, prospective student-athletes are permitted to accept payment based on performance (e.g., bonuses) from a professional team, provided such payments do not exceed actual and necessary expenses to participate on the professional team. However, Proposal No. 2009-22 did not address whether the same philosophy should apply to prospective student-athletes who participate on nonprofessional teams (e.g., amateur teams and Olympic or national teams). This proposal would extend the concept to teams other than professional teams and permit a prospective student-athlete to accept actual and necessary expenses in the form of payment based on performance from other types of teams. This change is requested as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view are not likely generated and there does not appear to be a significant impact on existing or proposed legislation.

Estimated Budget Impact: None.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

History

Jun 24, 2010: Submit; Submitted for consideration.

Jun 25, 2010: Amateurism Cabinet, Sponsored

Jun 25, 2010: Amateurism Cabinet, Recommends Approval as Noncontroversial Legislation

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Proposal No.: 2010-26

Title: Amateurism -- Promotional Activities – Use of a Student-Athlete's Name or Likeness

Status: Legislative Council Initial Consideration Process Diagram

Intent: To revise the regulations related to use of a student-athlete's name or likeness for promotions, advertisements and media activities, as specified.

A. Bylaws: Amend 12.02, as follows:

12.02 DEFINITIONS AND APPLICATIONS

[12.02.1 unchanged.]

12.02.2 Likeness. Likeness includes an individual's image, photograph, likeness (whether actual, simulated, photographic, computer-generated, rendered, caricature or otherwise), voice (whether speaking, rapping, singing, altered or otherwise), personality, biographical information and/or other personal identification.

12.02.3 Name. Name includes an individual's name, nickname, sobriquet, signature (whether actual, simulated, photographic, computer-generated, rendered, caricature or otherwise) and/or other personal identification.

[12.02.2 through 12.02.5 renumbered as 12.02.4 through 12.02.7]

B. Bylaws: Amend 12.5.1, as follows:

12.5.1 Permissible.

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

(a) The ~~*student-athlete receives written approval to participate from the*~~ **promotional activity must be approved in writing by the institution's** director of athletics (or his or her designee who may not be a coaching staff member), subject to the limitations on participants in such activities as set forth in Bylaw 17;

(b) The student-athlete and an authorized representative of the charitable, educational or nonprofit agency must sign a release statement granting permission to use his or her name, likeness or appearance in a manner consistent with the requirements of this sections;

(~~*b*~~**c**) The ~~*specific*~~ **promotional** activity ~~*or project in which the student-athlete participates does not*~~ **may** involve co-sponsorship, ~~*advertisement or promotion*~~ by a commercial ~~*agency*~~ **entity, as approved by the institution, subject to the following conditions:** ~~*other than through the reproduction of the sponsoring company's officially registered regular trademark or log on printed materials such as pictures, posters or calendars. The company's emblem, name, address*~~

~~*and telephone number may be included with the trademark or logo. Personal names, messages and slogans (other than an officially registered trademark) are prohibited;*~~

(1) The promotion must identify (e.g., via graphics, voice over, text) the commercial entity's affiliation with the institution, conference or noninstitutional charitable, educational or nonprofit agency (e.g., entity is the official sponsor of the institution or event); and

(2) There is no indication in the makeup, wording or action of the co-sponsorship that the student-athlete endorses or is directly promoting the use of a product or service of the commercial entity.

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

(d) The student-athlete ~~*does*~~ **shall** not miss class;

~~*(e) All money's derived from the activity or project go directly to the member institution, member conference or the charitable, educational or nonprofit agency;*~~

(~~*f*~~**e**) The student-athlete may accept actual and necessary expenses from the member institution, member conference or the charitable, educational or nonprofit agency related to participation in such activity; **and**

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

(~~*h*~~**f**) Any commercial items with names, **or** likenesses ~~*or pictures*~~ of multiple student-athletes ~~*(other than highlight films or media guides per Bylaw 12.5.1.7)*~~ may be sold only ~~*at*~~ **by** the member institution at which the student-athlete is enrolled, the institution's conference, institutionally controlled (owned and operated) outlets **or other institutionally authorized entities (subject to Bylaw 12.5.1.4)** or outlets controlled by the charitable, educational or nonprofit organization (e.g., location of the charitable or educational organization, site charitable event during the event). Items that included an individual student-athlete's name, ~~*picture*~~ or likeness (e.g., name on jersey, name or likeness on a bobble-head doll), other than informational items (e.g., media guide, schedule cards, institutional publications), may not be sold~~*; and*~~

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

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

12.5.1.1.2 Promotions Involving Commercial Locations/Sponsors. A member institution, a member conference or a charitable, educational or nonprofit organization may use the appearance, name or ~~*picture*~~ **likeness** of an enrolled student-athlete to promote ~~*generally*~~ its ~~*fundraising*~~ activities at the location of a commercial establishment, ~~*provided the commercial establishment is not*~~ **which may be** a co-sponsor of the ~~*event*~~ **activity, provided** ~~*and*~~ the student-athlete does not **directly** promote the sale of a commercial product **or service** in conjunction with the ~~*fundraising*~~ activity. ~~*A commercial establishment would become a co-sponsor if the commercial establishment either advertises the presence of the student-athlete at the commercial location or is involved directly or indirectly in promoting the activity.*~~

[12.5.1.1.3 through 12.5.1.1.4 unchanged.]

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

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

~~*(b) The advertisement does not included a reproduction of the product with which the business is associated or any other item or description identifying the business or service other than its name or trademark;*~~

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

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

~~*(e) If the student-athlete has received a prize from a commercial sponsor in conjunction with participation in a promotional contest and the advertisement involves the announcement of receipt of the prize, the receipt of the prize is consistent with the provisions of Bylaw 12.5.2.3.3 and official interpretations.*~~

An advertisement or promotion by a commercial entity may include a student-athlete's name or likeness (e.g., competition video footage, competition photographs), provided the following conditions are met;

(a) The advertisement or promotion is approved by the institution's director of athletics (or his or her designee who may not be a coaching staff member);

(b) The student-athlete has signed a release statement granting permission to use his or her name or likeness in a manner consistent with the requirements of this sections;

(c) The student-athlete does not miss class;

(d) The advertisement or promotion identifies (e.g., via graphics, voice over, text) the commercial entity's affiliation with the institution, conference or the NCAA (e.g., entity is the official sponsor of the institution or event);

(e) There is no indication in the makeup, wording or action of the advertisement or promotion that the student-athlete endorses or is directly promoting the use of a product or service of the commercial entity;

(f) If a student-athlete's name is used in the advertisement or promotion, a reference to the student-athlete's institution must be used immediately before or after his or her name; and

(g) The advertisement or promotion does not involve alcoholic beverages, tobacco products or an organization that is involved with or promotes gambling.

12.5.1.4.1 Effect of Violation. A violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, the student-athlete's eligibility shall not be affected.

[12.5.1.5 through 12.5.1.6 unchanged.]

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

~~*(a) The institution specifically designates any agency that is authorized to receive orders for the film, video or media guide;*~~

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

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

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

[12.5.1.8 through 12.5.1.9 renumbered as 12.5.1.7 through 12.5.1.8, unchanged.]

C. Bylaws: Amend 12.5.2, as follows:

12.5.2 Nonpermissible.

12.5.2.1 Advertisement and Promotions Subsequent to Enrollment. After becoming a student-athlete, an individual shall not be eligible for participation in intercollegiate athletics if the individual:

(a) Accepts any remuneration for or permits the use of his or her name or ~~*picture*~~ **likeness** to advertise, recommend or promote ~~*directly*~~ the sale or use of a commercial product or service of any kind, **except as permitted in Bylaws 12.5.1.1 and 12.5.1.4,** or

[Remainder of 12.5.2.1 unchanged.]

12.5.2.2 Use of a Student-Athlete's Name or ~~*Picture*~~ **Likeness** ~~*without Knowledge or Permission*~~. If a student-athlete's name or ~~*picture*~~ **likeness** appears on commercial items (e.g., T-shirts, sweatshirts, serving trays, playing cards, posters) or is used to **advertise or** promote a commercial product **or service** sold by an individual or agency ~~*without the student-athlete's knowledge or permission*~~ **in a manner contrary to the requirements of Bylaw 12.5.1.4**, the student-athlete (or the institution acting on behalf of the student-athlete) is required to take steps to stop such an activity in order to retain his or her eligibility for intercollegiate athletics. Such steps are not required in cases in which a student-athlete's photograph is sold by an individual or agency (e.g., private photographer, news agency)for private use.

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

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

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

[12.5.2.4 unchanged.]

D. Bylaws: Amend 12.5.3, as follows:

12.5.3 Media Activities.

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

~~*(b)* **Outside the Playing Season.** *Outside the playing season, a*~~ **A** student-athlete may participate in media activities (e.g., appearance on radio, television, in films or stage productions or participation in writing projects) when such appearance or participation is related in any way to athletics ability or prestige, provided the student-athlete is eligible academically to represent the institution**,** ~~*and*~~ **he or she** does not receive any remuneration for such appearance or participation **and he or she is not portrayed in a manner as promoting or directly endorsing the sale or use of a commercial product or service**. ~~*The student-athlete may not make any endorsement, expressed or implied, of any commercial product or service.*~~ The student-athlete may, however, receive legitimate and normal expenses directly related to such appearance or participation, provided the source of the expenses is the entity sponsoring the activity. **A student-athlete participating in media activities may not miss class, except for class time missed in conjunction with away-from-home competition or to participate in a conference-sponsored media day.**

12.5.3.1 Use of a Student-Athlete's Name of Likeness by a Media Entity in Conjunction with Coverage of Intercollegiate Competition and Other Activities. A media entity, or its authorized distributor, may include a student-athlete's name or likeness in its coverage and promotion of intercollegiate competition and other activities incidental to his or her participation in intercollegiate athletics, provided the student-athlete is not portrayed in a manner as promoting or directly endorsing the sale or use of a commercial product or service. A media entity may feature a student-athlete's name or likeness in the course of its

journalistic coverage of news (and the promotions of such coverage) related to the student-athlete or his or her institution or conference or the NCAA.

Source: NCAA Division I Amateurism Cabinet

Effective Date: August 1, 2011

Proposal Category: Amendment

Topical Area: Amateurism

Rationale: This proposal is a result of the work of the NCAA Task Force on Commercial Activity in Division I Intercollegiate Athletics. This legislation will help to achieve the balance in intercollegiate athletics that is needed with regard to commercial activities and the use of student-athlete's names or likeness. This proposal was developed in the spirit of balancing the importance of commercial sponsors in maintaining a comprehensive athletics program and the importance of protecting student-athletes from being exploited by commercial entities. This proposal provides an institution, conference or the NCAA flexibility in developing relationships with commercial entities that benefit athletics programs, while maintaining the principle prohibiting commercial exploitation of student-athletes. The Amateurism Cabinet will continue to evaluate and monitor issues related to commercialism and the use of student-athletes' names and likenesses and will continue to make policy or legislative recommendations related to such uses. The NCAA Academic and Membership Affairs staff and the Legislative Review and Interpretations Committee will continue to provide interpretations related to student-athlete amateurism. The governance structure ultimately serves as a check on the consistency of such interpretations.

Estimated Budget Impact: None.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

History

Feb 25, 2010: Submit; Submitted for consideration.

Jun 25, 2010: Amateurism Cabinet, Sponsored

Proposal No.: 2010-53

Title: Eligibility – Seasons of Competition: Five Year Rule -- Delayed Enrollment -- Seasons of Competition -- Sports Other Than Men's Ice Hockey and Skiing -- Exception -- National/International Competition

Status: Legislative Council Initial Consideration Process Diagram

Intent: In sports other than men's ice hockey and skiing, to exempt a prospective student-athlete's participation in organized national/international competition from the application of the delayed enrollment, seasons of competition legislation for a maximum of one year after his or her first opportunity to enroll following the one-year time period after his or her high school graduation date or the graduation date of his or her class, whichever occurs earlier, as specified.

A. Bylaws: Amend 14.2.3.2, as follows:

14.2.3.2 Delayed Enrollment -- Seasons of Competition.

14.2.3.2.1 Sports Other than Men's Ice Hockey and Skiing. In sports other than men's ice hockey and skiing, a student-athlete who does not enroll in a collegiate institution as a full-time student in a regular academic term during a one-year time period after his or her high school graduation date or the graduation date of his or her 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 and based on the prescribed educational path in the student-athlete's country), whichever occurs earlier, shall be subject to the following:

[14.2.3.2.1-(a) through 14.2.3.2.1-(b) unchanged.]

14.2.3.2.1.1 Exception -- National/International Competition. For a maximum of one year after a prospective student-athlete's first opportunity to enroll full time in a collegiate institution following the one-year time period after his or her high school graduation date or the graduation date of his or her class, whichever occurs earlier, participation in the following organized national/international competition is exempt from application of Bylaw 14.2.3.2.1;

(a) Official Olympic Games, Pan American Games, World Championships, World Cup, World University Games competition;

(b) Officially recognized competition from which participants may directly qualify for final tryouts for a national team that will participate in the Olympic Games, Pan American Game, World Championships, World Cup or World University Games and final tryout competition from which participants are selected for such teams; or

(c) Official competition involving a national team sponsored by the appropriate national governing body of the U.S. Olympic Committee (or, for student-athletes representing another nation, the equivalent organization of that nation).

[14.2.3.2.1.1 through 14.2.3.2.1.2 renumbered as 14.2.3.2.1.2 through 14.2.3.2.1.3 unchanged.]

B. Bylaws: Amend 14.2.3.2.1, as follows:

14.2.3.2.1 Matriculation After 20th Birthday -- Tennis. In tennis, a student who is eligible under Bylaw 14.2.3.2, but who participates in organized tennis events after his or her 20th birthday and before full-time enrollment at the certifying institution shall be subject to the following:

[14.2.3.2.1-(a) through 14.2.3.2.1-(b) unchanged.]

14.2.3.2.~~2~~**1.1** Exception -- Olympic Games, Pan American Games, World Championships, World Cup and World University Games Participation. Participation in the Olympic Games, Pan American Games, World Championships, World Cup and World University Games is exempt from application of ~~*Bylaws 14.2.3.2 and*~~ **Bylaw** 14.2.3.2.1.

Source: NCAA Division I Amateurism Cabinet

Effective Date: August 1. 2011; applicable to student-athletes who initially enroll full time in a collegiate institution on or after August 1, 2011.

Proposal Category: Amendment

Topical Area: Eligibility

Rationale: During the review of Proposal No. 2009-22 during the 2009-10 legislative cycle, concerns were raised related to its application to training, tryouts and competition related to national teams and international competition. Currently, the legislation includes an exception that exempts participation in the Olympic Games, Pan American Games, World Championships, World Cup and World University Games, but does not exempt participation in tryout events, competition involving a national team or qualifying competition for such international events. Therefore, if tryout events or qualifying events occur after a prospective student-athlete's first opportunity to enroll, he or she must make a difficult choice related to pursuing the Olympics (or other international competition) and whether to enroll full time in college. This proposal would allow prospective student-athletes to continue with training, tryout competition and qualifying competition without concern about using an intercollegiate season of competition.

Estimated Budget Impact: None.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

History

Jun 24, 2010: Submit; Submitted for consideration.

Jun 25, 2010: Amateurism Cabinet, Sponsored

2010-11 NCAA Division I Proposal Review

Proposal Number	Title	Source	Effective Date	Points to Consider
2010-24	Amateurism – Involvement with Professional Teams -- Professional Basketball Draft – Four-year College Student-athlete – Men's Basketball	Atlantic Coast Conference	August 1, 2011	• Currently must withdraw name by May 8. • Reduces uncertainty as to who will be coming back next year. • Will drive student-athletes to make a decision earlier.
2010-25	Amateurism and Awards, Benefits and Expenses -- Use of Agents -- Benefits, Gifts and Services -- Career Counseling and Internship/Job Placement Services	Big East Conference	Immediate	• Potential competitive advantage. • Promotes student-athlete well-being. • What's wrong with the services not exclusive to student-athletes? • Is the use of athletics ability sport specific? • Currently cannot use student-athlete exclusive services until eligibility is exhausted. • Intent is for the service to not be their agent. • If it is a sports-related position, then use a service not exclusive to student-athletes.
2010-109	Executive Regulations -- Administration of NCAA Championships -- Restricted Advertising and Sponsorship Activities -- Professional Sports Organizations or Teams	NCAA Division I Championships/Sports Management Cabinet	Immediate	• Waiver is currently in effect.

ATTACHMENT

Proposal No.: 2010-24

Title: Amateurism – Involvement with Professional Teams -- Professional Basketball Draft – Four-year College Student-athlete – Men's Basketball

Status: Legislative Council Initial Consideration Process Diagram

Intent: In men's basketball, to specify that the date by which a student-athlete must request that his name be removed from a professional league's draft list in order to retain his eligibility shall be the day before the first day of the spring National Letter of Intent signing period for the applicable year.

Bylaws: Amend 12.2.4.2.1.1, as follows:

12.2.4.2.1.1 Men's Basketball. In men's basketball, an enrolled student-athlete may enter a professional league's draft one time during his collegiate career without jeopardizing eligibility in that sport, provided:

(a) 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 of the year in which the draft will occur*~~ **the day before the first day of the spring National Letter of Intent signing period for the applicable year**;

[12.2.4.2.1.1-(b) through 12.2.4.2.1.1-(c) unchanged.]
Source: Atlantic Coast Conference

Effective Date: August 1, 2011

Proposal Category: Amendment

Topical Area: Amateurism

Rationale: Before the adoption of the current rule, student-athletes had approximately 50 days to decide whether to remain in the draft and tryouts with NBA teams could occur only in the last 20 days. During that period, collegiate head coaches were often in limbo regarding the status of their rosters for the upcoming season. Further, student-athletes typically spent a large part of that time away from campus training for pre-draft workouts, which resulted in academic concerns. The current legislation reduced the problem by setting the withdrawal deadline May 8, which is 40 days earlier than the previous withdrawal deadline but still 22 days after the first day of the National Letter of Intent late signing period for men's basketball in April. This year, NBA teams did not spend money to have workouts with student-athletes until the withdrawal deadline passed. By moving the withdrawal deadline, coaches will have flexibility to address roster issues at the beginning of the spring signing period while viable prospects are still available. Evaluations by professional scouts and others during preseason practices, regular season games and postseason games should provide student-athletes with adequate information to credibly determine NBA draft status.

Estimated Budget Impact: None.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

History
Jul 14, 2010: Submit; Submitted for consideration.

Proposal No.: 2010-25

Title: Amateurism and Awards, Benefits and Expenses -- Use of Agents -- Benefits, Gifts and Services -- Career Counseling and Internship/Job Placement Services

Status: Legislative Council Initial Consideration Process Diagram

Intent: To permit a student-athlete to use career counseling and internship/job placement services available exclusively to student-athletes, provided the student-athlete is not placed in a position in which the student-athlete uses his or her athletics ability.

A. **Bylaws:** Amend 12.3, as follows:

12.3 USE OF AGENTS

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

[12.3.1.1 through 12.3.1.2 unchanged.]

12.3.1.3 Exception -- Career Counseling and Internship/Job Placement Services. A student-athlete may use career counseling and internship/job placement services available exclusively to student-athletes, provided the student-athlete is not placed in a position in which the student-athlete uses his or her athletics ability.

[Remainder of 12.3 unchanged.]

B. Bylaws: Amend 16.11, as follows:

16.11 BENEFITS, GIFTS AND SERVICES

16.11.1 Permissible.

16.11.1.1 General Rule. Receipt of a benefit (including otherwise prohibited extra benefits per Bylaw 16.11.2) by student-athletes, their relatives or friends is not a violation of NCAA rules if it is demonstrated that the same benefit is generally available to the institution's students and their relatives or friends.

[16.11.1.2 through 16.11.1.14 unchanged.]

16.11.1.15 Career Counseling and Internship/Job Placement Services. A student-athlete may use career counseling and internship/job placement services available exclusively to student-athletes, provided the student-athlete is not placed in a position in which the student-athlete uses his or her athletics ability.

Source: Big East Conference

Effective Date: Immediate

Proposal Category: Amendment

Topical Area: Amateurism

Rationale: There are many companies willing to provide job placement services exclusively to student-athletes. Such companies could help to provide a career advantage to student-athletes by assisting them in finding internships and employment. Current legislation and interpretations do not allow student-athletes to benefit from the services that are exclusive to student-athletes until after their eligibility has been exhausted. Many student-athletes are disadvantaged by the legislation, and particularly senior students-athletes in spring sports who have playing seasons that end in May and June. This proposal would allow student-athletes to work with all job placement companies before exhausting their eligibility as long as the internship/job in which the student-athlete is placed does not involve the use of the student-athlete's athletics ability.

Estimated Budget Impact: None.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

History
Jun 25, 2010: Submit; Submitted for consideration.

Proposal No.: 2010-109

Title: Executive Regulations -- Administration of NCAA Championships -- Restricted Advertising and Sponsorship Activities -- Professional Sports Organizations or Teams

Status: Legislative Council Initial Consideration Process Diagram

Intent: To eliminate the prohibition on sponsorship of NCAA championship activities or promotions by professional sports organizations or teams.

A. Bylaws: Amend 12.6.1.1, as follows:

12.6.1.1 To Intercollegiate Event. A professional sports organization may not serve as a financial sponsor of intercollegiate competition**, other than NCAA championship competition**. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the student-athlete's eligibility.

[12.6.1.1.1 unchanged.]

B. Administrative: Amend 31.1.14, as follows:

31.1.14 Restricted Advertising and Sponsorship Activities. The following activities are restricted when they occur in conjunction with NCAA championships. Other restrictions are set forth in the championships handbooks.

31.1.14.1 Advertising. Advertising policies of the Association are designed to exclude those advertisements that do not appear to be in the best interests of higher education. The NCAA president shall have the authority to rule in cases where doubt exists concerning acceptable advertisers and advertising copy of game programs, broadcasts and telecasts of NCAA championships; however, the following expressly are prohibited:

[31.1.14.1-(a), unchanged.]

(b) Cigarettes and other tobacco products; **and**

~~*(c) Professional sports organizations or personnel (except as specified in the championships handbooks) in games other than licensed postseason football games; and*~~

[31.1.14.1-(d) relettered as 31.1.14.1-(c) , unchanged.]

[31.1.14.1.1 unchanged.]

31.1.14.1.2 Sponsorships. A championships activity or promotion may not be sponsored by liquor, tobacco, beer or wine companies ~~*or by professional sports organizations or teams*~~ at any time.

Source: NCAA Division I Championships/Sports Management Cabinet

Effective Date: Immediate

Proposal Category: Amendment

Topical Area: Executive Regulations

Rationale: Current NCAA regulations specify that a championships activity or promotion may not be sponsored by professional sports organizations or teams at any time. This regulation can limit the opportunities for the NCAA staff and/or local organizing committee, host institution and/or conference that administers a championship event in promoting the NCAA championship or related activities. Professional sports teams have been interested in advertising the NCAA championship through their promotional channels (e.g., e-mail to season-ticket holders, team website, newsletters), during their contests (e.g., public address announcements, video/message boards, promotional booth) or with their media partners. The NCAA president authorized a waiver for the 2009-10 and 2010-11 academic years to permit the NCAA staff, local organizing committees, host institutions and/or conferences to partner with professional sports organizations to promote championships in all sports other than football and men's basketball. This change would permit the NCAA staff responsible for administering championship activities and promotions to make judgments about the appropriate involvement of professional sports organizations. Partnering with professional sports organizations can help to increase exposure and fan interest for NCAA championships without compromising the Association's principle of amateurism.

Estimated Budget Impact: None.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

History

Jun 01, 2010: Submit; Submitted for consideration.

Jun 16, 2010: Championships/Sports Management Cabinet, Sponsored

Revisit - Proposal 2009-22

With the adoption of NCAA Proposal No. 2009-22, staff reviewed NCAA Bylaw 12 to determine if other bylaws were meant to be impacted by the legislative change. Proposal No. 2009-22 makes determining eligibility more equitable by basing the decision on circumstances related to an individual prospective student-athlete, as opposed to his or her teammates. An institution is no longer required to determine if a prospective student-athletes' teammates received remuneration above actual and necessary expenses or whether a team is considered professional. The focus is on the individual prospective student-athlete's specific circumstances and whether they received more than actual and necessary expenses for participation on a team.

The following bylaws were identified for further review by the cabinet:

1. **Bylaw 12.1.2.1.3.1 – Educational Expenses or Services**

   - Points to consider:

     a. Specific legislation already exists addressing the permissibility of educational expenses.

     b. Educational expenses are not considered an actual and necessary expense under Bylaw 12.02.4-(a).

     c. Currently, it is permissible for outside amateur teams to provide educational expenses.

     d. Safeguards in place related to how the expense or service is dispersed.

2. **Bylaw 12.1.2-(a) and (d) – General Training Expenses**

   - Points to consider:

     a. Current legislation does not permit an amateur team to provide general training expenses (unless it is associated with competition).

     b. The only legislated exception exists for the United States Olympic Committee (USOC) or appropriate National Governing Body (NGB) under very specific circumstances.

     c. How would you view a "scholarship" or stipend to be used for general training (unrelated to practice or compensation with that team or league) provided to an individual that is tied to his or her athletic ability?

3. **Bylaw 12.1.2.4.9 – Camp or Academy Sponsored by a Professional Sports Organization**

   - Points to consider:

     a. Does the structure of the camps or academies need to be discussed?

b. The intent of the professional camp legislation was to expose a sport to individuals who might not otherwise have an opportunity to participate in the sport (e.g., inner city, at-risk). Along with instruction, individuals must receive an educational component.

c. If individuals, prior to collegiate enrollment, are permitted to receive expenses associated with practice and competition on a professional team, should the legislation be extended to camps (that are not in conjunction with practice and competition) that are organized by professional teams and leagues?

d. Remove entire professional camp legislation versus remove the age requirement.

4. <u>Bylaw 12.1.2 – Amateur Status</u>

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

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

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

c. Signs a contract or commitment of any kind to play professional athletics, regardless of its legal enforceability or any consideration received, except as permitted in Bylaw 12.2.5.1; *(Revised: 4/29/10 effective 8/1/10)*

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

e. Competes on any professional athletics team per Bylaw 12.02.4, even if no pay or remuneration for expenses was received, except as permitted in Bylaw 12.2.3.2.1; *(Revised: 4/25/02 effective 8/1/02, 4/29/10 effective 8/1/10)*

f. After initial full-time collegiate enrollment, enters into a professional draft (see Bylaw 12.2.4); or *(Revised: 4/25/02 effective 8/1/02, 4/24/03 effective 8/1/03 for student-athletes entering a collegiate institution on or after 8/1/03)*

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

5. **Bylaw 12.1.2.1.3.1 – Educational Expenses or Services – Prior to Collegiate Enrollment**

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

6. **Bylaw 12.1.2.4.6 – Exception for Training Expenses**

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

7. **Bylaw 12.1.2.4.9 – Exception for Camp or Academy Sponsored by a Professional Sports Organization**

   An individual may receive actual and necessary expenses from a professional sports organization to attend an academy, camp or clinic, provided: *(Adopted: 1/10/95, Revised: 11/1/01 effective 8/1/02)*

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

   b. No camp participant is above the age of 15;

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

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

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

NCAA Division I Amateurism Cabinet

Feedback Form - Earmarking Fundraised Dollars for Prospective Student-Athletes Discussion Document

Concept for Possible Legislative Change:

Permit prospective student-athletes to accept up to actual and necessary expenses associated with athletics competition or practice immediately preceding competition from someone other than an agent, member institution or a representative of an institution's athletics interests.

DIVISION	CATEGORIES		ALTERNATIVE CONCEPTS / ADDITIONAL COMMENTS:	COMMENTS:
	YES	NO		
D I-FBS	X		What about allowing donations to an organization earmarked for a specific PSA but actually made to the organization rather than the PSA? This would also allow donations that were larger than actual and necessary expenses to be distributed by the organization to other PSAs that may not have raised as much money on their own.	How will this be tracked and documented?
D I-FBS	X		Explore also opening it up to reps of athletics interests only if lives in the locale of the PSA (something along the lines of 13.15.1.2.1) and the funds are solicited by the PSA and rep does not initiate. Maybe if the PSA signed with/enrolled at that booster's institution then they would be subject to repaying amount? Concern is just with determining just who is/isn't a booster and the PSA determining who is/isn't pursuant to NCAA definition is likely to not occur.	(1) We'd also support more flexibility in the rule for non-NCAA Transfers and/or current NCAA SA's. (2) Does the current concept limit to an "individual" opposed to an organization/commercial entity?
D I-FCS	X		N/A	N/A
D I-FBS	X		N/A	Would you consider a donation limit? I think for the most part these are prospective students asking their friends and neighbors. However, I am concerned that someone might be willing to augment a donation in the hope of securing a PSA. If we limit the donation request (i.e., $200 or less) it could potentially eliminate an inappropriately large donation.
D I-FBS	X		N/A	(1) I support providing a more flexible approach and allowing PSA's to accept monies from outside course (individuals or organizations) as long as the person is not a booster, agent or pro team. The booster prohibition is challenging because there are some instances where I don't mind a booster donation to fund a PSA's expenses (e.g., booster donates $5 at a community fundraising event, versus booster donating $500 to bankroll a PSA's trip). I don't know how this distinction would be presented in legislation. (2) I like limiting the expenses to practice and competition. General training seems like it creates the opportunity to provide support for a PSA over a longer period of time as a way to influence the PSA's choice of schools in an impermissible manner. (3) Limit the expenses to actual and necessary expenses (4) I would not exclude any sports. (5) At first glance, I'd apply the same rule to PSA and SA's, but I'd be open to looking at more flexible
------	X		N/A	I concur with the "spirit" of the reasoning behind deregulation in this area. I don't necessarily think that elite athletes will be the primary group of PSA's that will benefit. Simply allowing a PSA to receive funds from an aunt, uncle, grandparent, long-time established family friend is the right thing to do - particularly if it means the PSA otherwise would not be able to participate in such activities. Education of these guidelines will be key.

NCAA Division I Amateurism Cabinet

DIVISION	CATEGORIES YES	CATEGORIES NO	ALTERNATIVE CONCEPTS / ADDITIONAL COMMENTS:	COMMENTS:
D I-FBS		X	N/A	I would prefer that these cases continue to be reviewed by the NCAA on a case by case basis. I think opening this up can lead to abuse and potential inequity with elite athletes.
------	X		N/A	Overall, we are supportive of the concept for possible legislative change, but strongly believe that some sources should remain prohibited from providing expenses to a PSA (e.g., agents, boosters, professional teams). Allowing some flexibility is in the best interest of the PSA's, who are often innocently unaware of the ramifications these situations may have on collegiate eligibility.
D I-FBS	X		The NCAA has already supported variations of this issue: see Bylaws 12.1.2.4.10, 12.1.2.1.3.1, and the pre-existing relationship interpretation (6/6/2000 official, item 4). Allowing for such fundraising is another way to show that NCAA rules are not irrational or unreasonable. Other than precluding funds coming from agents, I would add variations on Bylaw 12.1.2.4.10-(b) and (c).	I support this concept, albeit with this reservation: If the booster lives in the PSA's community or has a pre-existing relationship with the PSA or PSA's parents, then I believe the booster should be allowed to help support a PSA's actual and necessary expenses prior to initially enrolling full-time at a two- or four-year institution.
-----	X		N/A	(1) Generally, I'm supportive of the concept. And my opinion doesn't necessarily reflect the position of the PAC-10. (2) We may need to consider some expansion/definition of the term "agent" to include marketing managers, financial advisors, etc.
D I-FBS	X		You need to take into account a student-athlete's responsibility to document the expenses incurred.	I support the concept. As noted, the influence of agents and boosters has to be taken into consideration. I would not support raising funds for "general training." General training leaves too much ambiguity to define the amount of expenses.
D I-FBS	X		N/A	(1) I support the concept for both individual and team sports. I do not think expenses should be extended for general training, only competition and immediately preceding practices. (2) I would also support parameters put into place to help avoid abuses by those who want benefit/gain because they helped a prospect.
D I-FBS	X		N/A	I am interested in further discussion on this topic, but not yet completely sold on a change in the legislation. Further consideration is appropriate at this time.
D I-FBS	X		N/A	(1) As long as it does not exceed actual and necessary expenses and is not provided by an agent, booster, or institutional staff member, it seems consistent with other NCAA amateurism legislation. I think it is better to limit it to actual and necessary expenses instead of putting a specific dollar limit on it. Funding from outside sources? I initially thought it might be better to only allow donations from individuals/organizations into he prospect's home community, but that is in the legislation to make it clear that there may not be any duplication of expenses -- so if a prospect's team is covering all of the prospect's actual and necessary expenses, the prospect may not accept any additional

NCAA Division I Amateurism Cabinet

DIVISION	CATEGORIES		ALTERNATIVE CONCEPTS / ADDITIONAL COMMENTS:	COMMENTS:
	YES	NO		
D I-FBS	X		My thought would be to exclude men's basketball (or maybe both basketballs) from the proposal. I doubt there are many, if any, abuses in other sports so the legislative change seems to make sense. In basketball, there are likely many potential abuses and this would open the door further in that sport.	N/A
D I-FBS	X		As long as expenses are less than actual and necessary, let PSA's accept them. Focus on the sources providing these expenses; is it a booster, was a staff member involved, agent, individual associated with an agent, individual who stands to profit off the PSA in the future? I don't think it violates the spirit of amateurism if someone want to help a kid develop athletically. The fact of the matter is, many kids come to NCAA member institutions to develop athletically. Why punish them for seeking additional resources to do so prior to arriving on campus, and prior to formally learning the NCAA's rules on amateurism. I wouldn't limit this rule to team sports - individual sports should be allowed expenses as well. The NCAA is supposedly student-athlete friendly. Why not adopt rules that are friendly to a student's athletic development prior to arriving at member institution?	I would support legislative option 2. Current legislation penalizes PSA's who honestly report expenses received more heavily than those who lie or cover up the receipt of expenses. Additionally, the payment of expenses is so pervasive, the NCAA risks cannibalizing its own product. Making kids pay money back who could not afford to attend these events in the first place isn't a great option. I look at the list of scenarios cited and don't get a lot of heartburn over any particular scenario. Focus resources on vetting the sources of funding.
D I-FBS	X		N/A	N/A
D I-FBS	X		Point number two listed on the Items to Consider list is key. Agents, boosters and professional teams should definitely not be permitted to provide expenses to a PSA. Additionally limiting the purpose of the expenses would help cut down on potential abuses as well. If a PSA knows that he/she will have to provide proof of expenses, that may deter him/her from taking funding for personal gain.	Allowing PSA's to accept funding up to actual and necessary expenses from outside sources for the purpose of athletics competition will increase the opportunities for those who may not have otherwise been able to participate We are currently punishing those PSA's who are economically challenged. Requiring records of actual and necessary expenses may cut down on the potential abuse.
D I-FBS	X		Missouri proposes that prospects, transfers, and current student-athletes be able to accept up to actual and necessary expenses for general training purposes (not just practicing preceding competition). Missouri also believes the legislations should be broadened to include funding from all outside sources except agents and the member institution. The new legislation should not apply to men's basketball and should not distinguish between team/individual sports.	(1) While Missouri generally supports the concept for legislative change, the institution would prefer new legislation that is more broad than what is listed above. (2) Because of the recent changes implemented in the sport of men's basketball, Missouri believes that it is the only sport which should be excluded from any new changes to amateurism legislation. The Basketball Focus Group should have the opportunity to evaluate the impact of this type of change in light of the current climate of sport.
------	X		I support the general idea. However, I favor creating a bylaw that makes an exception to the general rule allowing fundraising by prospects. The exception should include language that such fundraisers should be initiated by the prospects. Further, agents, people associated with agents, and professional teams may not donate. I'm okay with boosters donating as often prospects fundraise in the community they live in and end up going to local colleges.	I feel the same exception should be available for student-athletes. Individual institutions can monitor the donations for such expenses.

NCAA Division I Amateurism Cabinet

DIVISION	CATEGORIES YES	CATEGORIES NO	ALTERNATIVE CONCEPTS / ADDITIONAL COMMENTS:	COMMENTS:
D I-FBS	X		N/A	I would support a more flexible approach to these rules, and I support the approach the Cabinet is considering (and the parameters suggested). The truth of the matter is that there are thousands of prospects doing this. Only a very small minority even get caught up in the system for it. Yes, there could be abuses, but 99% of these situations are innocent and consistent with the principle of amateurism.
Varies	X		We do support the concept, but are concerned that the devil is in the details so to speak. First, it will place an extra burden on the institution to figure out who is donating the money (each dollar) as opposed to a yes or a no question about whether they got funds from an outside source. Since PSAs may cover their expenses through prize money it seems equitable to allow them to cover expenses through fundraising, but only through legitimate fundraising that is not connected to any of the above or any institution in any way.	What about fundraising for current SAs? Will the standards change upon enrollment? This has been much more of an issue recently among our institutions. There are a number of elite events which institutions are choosing not to provide expenses for and SAs are forced to find the funds elsewhere. Also, the role that the institution plays in aiding SA or PSA with fundraising could become an issue if the details of the legislation are not crafted carefully and if the legislation becomes more permissive.
D I-FBS	X		This is an issue which has affected a couple student-athletes here in the last few years - one specifically who had to repay the the value of a flight, which was provided to him by his club team after winnings were earmarked for his use, and another who initally had some concerns over Quest for Gold money. Given the economic times and the nature of fundraising by these teams, we both suport the option for a more flexible approach and any proposed legistation which might move forward.	Our only concerns would be: (1) While boosters should not necessarily be prohibited from donating to these ventures, we'd like to see some sort of limit as to the geographic area in which they live, in order to prevent donations to any prospets being recruited by a specific institution. This would allow boosters of any school to donate locally, but not to cherry pick the prospects they wanted to influence. (2) A possible high-end dollar limit might be applicable here. The SAR staff has indicated that no withholding is appropriate for amounts less than $3,500.00 - which seems to be an accurate reflection of the expenses related to some of these elite international competitions. Some sports may need to raise even more to cover costs, but the idea would be to place some restriction on teh total amount each prospect could fundraise each year (or even over a career).

	YES	NO
TOTAL	21	1

****Side note:** There were a few "yes" responses that indicated their response with a stipulation of tweaking to the proposed concept. See "Comments" and "Additional Comments" for further information.

Amateurism Cabinet – Earmarked Fundraising Case Examples

Example No. 1

- Domestic track and field prospective student-athlete (PSA) qualifies for national Junior Olympic Championships the summer after freshman year in high school.
- PSA solicited and received $800 in funding from a local dentist to help defray costs associated with competing in the Junior Olympic Championships.
- PSA qualified for and competed in the Junior Olympic Championships as an individual (without team affiliation).

Example No. 2

- Domestic softball PSA received a fee waiver from Eligibility Center registration based on financial need criteria.
- PSA's summer team qualified for national softball tournament between PSA's sophomore and junior years in high school.
- Summer team was unable to cover travel costs for team members to participate in eight-day tournament.
- PSA fundraised a total of $1,650 from three local businesses/individuals ($1,000 from a local dealership, $450 from a local auto parts store, $200 from a friend of the family) to help defray personal costs associated with participating in the tournament.

Example No. 3

- Domestic wrestling PSA qualified for annual national tournament in Fargo during summer following junior year in high school.
- PSA was able to fundraise a total of $1,200 ($900 from a local printing company where PSA worked, $300 from PSA's father's boss) to help defray personal costs associated with participating in the Fargo event.
- PSA qualified for and competed in the Fargo event as an individual (without team affiliation).

Example No. 4

- Cross-country PSA from New Zealand qualified for the IAAF World Cross Country Championships in Poland while a senior in high school.
- Since the New Zealand Athletics Federation does not financially support athletes for that particular event, PSA and her family had to cover the $5,000 in expenses to travel and compete in the event.
- PSA's parents were able to contribute $1,625. The remainder of the funding was fundraised from three different sources ($1,000 from a local real estate company, $1,500 from a local Rotary and Lions club and $875 from a fundraiseonline.com website that PSA set up specifically for this event).

Example No. 5

- Field hockey PSA from Ireland was recruited and admitted to a DI institution, although she would not be on athletics aid.
- The pub in Ireland where PSA was employed the summer prior to her leaving for America began accepting donations in a large glass jar to assist PSA with her expenses related to attending college in America.
- PSA was provided $1,400 from the "glass jar" donations just prior to her leaving.

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VIA ELECTRONIC MAIL

MEMORANDUM

August 17, 2010

TO: NCAA Division I Baseball Committee Members.

FROM: Tim Weiser
Division I Baseball Committee, chair.

Dennis Poppe
Vice President for Baseball and Football.

SUBJECT: July committee meeting follow-up and next conference call.

We had a very productive meeting last month, with excellent dialogue on a number of important topics. Below is an update on three items discussed at the meeting that we wanted to inform you of in advance of our next meeting in November.

3. **Agents/Advisors Discussion.** There was good, open discussion about issues related to agents and advisors in pre-collegiate and college baseball during our committee meeting. The nature of these discussions has been shared internally at the NCAA national office. As you know, the issue is complicated and has implications beyond the sport of baseball. Nevertheless, we will make sure the NCAA Amateurism Cabinet is informed of the baseball committee's discussion and continue to explore opportunities to engage our membership and those in the governance structure on this topic.

DLP/DJL:kg

cc: Baseball Issues Subcommittee
Selected NCAA Staff Members

PROFESSIONAL LEAGUES DRAFT COMPARISON

	NBA	NFL	MLB	NHL	MLS	WNBA
Professional league eligibility requirements for draft.	Player must be at least 19 years old; and must be one year removed from high school graduation (if not an international player).	Player must be at least three years removed from high school.	High school players who have graduated high school and not yet attended college; and four-year college players who have either completed their junior or senior years or are at least 21 years old.	All players age 18 or older are eligible except: players on the reserve list of a club; players who have been claimed in two prior Entry Drafts; and players who have previously played in the NHL and became a free agent.	NCAA student-athletes who have exhausted their eligibility, unless that student-athlete has chosen to be a part of Generation Adidas.	An individual 22 years old; a graduate from a four-year university; or an individual who has attended a four-year university who either has no remaining intercollegiate eligibility or renounces her remaining intercollegiate eligibility by written notice to the WNBA at least 10 days prior to such draft.
Draft application deadline.	The fourth week of April.	January 15.	Does not require a student-athlete to affirmatively declare his intentions to enter the draft.	None.	None.	None.
Draft withdrawal deadline.	The second week of June.	72 hours after early-entry deadline (midnight January 18).	Any drafted player with remaining collegiate eligibility that does not sign a contract with the MLB team that has drafted him prior to midnight (Eastern time) on August 15 will be placed back into the draft pool for the next year's draft.	None.	None.	None.

PROFESSIONAL LEAGUES DRAFT COMPARISON

	NBA	NFL	MLB	NHL	MLS	WNBA
NCAA draft rule.	Must withdraw from draft by May 8 to remain eligible to compete in intercollegiate athletics.	None.	You may be drafted during your collegiate career without jeopardizing your eligibility.	None.	None.	None.
Approximate date of draft.	Around June 24.	Around April 22 to 24.	Around June 7 to 9.	Around June 25 to 26.	Around January 14.	Around April 8.
Approximate date of combine/ workouts.	NBA teams can conduct or attend workouts with early-entry players around April 29. NBA Draft Combine around May 19 to 23.	Around February 23 to March 1.	None.	Around May 24 to 29.	Around January 8 to 13.	None.
Is there an Advisory Committee?	Yes.	Yes.	No.	No.	No.	No.

In the sports of ice hockey and soccer, many student-athletes choose to enter into an international draft. In ice hockey specifically, many student-athletes enter into the Canadian draft.

The National Collegiate Athletic Association
September 16, 2010 RNB/MR:esb

NCAA New Meeting Policies
Effective September 1, 2010

Checked Luggage Fees.

Effective September 1, the NCAA will begin paying bag fees for committee travel. Previously the bag fee for the first checked bag was not reimbursed separately but was considered part of the $75 per diem. Since this policy was adopted some airlines have raised the price for the first checked bag to as high as $30 each way.

Therefore, beginning September 1, the NCAA will pay for one checked bag for each committee member for trips less than five days. If the trip is five days or more, the NCAA will pay for two checked bags. The NCAA will not pay oversize or overweight charges. Committee members may begin including bag fees on their expense reports. The fee should be included as a miscellaneous expense, choosing Checked Baggage Fee as the expense type. Committee members do not need to send receipts for these charges.

The NCAA requests travelers be as fiscally prudent as possible and check as few bags as possible.

Breakfast.

Effective immediately, the NCAA will no longer provide breakfast to committees who have sleeping rooms at the Fairfield Inn or Springhill Suites across the street. Both of these properties include an extended continental breakfast buffet for all of their guests, which include hot items in addition to bagels, pastries, etc. The NCAA will continue to provide beverages such as soft drinks, coffee, tea, etc., for morning meetings.

Panel Part IV: A less costly process discussed for draft

Updated 3h 26m ago

By Bob Nightengale, USA TODAY

Scott Boras, chided for bonus demands for amateur clients, says the Major League Baseball draft needs restructuring. "In this system, everybody thinks this is about money. No, this is about saving money. It allows for less mistakes," he says.

By Jason M. Millstein for USA TODAY

SCOTTSDALE, Ariz. — Agent Scott Boras is the man baseball loves to hate. It's not enough that he's blamed for baseball's escalating salary structure, but he's considered in some quarters almost personally responsible for ruining Major League Baseball's amateur draft with outrageous bonus demands for amateur clients.

The draft was designed to provide baseball's greatest amateur talent to its worst teams, but often the best player is bypassed by cellar dwellers for financial reasons.

The Washington Nationals might have reveled in No. 1 pick Stephen Strasburg's dazzling debut Tuesday, but seven months ago there was the daunting prospect they couldn't afford him.

"If we had the same rules as the NBA and NFL," Detroit Tigers broadcaster Rod Allen says, "the Washington Nationals could have either taken Strasburg or traded down. They could have gotten a couple of players who already are in the big leagues or prospects.

"But the way it's set up now, they had no choice."

Strasburg, represented by Boras, signed a four-year, $15.1 million contract, the richest in draft history, minutes before the Nationals lost the rights to negotiate with him.

And yet three months later Strasburg's contract was dwarfed by a pitcher not subject to the draft. Cuban defector Ardolis Chapman signed a $30 million contract with the Cincinnati Reds.

"There's no question," Boras says, "the draft needs to be completely redone. It's not working."

Major League Baseball can't agree more. But the $7 billion industry question is, how can it be changed? There has been talk of a hard slotting system similar to the NBA's or an international draft.

•The elite players in the draft, a consensus top 40 chosen by scouting directors, would be granted free agency, just like the international players. There would be no worldwide draft, but the disparity between American and foreign players would be greatly narrowed.

•The rest of the players would go into two eight-round drafts — one for collegiate players, one for high school players. The worst team would get the No. 1 collegian and the No. 1 high schooler. Players drafted would not receive a signing bonus but a three-year contract for $30,000 a season. If clubs want to retain the player after three years, they would pay $150,000 for the following season and $250,000 apiece for

the next two years.

•The players who aren't drafted can either go to college or enter a developmental league for 60 days, giving every team another chance to sign them. If not selected, the players would get the message that pro baseball might not be in their immediate future.

"This system allows us to make less mistakes," Boras says. "It allows players the opportunity to get a qualified amount of money to play baseball and allows the elite players to be separated and treated the same as the international player."

"It's a whole different level of thinking," Milwaukee Brewers pitcher LaTroy Hawkins says. "I love it."

The idea is to ensure that only the truly elite players are drafted. There would be college scholarships awaiting those who don't make it. And fewer kids would be deceived about their chances of being a big-leaguer.

"In this system, everybody thinks this is about money," Boras says. "No, this is about saving money. It allows for less mistakes. It's about not seeing kids get hurt.

"They're drafting kids and taking them out of college. They're saying, 'You have a chance to play pro baseball,' when truthfully they don't. Right now, 98% of the kids that are signed are later released. Let's stop sending false messages that players drafted in rounds nine through 50 are going to be in the major leagues.

"We're spending 45% of our money on players drafted after the fifth round. Owners say our draft

budget went from $5 million to $9 million because of you. I tell them, 'No, the $5 million you spent (on one player) was right. The other $4 million you just wasted.' "

Improving scouts' efficiency

The committee also says this system would increase the efficiency of the top amateur scouts.

"Given the system now," Chicago Cubs special assistant Gary Hughes says, "I didn't see all of our guys. Or even close. Maybe 10%. So you better have good scouts. There are guys that won't draft a player unless they've seen them. And shame on them."

Says Boras: "The problem with the draft is that the man who best knows the commodity is completely removed. When a guy with the experience of someone like Gary only sees 10% of the guys they sign, something is wrong. With this, you'll have more eyes on fewer guys."

Every player drafted will also be provided money for college costs. This provides a safety net for players who fail to reach the big leagues and benefits baseball in its efforts to persuade athletes to avoid other sports.

"I know if I hadn't made it to the majors," Los Angeles Angels center fielder Torii Hunter says, "I'd be 28, 29, with no work experience. I'd be fortunate to make $30,000 a year because that's the only thing I know.

Sports Illustrated

George Dohrmann

September 16, 2010

"Under-the-radar 'freelancers' a main source of college corruption

Imagine you are an investigator in the NCAA's Agent, Gambling and Amateurism division and you stumble upon O-D Life, a company based in Myrtle Beach, S.C., that claims on its Web site to offer "exclusive client management" to athletes.

The company is operated by **Matt Whittier** and appears to be a one-stop concierge business for professional athletes. Among the services that O-D Life claims to offer: "Business Management & Development," "Wealth Management," "High-Profile Investments," "Public Relations & Marketing Services," "NFL Rules Advisement" and "Family & Substance Abuse Counseling."

Whittier is neither a lawyer, nor a registered financial advisor, nor a counselor. He does help operate Offense-Defense Sports, or O-D Sports, which runs youth football camps all over the country. That gives Whittier access to some of the nation's best talents at a young age, and he boasts that more than 350 O-D Sports alumni have played in the NFL.

There is one notable omission from O-D Life's long list of services: It doesn't represent athletes in contract negotiations. It offers to help clients vet agents -- to alert them to those known for "unscrupulous practices" -- but technically O-D Life is not a sports agency, and Whittier is not an agent. This is an important distinction, because it means that O-D Life is not subject to the rules and regulations of the NFL Players Association (NFLPA), which certifies player agents; and, depending on one's interpretation of a particular state's sports agent laws, O-D Life and Whittier may not be governed by those, either. The company operates in a vast gray area, free to contact and assist college athletes without restraint (and, if it serves its purpose, to heap rewards upon them).

Over the past five years, the NCAA and its member schools have seen a spike in the number of companies and individuals approaching star football players. Agents were once the lone concern, but now financial advisors and marketing representatives, former players and coaches, and even fitness trainers are courting young players. They share the same motivation as the agents -- to profit on a star athlete's future -- but not the notoriety or the infamy.

These individuals are the source of much of the corruption in college football today, and are at the center of NCAA investigations underway at schools such as North Carolina and Georgia, as well as probes at other schools that are expected to be made public in the coming weeks.

"The agents have always been a problem, and they still are, but the others, the guys we call the freelancers, may be a bigger issue now," said an NCAA source. "A lot of what we are seeing now -- the lavish parties players are attending, the trips -- it is coming from them."

* * * * *

To understand who the freelancers are and how they operate, you first have to differentiate them from the agents and the many people who do their bidding.

Officially, there are 776 individuals certified by the NFLPA to represent players as agents. But the NFLPA also requires agents to register anyone in their network who might get a cut of a player's contract. **Golden Tate**, the Seattle Seahawks' rookie wide receiver and former Notre Dame star, is one such individual listed with the NFLPA as a recruiter for his agent, **Todd France**. Tate's mother, **Yolanda**, is also listed with the NFLPA in that capacity. Why would Tate and his mother be registered with the Players Association?

"It likely means that he and his mother believe they can help Todd France get other players," said one of the five agents interviewed by SI.com for this story. "They are registered so they can get compensated if they do."

If you broaden the definition of who is an agent to include those who help recruit players for a particular agency and stand to get a percentage, no matter how small, of a player's compensation, the pool of "agents" gets so deep that it can be hard to see the bottom.

Former players are common points of contact for agents at a school. "I will go to a kid who has just graduated and who didn't make it in the NFL and say, 'Hey, you want to get a little something for those four years you spent at that school?' " one agent said.

The former player will stay near campus and use his contacts with his old teammates to set up meetings with the agent. It looks innocent enough -- a former player sticking around for an extra year to hang with his friends -- but he is usually paid for his troubles, typically a flat fee of a couple of thousand dollars or, in some cases, a percentage of the player's take.

Star players are used differently, agents say, and that is one of the points of interest in the NCAA's investigation at North Carolina.

In the summer of 2009, Tar Heels defensive linemen **Marvin Austin** and **Cam Thomas** traveled to Proactive Sports Performance in Thousand Oaks, Calif., a training facility less than two miles from agent **Gary Wichard**'s offices, and where Wichard's clients routinely work out. **Kentwan Balmer** paid for the trip, Thomas told the *Raleigh* (N.C.) *News & Observer*. Balmer, who declined to say whether he did so in an interview with *The Associated Press* last month, is a former North Carolina player and a Wichard client, and thus the trip has come under NCAA scrutiny.

Wichard has claimed no wrongdoing by either he or Balmer, but one agent, speaking generally and not about Wichard and North Carolina in particular, told SI.com that agents will often ask a current client to pick up the tab for a potential client so as to get that player to a meeting. The agent then reimburses his current client.

The North Carolina case shined a light on another group of hopeful profiteers: college coaches. That college coaches recruit for agents is a systematic problem that runs deeper than most fans realize. As agents describe it, the most common occurrence is that a former NFL player goes into college coaching

and then promotes his old agent to his players. If that agent lands one of those players, the college coach gets either a flat fee or a percentage of the player's rookie contract. It is one of the most effective ways to recruit, agents say, because players often see their position coaches as trusted advisors.

The NCAA has long been aware of this problem (at a recent NCAA regional rules seminar, one of the highlighted topics for discussion was "Agents compensating assistant and position coaches to recruit student-athletes"). The challenge is determining when a coach's words of wisdom cross over into solicitation.

John Blake, North Carolina's defensive line coach until he resigned on Sept. 5, once worked for Wichard's company, Pro Tect Management. At numerous stops during Blake's college coaching career -- from Oklahoma to Mississippi State to Nebraska to North Carolina -- his players have ultimately signed with Wichard. Yet only recently did this relationship raise eyebrows at the NCAA. (Wichard has denied that Blake helped him procure clients. Blake couldn't be reached for comment.)

Agents also cultivate a relationship with personal trainers who are popular with players, using them to help recruit.

"There are facilities that athletes want to work out at, those that are known for helping kids get drafted higher," an agent said. "So a player calls that facility to see about working out there and is told that all the spots are filled. But then he is told that [an agent] has purchased time at the facility, and that if he were to sign with [that agent] he could work out there."

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If those cozying up to kids consisted solely of agents and the many people working on their behalf, the system would be easy enough to understand. But muddying the waters is the fact that any of the above -- runners, college coaches, trainers, etc. -- might be freelancers. Freelancers are not affiliated with an agent, but still try to get in with players so they can sell them to the highest bidder or profit in some other way.

Ongoing NCAA investigations at Georgia and North Carolina include examinations of the relationship that former Tar Heels defensive back **Chris Hawkins** has had with players. ESPN reported that Hawkins shopped players to different agents, making him, as one person close to the investigation termed it, "an equal-opportunity" runner.

The most aggressive of the freelancers are the financial advisers and marketing representatives, and for a simple reason: Big money is at stake. An NFLPA-certified agent receives no more than 3 percent of a player's compensation, the lowest of any major sport. But there are no restrictions on the percentage taken from marketing deals (around 20 percent is the norm) and money managers work on commission or collect fees.

"I stop collecting when a player's career ends," said one agent, "but the money managers keep getting paid. And for the big stars, the marketing opportunities continue long after a guy is done playing."

The **Reggie Bush** scandal at USC is often erroneously referred to as an example of a player and his family taking money from agents. But the three individuals whom the NCAA found to have provided Bush

with improper benefits -- **Lloyd Lake**, **Michael Michaels** and **Mike Ornstein** -- were actually marketing reps. Lloyd and Michaels were attempting to start a marketing company with Bush as their first client, and Ornstein is a longtime marketing executive who still operates today.

Investigators have found that financial advisors are particularly creative recruiters. One tactic gaining popularity of late in recruiting hotbeds like Miami, Los Angeles, Houston, Dallas and Atlanta is for the financial advisor to reach out to people who were at one time close with current college stars, such as a former high school teammate. The advisor encourages that person to reconnect with his old friends and also reach out to other college stars from the same city. That person essentially becomes a runner for the financial advisor, and begins taking care of the college athletes. When they are back home, he shows them a good time, taking them to clubs, dinners, etc., all financed by the advisor. In a hotbed like Miami, there might be three or more runners for financial advisors and/or agents competing for the favor of the same college athletes when they are in town.

With agents, there is a barrier for entry into the market: NFLPA certification, which includes having a graduate degree and passing a certification test. But there is nothing stopping any average Joe from waking up one day and calling himself a marketing rep or money manager and beginning to contact athletes.

Earlier this year, Michigan football players and aspiring pros **Brandon Graham** and **Brandon Minor** asked two fellow students they trusted -- **Daniel Stillman** and **Jordan Klein** -- to help them pick an agent. Less than a year later, Stillman and Klein have opened Compass Management Services, which manages the financial needs of those two NFL players and hopes to add others.

Stillman said concern for athletes being taken advantage of financially led him to start Compass Management Services. His intentions seem pure, but the fact remains that less than a year ago he was a college student, and now he is managing two NFL players' money.

"There are some good people who care about protecting the players' money," said one agent. "But many of the finance and marketing guys are out of control. They will offer kids lines of credit, $25,000 or $50,000 or more. They will pay for them to go to parties, give airline tickets to their families. They are breaking [NCAA] rules far more often than agents."

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Companies like O-D Life, one-stop shops for whatever needs an athlete might have, are a relatively new phenomenon.

Whittier said he started O-D Life because he got tired of seeing players who attended the O-D Sports football camps over the years leave the game penniless, victims of unscrupulous agents and advisors. He said other business ventures, such as the football camps, make enough money to allow O-D Life to operate as a nonprofit foundation.

In its business of vetting agents for clients, Whittier says that O-D Life requires agents to fill out a questionnaire and that the company does not demand a cut of the agent's commission.

"Nothing we get is mandatory," Whittier explained. "If the agent decides that getting a client without having to do any of the legwork is worth giving something to us, that is fine. All of that money goes to former players, to getting them health care and other help."

But in an e-mail sent out to at least one agent earlier this year, Whittier said he would like the agent to be among those he recommended to players. "No need to fill anything out," he wrote. In a later e-mail, he proposed that O-D Life would get half (1.5 percent) of the agent's commission on any of the referred players he signed.

One of Whittier's and O-D Life's other endeavors is real estate. On Whittier's Twitter account, he posted a tweet stating: "For any Pro Athletes" that includes a link to a PDF brochure for a housing development in Key West, Fla., which he tabbed "the first ever 100% sports professionals private neighborhood." The brochure includes maps with arrows pointing to "O-D Life Homes" and the "O-D Life Private Marina." It is, in short, a pitch to athletes to buy land.

Whittier said that athletes should invest because it offers a safe haven for their families away from photographers and other interlopers.

"I talked to a real estate agent in Key West and the athletes will be getting these homes for at least $1 million less that the current market value," he said enthusiastically. "In 12 months, they could flip these homes for $1 million or $2 million in profit. If they wait four years to sell, it could be $4 million or $5 million."

When asked if he could understand why some people would question his motives, Whittier said: "We've been doing this, the camps and others things, for 42 years and we are a family business, and that is how we look at our athletes. They are our family. ... I've got pages and pages of examples when agents lied and took advantage of players and basically stole their money. That's not us. We're not agents. We're in it for the players. All we want to do is help players."

Sports Illustrated

Stewart Mandel

September 16, 2010

Inside look at NCAA enforcers who are spearheading AgentGate

INDIANAPOLIS -- At first, **Marcus Wilson** thought it was really cool when a prominent sports agent came to speak at one of his law school classes. He had seen *Jerry Maguire*. He thought he might want to join the profession. So the former North Carolina football player approached the agent after class to ask if he might shadow him for a day.

"He actually asked me to be a runner for him," Wilson said. "He said, 'I'm trying to recruit a player at your school. You know him. Can you get me his telephone number?' "

Today, Wilson is in the agent business -- the business of busting them, that is. Following two years as a prosecutor, Wilson joined the NCAA's Agent, Gambling and Amateurism Activities division in 2008. The four-person group -- composed of director **Rachel Newman-Baker**, 33; associate director **Angie Cretors**, 33; and assistant directors Wilson, 29, and **Chance Miller**, 27 -- has spent much of its time flying to campuses around the country spearheading a slew of highly publicized investigations into players receiving extra benefits from agents and their recruiters.

"I had a flight attendant ask me the other day if I worked for the airline because she'd seen me on the flight so many times," Miller said.

The division's work to date has resulted in early-season suspensions for several high-profile players at North Carolina (among them defensive tackle **Marvin Austin** and receiver **Greg Little**), Georgia (receiver **A.J. Green**) and Alabama (defensive end **Marcell Dareus**), while South Carolina tight end **Weslye Saunders**, also under investigation, was dismissed from his team on Wednesday for undisclosed reasons. North Carolina associate head coach **John Blake**, believed to be a subject of the probe in Chapel Hill because of his reported relationship with NFL agent **Gary Wichard**, resigned last Monday. (Due to conflict of interest, Wilson has not conducted the UNC inquiry.)

On the heels of NCAA sanctions at USC, where former star **Reggie Bush** accepted benefits from a trio of sports marketers, AgentGate -- as the summer's confluence of headlines became known -- has elicited national debate over a long-dormant issue. **Nick Saban** famously called agents "pimps" at SEC Media Days and organized conference calls with NFL officials to discuss the issue. Various agents fired back in defense of their industry. Some lauded the NCAA for finally "getting tough" about agent rules. Others wondered why it took this long.

Newman-Baker, whose 10-year-old group operates within the NCAA's larger enforcement division, appreciates the increased awareness caused by the current cases, but laments the perception that the NCAA is only now becoming vigorous about agent-player activity.

"People on the outside ... don't know all that we do behind the scenes," Newman-Baker said. "They read about the one case that's in the paper, but they don't know Marcus has spent the past two years

developing a relationship with Agent X so he can connect a whole bunch of dots, or Angie has spent every July in every basketball gym that all the major coaches go to.

"These guys work their tails off. They truly care about what they're doing. They put up with a lot. And they don't get paid a million-dollar salary to do what they do."

On a rare, recent afternoon when all four were in one place, the AGA staffers sat around a conference table at NCAA headquarters in Indianapolis and discussed the rewards and frustrations of their seemingly impracticable job -- one that involves policing thousands of college athletes and the untold agents, runners, handlers, sports marketers and financial advisors who try to recruit them. (By NCAA rule, they were not allowed to discuss specific athletes or investigations.)

Wilson, Cretors (Kansas volleyball) and Newman-Baker (Berea College basketball) are themselves former college athletes. Miller and Wilson both have law degrees, while Cretors (Kansas) and Newman-Baker (Ohio State) previously worked in athletic compliance departments.

"I'm very passionate about the principle of amateurism," said Cretors, an AGA staffer since 2003 who interviewed key witnesses in the USC/Bush case. "A lot of people in the general public laugh at it when you talk about the big sports, but I genuinely think [amateurism] is the bedrock of intercollegiate sports, which includes the agent component."

Newman-Baker, who joined the group as an intern in 2001, agrees: "All of us believe that most of the life lessons we learned [in college] came from our experience in athletics, and in all of our situations, it truly was the 'student athlete.' To kind of carry that over into what we do on a day-to-day basis, that background and that passion helps you."

Her team needs all the help it can get, because the AGA is extremely limited by both numbers and lack of jurisdiction. With no subpoena power over non-university personnel, leads and cases often hit dead ends. And while the NCAA enforcement model relies on schools to self-police, Newman-Baker said agent violations are rarely self-reported.

"Institutions want to do it," she said, "but I'm not sure they necessarily know what they're looking for."

By Newman-Baker's own admission, it has taken years of networking and cultivating sources within both the pro leagues and the agent community for the AGA to make headway. (It's believed that rival agents of the perpetrators were among the NCAA's main informants regarding the much-chronicled South Beach parties to which many of the recently suspended players were tied.)

"We're not going to completely eradicate [the problem]," Newman-Baker said. "I don't think that's anyone's expectation. More than anything, the message we want to send is, 'If you're doing it now, we are going to know about it, and we are going to follow through with it.' We want to establish something of a healthy fear out there, because quite frankly, I'm not sure that's always existed."

Others remain skeptical that current methods can make a real impact, however.

Rand Getlin, whose company, Synrgy Sports, provides agent-education assistance for college athletic departments, believes that no real change will come unless state and federal authorities begin

prosecuting unethical agents. (An *Associated Press* review found that more than half of the 42 states with sports agent laws have yet to revoke or suspend a single license, though North Carolina Secretary of State **Eliane Marshall** recently launched an investigation.)

"If you talk to any agent, they know how dirty [the business] is," Getlin said. "But the AGA is one group. It's a noble pursuit, but without the help of federal governments and state governments, and the subpoena power they hold, to what extent are they really going to root it out? No matter how hard they work -- 20-hour days, sleep under their desk -- there's no possibility they could stay on all this stuff."

Newman-Baker said the group is starting to find parties more receptive to offering assistance. On Aug. 16, the group participated in a teleconference with representatives from the NFL, NFL Players Association, American Football Coaches Association and individual agents to "identify points of collaboration and potential solutions." Another call is scheduled for later this month. Alabama coach Saban had earlier organized a series of related calls involving his fellow coaches (among them, Florida's **Urban Meyer** and Oklahoma's **Bob Stoops**) and NCAA and NFL officials.

"It's a tough deal, because you first have to find out about something, and then you have to prove it, which isn't always the easiest thing to do with the limited resources the NCAA has," said AFCA executive director and former Baylor coach **Grant Taeff**. "They get a lot of criticism, but I've watched them over the years, and they consistently do a very good job."

Meanwhile, the Division I Amateurism Cabinet began discussing agent oversight at its June meeting. Some have called for a complete overhaul of prevailing NCAA agent rules, perhaps even allowing for athletes to seek counsel from agents while still in college. But that wouldn't necessarily preclude players from taking handouts.

"The issue of how to get proper information in front of the student-athletes is one that is being discussed by a lot of people in the national office and the membership now," said **David Price**, the NCAA's vice president of enforcement. "There are various suggestions that are being considered. But don't confuse it with the issue of them providing benefits. There are some issues you have to deal with from a practical standpoint when you open up complete access to agents."

The problem, said the staff members, is that much of the illicit activity being brought to their attention takes place long before a player actually needs an agent -- and doesn't necessarily involve actual agents. For example, while **ChrisHawkins**, whose purchase of Georgia wide receiver Green's game-worn jersey for $1,000 resulted in the player's suspension, is not a registered agent, he befriended several current UNC players in an apparent attempt to "shop" them to potential agents, according to an ESPN.com report.

"What we're seeing is these financial advisors, marketing reps -- people that don't have any governing body -- are the ones going in before the [NFL's] 'junior rule' takes effect," Wilson said. "They're the ones making initial points of contact."

AGA staffer Miller identified the same problem: "You also see the third parties that aren't attached to a certain agent or financial advisor that latch on to these kids in high school. They take care of them, then

once they're in college, they stay latched on to them and they start reaching out on their behalf to try to look for agents and financial advisors. You start to see the same people within certain cities."

Because of the nature of most first contact, the staff spends an inordinate amount of time processing minor cases involving secondary violations such as an agent's paying for a player's meal.

"One of the easiest ways to make that initial contact is to add [the player] as a friend on Facebook, initiate a chat, introduce themselves," Wilson said. "They'll say, 'Oh, by the way, I'm going to be on your campus in a couple of weeks. You want to meet up for dinner and we'll talk about your draft projections?' ... We have these cases every year that involve meals at a restaurant."

There is an obvious source of help for the AGA's staffers: adding more colleagues.

"How many millions of dollars does the NCAA oversee, and they're supposed to be the gatekeepers for all of amateurism?" Getlin said. "Four people?"

Price's enforcement division recently gained three staffers to focus on basketball issues, raising its total number of investigators to 23, but despite the current spotlight on agent issues, there are no plans to expand the AGA.

Until that changes, Newman-Baker, Cretors, Wilson and Miller will keep racking up frequent flier miles and hotel points in the hopes of nailing another case.

"We're not out looking to ruin kids' careers and lives," Cretors said. "There are some cases where you genuinely feel bad for a kid who might have been taken advantage of. But then you look at the other 300,000 student-athletes who are doing it right, who weren't getting the same benefits. It may sound Pollyannaish, but ..."

But they believe in it.

Laws on sports agents rarely enforced

By ALAN SCHER ZAGIER | Posted: Tuesday, August 17, 2010 2:15 am | Comments

When sports agent Jason Paul Wood met a pair of Miami baseball players in 2006 to talk about turning pro, his failure to notify the university and register with the state of Florida cost him a $2,500 fine.

Like 41 other states and the federal government, Florida has laws intended to keep amateur college athletes from losing their eligibility _ and their schools from getting in trouble with the NCAA _ because of dealings with an agent.

At a time when concern about improper contact between athletes and agents is spiking, however, cases such as Wood's are an exception, not the rule.

Legislatures have passed a flurry of laws in recent years designed to make states part of the effort to stop unscrupulous agents _ along with the NCAA and, to a lesser extent, pro player unions. The idea is to ensure fair play and shield amateurs until they are done with school.

Yet an Associated Press review has found that more than half of the 42 states with sports agent laws have yet to revoke or suspend a single license, or invoke penalties of any sort. Likewise for the Federal Trade Commission, which in 2004 was given oversight authority by Congress.

"The actions of sports agents can do enormous damage to schools, to student-athletes and to the integrity of college athletics," said Rep. Bart Gordon, D-Tenn., who sponsored the federal law six years ago and now says it may be time to toughen sanctions against unethical agents. "Unfortunately, the sports agent involved has often walked away with no punishment."

The unions set rules for athlete agents, but those focus more on the relationship between agents and current pros rather than prospective clients still in school.

NCAA rules, meanwhile, do allow agents to meet with college athletes. However, they forbid those students from entering into contracts _ including oral deals _ with agents or accepting meals, gifts, transportation and other incentives as a hook to sign contracts later. The problem is that NCAA regulations apply to athletes and schools, not the agents themselves.

So when Heisman Trophy winner Reggie Bush was found to have received improper benefits at Southern California, the perennial football power was the one punished most _ losing scholarships and getting banned from bowl games for two years, among other things.

Now the football programs at Florida and Alabama _ the last two national champions _ are under investigation for alleged improper contact. So is North Carolina, among others.

A decade ago, when at least 28 states had varied agent oversight laws, the NCAA lobbied state lawmakers to embrace standardized rules for sports agents.

The result was the Uniform Athletes Agent Act, which is on the books in 39 states. The UAAA is also under consideration in California, which along with Michigan and Ohio has its own laws to deal with agent oversight.

In addition to mandatory registration, the law requires agents to notify schools immediately when they sign college athletes. The students are given 14 days to change their mind and cancel contracts. And schools have the legal right to sue agents who violate the law _ though that option is rarely exercised. Agents who fail to comply can be punished with civil or criminal penalties.

Here's the catch: The laws are rarely enforced.

The AP requested statistics on the number of registered agents, license revocations and suspensions and other penalties from each state. (Alaska, Colorado, Maine, Massachusetts, Montana, New Jersey, Vermont and Virginia lack such laws.)

Twenty-four states reported taking no disciplinary or criminal action against sports agents, and were unable to determine if state or local prosecutors had pursued such cases. Others described the laws as being enforced a few times, or rarely _ an indication of what a low priority they are.

In Colorado, lawmakers in April rescinded a law passed in 2008 after just four agents registered to do business. Georgia has disbanded its Athlete Agent Regulatory Commission, transferring its duties to the secretary of state's office. Delaware plans to eliminate its agent oversight board, which has been inactive since 2002.

Pennsylvania has levied just four fines against sports agents since 2003, none greater than $1,000, and the head of the State Athletic Commission acknowledges that the law is not much of a deterrent.

"We try to do the best we can," said Greg Sirb, the commission's executive director. Agents caught in Pennsylvania might simply move to a neighboring state to sign the athlete, taking a chance that they won't get caught in a different jurisdiction.

In North Carolina, where the NCAA is probing possible improper contacts by agents with defensive tackle Marvin Austin and receiver Greg Little, the secretary of state's office was forced to tap state workers who usually investigate securities fraud to look into possible violation of its agent laws.

The 2003 state law "came with no funding, so we have no dedicated resources," spokeswoman Liz Proctor said.

The number of registered agents ranged from one in North Dakota to 400 in California, but state figures were so sketchy that a complete national picture could not be put together. The four top pro U.S. sports leagues _ the NFL, Major League Baseball, NBA and NHL _ have about 1,600 registered agents in all.

Under the laws, agents are typically required to register where they live, as well as where they do business. Many agents know they can ignore the registration requirements, said Kenneth Shropshire, a University of Pennsylvania sports law attorney and former agent.

"If you've got bank robbers and rapists, white-collar crime _ how many agent issues should be raised to the top of some prosecutor's desk?" said Shropshire, director of the Wharton Sports Business Initiative at Penn's business school.

On the federal level, the Sports Agent Responsibility and Trust Act was approved in 2004 to serve as a "backstop" for states without their own laws, said Nebraska athletic director Tom Osborne, who coached the Cornhuskers to three national titles and was a lead sponsor of the measure while serving in Congress.

The law spells out civil penalties of up to $11,000 for violations, but an FTC spokesman said the agency has had "very, very few" complaints and taken no enforcement actions.

One of the few examples of a state enforcing the law with some consistency is Texas, which has taken disciplinary action against 31 agents in the past two years, levying a total of $17,250 in fines. That number will likely increase because several cases are pending.

In Alabama, a man who allegedly tried to solicit a Crimson Tide player hospitalized after a 2005 injury faces felony charges for failing to register with the state. So does the agent for whom the man reportedly worked as a "runner."

From the athletes' perspective, dealing with the crush of agents wanting to make a deal is "definitely an issue," said Atlanta Falcons quarterback Matt Ryan, a Boston College standout and the third pick in the 2008 NFL draft.

"Heading into my last year at BC, my dad helped me out a bunch in terms of staying in contact with them. The biggest thing that I didn't want in my last year was any kind of distractions. I had made that clear to agents in meeting with them before the season and let them know ... 'The only time I talk to you is after we finish our season.'"

Ryan believes it should be up to the individual player to handle the pressure of being a draft choice _ he sees it as a sign of maturity _ but others want a crackdown.

Last week, Alabama coach Nick Saban organized a conference call with Florida's Urban Meyer, Ohio State's Jim Tressel, NFL commissioner Roger Goodell, the NCAA and others to address the problem. The NCAA's Leadership Council also will address the issue in October.

"We're all trying to put our heads together to figure out what we can do to level the playing field so that everybody that's in the agent community _ which some of them are very professional _ have the same opportunity to recruit players and that the bootleggers out there are guys that get punished and penalized," Saban said.

Pittsburgh sports agent Ralph Cindrich sees his profession as a scapegoat.

He supports expanding agent oversight laws to others who have a stake in an athlete's success. "Include the coaches, include the boosters, include the financial runners, include the players," he said.

Others suggest the NCAA's rules need to be changed _ that forbidding players to sign with agents while in school is an illegal restriction on their fundamental right to legal counsel.

"How is retaining an agent to look after a player's best interest in the negotiation process detrimental to amateurism?" said Rick Karcher, who directs the Center for Law and Sports at Florida Coastal School of Law. "And why should states prosecute somebody criminally for something that isn't harming an individual player?"

"The only reason it's a problem is because the NCAA says it is."

Zagier reported from Columbia, Mo. Associated Press Writers David Mercer in Champaign, Ill., and George Henry in Atlanta, and AP Sports Writer Noah Trister in Little Rock, Ark., contributed to this report.

[PRINT] **ESPN.com:** Men's College Basketball

[Print without images]

Friday, July 30, 2010

Will agents get an invite to the table?

By Dana O'Neil
ESPN.com

While the NCAA's Agent, Gambling and Amateurism Activities staff was busy making like Sherman and torching the South last week, within the same Indianapolis NCAA offices there was a quiet movement afoot that could ostensibly put the AGA out of business.

In its June report the Amateurism Cabinet, responsible for all pre- and post-enrollment eligibility issues, quietly dropped this bomb:

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

Translation courtesy of the NCAA Speak to English dictionary: The NCAA is considering ways to perhaps allow its athletes to have agents.

"This is on our radar screen and we're in the information-gathering stage," said Baylor law professor and faculty athletics representative Mike Rogers, chair of the Amateurism Cabinet. "One of our overriding concerns is getting accurate and non-biased information to get meaningful decisions. We're going to be wide open to suggestions."

While Rogers cautioned that this is just the beginning of the process and that he expects plenty of input and reaction, he also added: "I think there's a good chance that there will be some legislative proposals in next year's cycle. I think that's a reasonable goal."

In a written statement Thursday, NCAA interim president Jim Isch said the organization is looking into "how advisors might assist in providing information to student-athletes who are weighing their options."

"The NCAA routinely reviews current trends and how they could impact our rules. As a part of this ongoing effort, the NCAA has begun preliminary discussions about our current agent and advisor legislation. We need to ensure that those select student-athletes with professional athletic opportunities have the best information at the right time to make informed decisions."

A week ago Alabama football coach Nick Saban likened agents to pimps after confirming that the NCAA is investigating a trip one of his defensive ends, Marcell Dareus, took to a South Beach party hosted by an agent.

At the Peach Jam tournament two weeks ago, 20 college basketball players surveyed anonymously by ESPN.com universally agreed that agents are by far the biggest problem in college athletics.

And not surprisingly, upon learning that the NCAA now might want to permit athletes to retain agents, reactions from coaches varied from curious to downright mystified.

"It's about as bad an idea that I can think of off the top of my head," Syracuse basketball coach Jim Boeheim said. "It's putting the wolves in the sheep's den."

This controversial issue, should it gain the legs that Rogers expects, could end up dividing the power brokers in college athletics.

Course Adjustment

College sports saw the collision coming but didn't slow down. Recent NCAA moves have altered the course, but a collective accountability by multiple parties is needed to melt the agent issue iceberg, Pat Forde writes. **Story**

At SEC media days, commissioner Mike Slive said "our intent is not to eliminate NCAA oversight of agent issues … but rather to change the NCAA's philosophical basis for these rules from enforcement to an assistance-based model."

He has his share of supporters.

Georgetown coach John Thompson III said: "The entire system needs to be reevaluated. We're operating under a system where little Billy sits down with his parents and his high school and decides where he's going to college. That's not the world we live in, so we need to figure out how to adjust how we operate."

Big 12 commissioner Dan Beebe said he not only agrees with Slive, he's been calling for similar legislation for 15 years.

"Let agents have contracts with players and the schools," Beebe said. "Those clauses would have a liquidated damages clause, where it would cost the agent $1 million or $2 million if they did anything that made the player ineligible. … The ethical guys will come out of it in better shape by putting sunshine on this. You'll promote the agents who want to do it the right way."

But some coaches counter that the concept of "agents who want to do it the right way" is almost oxymoronic and that passing any sort of legislation only lifts the latch on a Pandora's box.

"I think the NCAA has to be very careful going down this road," Duke coach Mike Krzyzewski said. "Because you know if the NCAA says agents can be involved with an athlete at this point, they'll get involved even earlier. If you open that door even a little …"

On the surface this would seem like nothing more than an exasperated NCAA throwing up its hands at an agent crisis that it can neither police nor stop.

But NCAA officials insist that is not the case.

Despite the current rash of headlines, this topic has been on the Amateurism Cabinet's docket for some time. But with other issues to handle -- namely allowing athletes' likenesses to be used in university promotional materials -- the cabinet hadn't had the time to address it until its June meeting.

"The world is constantly evolving," said Rachel Newman-Baker, the director of the AGA division of the NCAA. "Agents are always trying to find new ways of doing business, so it's always a good thing to find a way to keep on top of it, to look at the rules and see how they fit or don't fit in the real world."

Part of what brought this issue to the forefront was a recent $750,000 settlement between the NCAA and Oklahoma State pitcher Andrew Oliver.

The NCAA declared Oliver ineligible prior to the 2008 playoffs because he had legal representation while toying with turning pro out of high school.

NCAA rules permit athletes to have advisors but those advisors/agents aren't allowed to be part of any negotiation process.

Oliver sued, arguing that the NCAA was preventing him from getting legal help and a judge ruled in his favor, forcing the NCAA to look at whether it was being unfair to its athletes.

Even coaches acknowledge that there can be a natural disconnect between a player weighing a decision to turn pro early and a coach trying to build a program.

But they also aren't certain that agents are the people to offer unbiased opinions.

"It's a natural phenomenon for the family or mentor to not trust the coach. In our case, for example, Jameer [Nelson's] decision dramatically impacts our team," Saint Joseph's coach Phil Martelli said. "John Wall's decision dramatically impacts Kentucky. So I understand that. But everyone has an agenda. What's an agent's motivation? What's his interest? And where does the kid fit in?"

Many skeptics argue that there are already plenty of ways for an athlete to get good, non-biased information without opening the door even a crack for an agent.

Under current NCAA rules, there is nothing to prohibit an athlete from speaking with or getting advice from an agent.

Bylaw 12.3 reads, in part, "It is not a violation of NCAA rules if a student-athlete merely talks to an agent (as long as an agreement for agent representation is not established)."

And both the NBA and NFL have advisory committees that are designed to offer information on a player's potential draft status.

Plenty of schools and conferences offer similar outlets. Arkansas football coach Bobby Petrino brings agents on campus to interview players, and last year Saban hired Joe Mendes, who has 25 years in NFL front offices, as a consultant. Mendes' job is to help players select their future agents.

"This is what we tell our players: We don't want you to do any business on a street corner," Saban said. "We have a guy that comes in here and will sit with agents. You can interview agents. You can use my office if you want. We're not trying to keep our guys away from agents. We're just trying to keep what happens on the street corner from happening."

At Duke, law professor Paul Haagen has been counseling Blue Devils for years about their potential futures, even going so far as to represent some athletes -- free of charge -- until they choose an agent.

Warren Zola, a business professor at Boston College, offers a similar service for BC athletes.

"Can you get quality advice in other places?" Haagen said. "Absolutely. I think the essential question here is what are you going to solve if you bring it out into the open?"

In the opinions of many coaches and others associated with college athletics, the question isn't which problems are going to be solved by bringing agents out into the open, but which problems are going to be created.

"To open the door for free access -- agents in locker rooms, agents in dorm rooms -- that just makes me shudder," said National Association of Basketball Coaches president Jim Haney. "This would just invite in what's already the biggest problem in our sport."

Haagen said those naïve enough to think agents will toe the line are failing to understand the competitive business that agents are in. Like coaches working to land recruits, agents are constantly working to land top athletes.

Haagen said that statistics show that for every professional athlete, there are two registered agents, creating a supply and demand imbalance that tempts some to resort to unscrupulous methods.

And to get an edge, many fear, agents will scout for talent earlier and earlier.

"If they know they can get involved when do they get involved?" Krzyzewski said. "Is it before [the players] come into school? And if you give them that inch, they will take it a mile."

And the NCAA will be hamstrung to stop them, short of doing exactly what it's doing now -- punishing the athletes and the universities instead of the initial culprits.

The NFL Players Association has a strict no-contact rule for agents but the NBA Players Association does not have a similar rule in place and the NCAA is virtually toothless when it comes to punishing agents.

Newman-Baker acknowledged that while the NCAA could make rules to make it easier or harder for athletes to work with agents, the organization could not make rules that would punish the actual agents.

"I don't see how we could," she said. "That's not where our jurisdiction is."

Here's the truth: College athletes aren't getting in trouble for getting advice from agents; they're getting in trouble for getting cash from agents.

Former Florida Gator Maurkice Pouncey is being investigated for reportedly taking $100,000 from an agent; Georgia and South Carolina are looking into whether some of their football players attended an agent's party in South Beach -- and if they did, who paid for it; and in the ACC, North Carolina football players are being investigated for possibly receiving illegal benefits from agents.

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> To open the door for free access -- agents in locker rooms, agents in dorm rooms -- that just makes me shudder. This would just invite in what's already the biggest problem in our sport.
>
> " -- *NABC president Jim Haney*

Mix in the Reggie Bush/O.J. Mayo payola that landed USC on the wrong side of NCAA sanctions and you have evidence of the systemic problem assaulting college sports.

Allowing athletes to have any sort of permissible contract with agents, many people argue, is going to invite more illegal payments, not prevent them.

"You sign a kid and someone else is trying to get him," Haagen said. "Now that kid has a bad game, he's playing out of position, the coach is yelling at him. He's mad at you. He wants to go with someone else, so you have to intervene inappropriately -- even though you know it's inappropriate -- or you're going to lose a competitive position to another agent."

In order to preserve any semblance of amateurism ("Having an agent has been viewed as historically highly inconsistent with the concepts of amateurism," Rogers said), it's almost impossible to imagine the NCAA ever allowing any cash exchange, at least legally.

"While the NCAA wholly supports student-athletes getting complete information," said interim president Isch, "the membership is not likely to change its opposition to student-athletes receiving benefits from agents and advisors."

New World Order

The NCAA is well-meaning. But the once lean and mean organization has become a bloated bureaucracy. There is a new world of college sports. It would be nice if the NCAA were part of it, writes Gene Wojciechowski. **Story**

Consequently an agent would only see a profit if his or her player became a pro, which some fret could lead to problems even graver than under-the-table payments.

Many coaches already describe the relationship with their players' agents as antagonistic and expect this would only make it worse as the two sides vie for what they each need out of one player.

"We have situations where, when the season is over, agents are advising their players not to play in all-star games," Haney said. "Kids say all the time, 'My agent won't let me play. He's afraid I might get hurt.'

"Well what's to stop an agent from telling a kid he can't play in a real game? Or to tell a coach he needs to get his player more shots or more playing time? How do we stop that from happening?"

This could, of course, be a whole lot of hand-wringing about nothing.

The Amateur Cabinet won't convene again until September and even those who disagree agree on one thing -- there is still a lot more information to be gathered and particulars to work out.

"There's so much to talk about -- from student-athlete welfare helping them make informed decisions, to benefits from an agent, to oral and written agreements and the timing of the access," Newman-Baker said. "I really don't know quite frankly where this will go. There are a lot of opinions and the first step is to vet through them and figure out where everyone stands on this issue and get honest feedback."

That shouldn't be difficult.

Haney already has promised to make this part of the NABC's board meeting at the end of August and football media days have been dotted with rhetoric and opinion on the subject.

In the pro corner: "There would have to be folks a lot smarter than I am look at the ramifications," conceded Beebe, who is in favor of agents for college athletes. "But if I'm a coach or an administrator at a school, I'd rather know who I'm dealing with."

And for the opposed: "Maybe I'm missing something here," Boeheim said. "But I can't figure out how this could ever be a good idea."

The word is only just starting to spread and already the first shots have been fired over the bow.

Expect more fireworks to come.

ESPN.com senior write Pat Forde and ESPN.com college writer Mark Schlabach contributed to this story. Dana O'Neil covers college basketball for ESPN.com and can be reached at espnoneil@live.com.

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[PRINT] ESPN.com: Commentary [Print without images]

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Bloated NCAA needs streamlining

By Gene Wojciechowski
ESPN.com

You can print out the names, titles and departments of the staff for the NCAA national office. All 13 mind-numbing pages.

If you're looking for reasons why the NCAA is as nimble as a dairy cow, those 495 names listed on its website are a good place to start. (And I'm not even counting the Test Department, which -- until it was deleted Thursday -- listed, no lie, Angelina Jolie and Alfre Woodard as associate directors and Brad Pitt as system director. No wonder the new March Madness TV rights were so expensive.)

The NCAA used to be lean and mean. Now it's as bloated as a Jabba the Hutt. It has become a huge, sluggish bureaucracy inhabited by a mixture of bright and occasionally brilliant administrators who care passionately about intercollegiate athletics and clueless, tone-deaf policy shapers and enforcers who have no real-world experience.

By the way, this isn't just me talking. I spoke with several coaches and former NCAA officials who question the organization's ability to remain relevant. The consensus: It can happen, but only if the NCAA is willing to make fundamental changes to the way it does business.

Right now, the NCAA has too many coats of bureaucratic paint. Its size has contributed to its inability to react quickly. Imagine a battleship trying to turn around in the Panama Canal. That's the NCAA.

It wasn't created for these times and these issues. It initially was the byproduct of then-President Theodore Roosevelt's concerns about the violent nature of a budding sport called football. As college athletics grew, so did the NCAA, evolving from a mom-and-pop organization to a dictatorship of sorts in the Walter Byers era to an overweight and sometimes clumsily ineffective regulatory body.

The NCAA means well, it really does. But good intentions don't always equal accomplishments. Those 495 staff members aren't going to like to hear that, but tough.

Course Adjustment

College sports saw the collision coming but didn't slow down. Recent NCAA moves have altered the course, but a collective accountability by multiple parties is needed to melt the agent issue iceberg, Pat Forde writes. Story

Lofty mission statements aside, the NCAA has three jobs: conduct national championship tournaments, provide rules of conduct and enforce those rules. That's it in a pecan shell.

What happened? The NCAA botched its chance to oversee the very sport it was created to monitor -- football -- and instead handed the car keys to the BCS. That means its stock portfolio consists basically of one exquisite blue chip holding -- the men's basketball tournament (which, by the way, it nearly

ruined by expanding to 96 teams). So much for investment diversity.

As for rules, the NCAA can bylaw you to death. It recently announced that its rules manual is being consolidated in phases. Sorry, but the manual needs more than the South Beach diet. It needs liposuction.

Talk to coaches or compliance experts and they'll all say that the NCAA's rules are often confusing, redundant, outdated, maddeningly impractical or just plain stupid. Think about it: One of the biggest growth industries in college athletics is in the field of compliance administrators. Twenty five years ago, such rules-dedicated staffs were nearly nonexistent.

And enforcement? That's been a mixed bag of successes and confounding failures.

O'Neil: Will Agents Be Invited To The Table?

The NCAA is looking into how its athletes can get more and better advice from advisers and (gasp) agents. The mere thought of cracking the door open for agents has many in the college community fretting, ESPN.com's Dana O'Neil writes. **Story**

It isn't that the NCAA is unaware of the problem issues (recruiting abuses, ethics-free agents, runners, hangers-on, etc.) or that it isn't trying to address those issues. The real question is whether the NCAA is capable of *solving* those issues.

So far, the answer is a big, fat "no."

It took awhile, but the NCAA finally solved the decades-old problem of booster involvement. But now it struggles, sometimes laughably so, to investigate and battle the insurgency forces involved in basketball recruiting. Think biplanes versus stealth bombers.

It doesn't help that the NCAA has no subpoena power. Or that the very best NCAA investigators often move on, leaving the department with the very ordinary or with the very inexperienced -- sometimes both. And according to those who have worked in NCAA enforcement, too much time is wasted chasing minor cases or cases built on rumor rather than fact.

There is a growing disconnect between the NCAA and its membership. For example, would the NCAA ever have known about the Reggie Bush situation at USC if the media hadn't first reported it? And why did it take so long to conduct an investigation and render a decision and punishment -- punishment that won't affect Bush, his former coach or the school's soon-to-be-former athletic director? And what's the point of an appeals process if the appeals standard is so high as to virtually guarantee the status quo?

The NCAA has lost its way. It doesn't do rules well. It doesn't do investigations and enforcement well. That's two out of three jobs it has done poorly.

It has spread itself a mile wide and an inch deep. It concerns itself with causes and issues that might be best handled by the individual conferences. Its past leadership, although well-meaning, didn't listen hard enough to those on the front line of college athletics.

New NCAA president Mark Emmert's plate will be full with all the usual legislative and issues-centric food groups: financial reform, continued academic reform, the BCS … the list is endless. But Emmert -- NCAA Employee No. 496 -- would be wise to first streamline his organization, its flow charts and its

maze of rules.

Georgetown basketball coach John Thompson III, in a recent interview with ESPN.com's Dana O'Neil, had it right when he said of the NCAA: "The system is designed for a world that doesn't exist."

There is a new world of college athletics. It would be nice if the NCAA were part of it.

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[PRINT] ESPN.com: College Football [Print without images]

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Cooperation key to solving agent issue

By Pat Forde
ESPN.com

IRVING, Texas -- Daniel Thomas is a late-blooming college football star.

He spent two years playing quarterback in junior college, then sat out another year to become academically eligible at Kansas State. Switched to running back, the 6-foot-2, 227-pounder burst onto the scene in 2009 as the Big 12 Newcomer of the Year, rushing for 1,265 yards and 11 touchdowns.

You know what came next.

Endless phone calls from agents.

Kansas State's Daniel Thomas is trying to elude tacklers on the field -- and agents off it.

How they got his cell number, he has no idea. He's tried to redirect them to his parents back home in Hilliard, Fla., but he says they keep calling.

"Five different ones call every day," Thomas said at Big 12 media days this week.

If agents are persistently badgering a previously unheralded back from a school that has had just one winning season since 2003, it's not difficult to deduce what life is like for the five-star recruits at the power programs. And what it has been like since many of them were in high school.

"It's an epidemic out there," said Florida coach Urban Meyer, who has recruited more of those high-caliber players than anyone else in recent years.

But it's not just a football epidemic. It's even worse -- a pandemic, really -- in men's basketball.

"It's very hard to keep agents away," said Syracuse basketball coach Jim Boeheim. "Almost impossible."

The NCAA enforcement department is attacking Mission Impossible with impressive zeal and effectiveness right now -- in fact, one informed source says investigators have more interviews lined up with players this week or next at two or more prominent football programs. And most observers seem convinced that the ripples touched off by the July revelations of agent-funded parties and plane tickets will continue to spread.

"This thing is far, far, far from over," one source said. "You're hearing the phrase 'tip of the iceberg' a lot."

The questions are these:

How did the iceberg get this big?

Is the current movement to purge the agent scourge both committed and effective enough to do the job?

Answering them one at a time:

The agent problem has been there for decades. Former NCAA head Dick Schultz was publicly dismayed by agent scandals as far back as 1987. The fact that it has become iceberg-sized in recent years is an outgrowth of several attitudes. Among them:

• **Cynicism:** There is widespread belief by players and those around them that the system is unfair -- that they deserve more than a scholarship.

• **Impatience:** The best players know that, soon enough, they will be getting paid big bucks -- so why wait to cash in?

• **Entitlement:** Having been identified by scouting services and others as potential future pros, many elite players already have been accepting kickbacks in one form or another since high school. Agents and their runners are just one more hand offering them something.

• **Ignorance:** A large percentage of players and their families are poorly equipped to navigate agent waters and understand the business of managing sudden wealth, and many schools fail to adequately educate them.

• **Disinterest:** There are plenty of agent laws put on the books in recent years designed to discourage unscrupulous interaction with college athletes. Not many of them are actively enforced.

• **Benign neglect:** Schools don't want to know what their star players are getting and how they're getting it, clinging to the defense of plausible deniability in case any of it ever comes to light. So the compliance staffs remain smaller and less powerful than they should be and the head coaches recite their most important mantra in times of crisis: "I had no knowledge … "

New World Order

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Combine these factors and you have a system set up for failure. NCAA rules are being flouted all over the country, and players are winding up with unethical and unprofessional representation. Rand Getlin, founder and head of Synrgy Sports Consulting, which helps universities and athletes navigate the choppy waters from college to the pro ranks, cites research showing that 78 percent of NFL players go broke within two years of leaving the league.

"I hope that if anything comes out of this [recent scrutiny on the agent problem in college sports], the athletic directors and coaches realize how much is at stake for their schools," Getlin said. "And the kids get the assistance they need to successfully transition to the professional level."

Why didn't college sports see the iceberg before hitting it? In reality, it did see it. But even as pro salaries skyrocketed and took agent profits with them, spiking the greed on both sides, the college sports cruise ship never slowed down or altered course.

Getlin estimated that there are more than 800 agents and countless runners vying for roughly 255 NFL draftees every year. Competition is fierce and penalties for skirting the rules are rarely a deterrent for the agents.

In that Darwinian environment, agents are utilizing any means necessary to procure clients. That can include financial advisers, cut into the deal to set up lines of credit and find other creative ways to funnel money to players and their families. It can also include enlisting assistant coaches or other athletic staffers at schools.

At NCAA regional rules seminars earlier this year, enforcement video presentations raised concern about "agents paying position and assistant coaches to recruit student-athletes." It also mentioned "assistant coaches participating in the agent selection process." Not all the bad guys are on the periphery of campus; some of them are in the locker room.

Given the daunting nature of the task, how effective can the clean-up effort be?

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The NCAA is looking into how its athletes can get more and better advice from advisers and (gasp) agents. The mere thought of cracking the door open for agents has many in the college community fretting, ESPN.com's Dana O'Neil writes. **Story**

Recent results give reason for optimism. At the very least, the NCAA's raid of sorts on North Carolina, South Carolina, Georgia and Alabama -- those are just the schools we know about -- has sent a panic through both college football and the agent community.

The association's Agent, Gambling and Amateurism Activities department has some useful tools going for it: newfound knowledge; aggrieved parties; a recent history of crushed cheaters and dissemblers; and, of all things, Twitter.

Probably most importantly, the AGA has made better entrée into the agent netherworld and gotten a firmer grasp on how the seamy game works. Unlike the twin USC scandals involving Reggie Bush and O.J. Mayo, the NCAA did not need a media-made road map to investigate the parties-and-plane tickets situation in South Beach. NCAA enforcement is, for a change, in front of the media on this issue, instead of vice versa.

Part of having that firmer grip on the game involves cultivating sources. And recently, those sources have been ready to sing about all the abuses they've seen in recent years.

"We've tried to reach out to as many people in sports communities as we can to help us," said AGA director Rachel Newman-Baker. "Professional leagues, player associations, agents and advisers have all been willing to cooperate with us.

"In some regard, people are just kind of tired of it. They're fed up, and our membership feels very strongly about agents and wants us to aggressively pursue agent issues."

Aggressive pursuit is made easier when you carry a big stick. And multiple sources say the banishment of Oklahoma State receiver Dez Bryant for the remainder of his college career last year for lying to NCAA investigators is the current stick of choice. Scared schools are asking their athletes to be honest in order to avoid the Bryant treatment.

Of course, it also helped that some players have left a cyber-road map for the NCAA to follow. Tweeting about living the high life in South Beach when one is from Washington, D.C., and in school in North Carolina is a pretty good way to raise a red flag. Players on the take are hereby advised not to advertise it on social media.

Despite all the inroads that have been made, there still will have to be a collective accountability by multiple interested parties to melt the agent iceberg. Only time will tell whether that will happen.

"So far, all the talk has been about bad agents," Getlin said. "There's more to it than that. Everyone needs to step up. The feds, the states, the [NFL] players' association, the schools, the coaches, the kids. That's the only way this situation improves itself."

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