A G E N D A

National Collegiate Athletic Association

Division I Amateurism Cabinet

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

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

2. Review of September 29 and 30, 2010, Division I Amateurism Cabinet meeting report. [Supplement No. 2]

3. Guiding principles. [Supplement No. 3]

4. Review of November 30, 2010, Division I Communications and Coordination Committee report. [Supplement No. 4]

5. Update on legislation. [Supplement No. 5]

6. Student-Athlete Advisory Committee report.

7. Julie Roe Lach, vice president of enforcement.

8. Summer basketball evaluation of recruiting calendar.

9. Legal update.

10. Eligibility Center update.

    a. International Sports Structures. [Supplement No. 6]

    b. Prize Money – Tennis. [Supplement No. 7]

11. Prize money exception. [Supplement No. 8]

12. Agents.

a. Presentation by agents.

1). Mark Bartelstein, Priority Sports.

2). Rick Smith, Priority Sports.

b. Definition of an agent. [Supplement No. 9]

c. National registration program. [See Supplement No. 9]

d. Recruiting calendars. [See Supplement No. 9]

e. Educational initiatives.

f. Report from Board of Directors and Leadership Council. [Supplement No. 10]

g. National Professional Sports Counseling Panel.

13. Promotional activities.

a. Educational examples. [Supplement No. 11 will be distributed prior to the meeting.]

b. Possible amendments. [Supplement No. 12 will be distributed prior to the meeting.]

14. Fundraising/earmarking. [Supplement No. 13]

15. News articles. [Supplement No. 14]

16. Summary of key items and takeaways.

17. Other business.

18. Future meeting dates.

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

19. Adjournment.

Schedule for February 17 and 18, 2011, Meeting of the Division I Amateurism Cabinet

Wednesday, February 16 **Meeting Room**

Cabinet members arrive in Indianapolis - dinner on your own.

Hotel: The Hyatt Regency Indianapolis
One South Capitol Avenue
Indianapolis, Indiana 46204

Thursday, February 17 - all activities are at The Hyatt Regency Indianapolis

Breakfast	8 to 8:30 a.m.	Network
Cabinet meeting	8:30 a.m. to 12 p.m.	Regency AB
Lunch	12 to 1 p.m.	Network
Cabinet meeting	1 p.m. to 5 p.m.	Regency AB

Dinner on your own.

Friday, February 18 - all activities are at The Hyatt Regency Indianapolis

Breakfast	8 to 8:30 a.m.	Network
Cabinet meeting	8:30 a.m. to 12 p.m.	Regency AB

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 SEPTEMBER 29 and 30, 2010, MEETING

KEY ITEMS.

1. **Agent/Advisor Discussion**. The cabinet continued their discussion of the agent/advisor issue and specifically focused on the creation of a national professional sports counseling panel that could assist with providing reliable information to those student-athletes interested in pursuing a professional sports career.

2. **Promotional Activities – Use of a Student-Athlete's Name or Likeness.** The cabinet agreed to modify this proposal to clarify that if institutions individually or collectively agree to authorize or license the use of a student-athlete's name or likeness to a third party as part of a commercial product (e.g., video game), the activity shall be considered an institutional promotion and thus subject to the provisions of 12.5.1.1.

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Legislative Informational Items.**

   a. **Modification to NCAA Proposal No. 2010-26 (Amateurism– Promotional Activities – Use of a Student-Athlete's Name or Likeness).** The cabinet modified this proposal to clarify that if institutions individually or collectively agree to authorize or license the use of a student-athlete's name or likeness to a third party as part of a commercial product (e.g., video game), the activity shall be considered an institutional promotion and thus subject to the provisions of 12.5.1.1. The cabinet noted that the provisions of 12.5.1.1 would require the student-athlete's approval to use his or her name or likeness prior to use in the commercial product.

   b. **Proposal No. 2010-24 – Amateurism – Involvement with Professional Teams – Professional Basketball Draft – Four-year College Student-Athlete – Men's Basketball.** The cabinet opposes Proposal No. 2010-24, which would specify in men's basketball, 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. The cabinet noted that the current rule requiring a student-athlete to withdraw his name by May 8 has only been in effect for one year and that the current rule needs further evaluation. The cabinet further noted that reducing the current time period might put student-athletes at a disadvantage by not allowing them sufficient time to gather adequate information as well as taking away opportunities for student-athletes to participate in pre-draft workouts. Finally, the cabinet noted that there is no evidence of an academic impact on student-athletes under the current timeline.

c. **Proposal No. 2010-25 – Amateurism and Awards, Benefits and Expenses – Use of Agents – Benefits, Gifts and Services – Career Counseling and Internship/Job Placement Services.** The cabinet opposes Proposal No. 2010-25, which would allow 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. The cabinet noted the opportunity for student-athletes to use internship/job placement services available to students generally at any time. The cabinet further noted that current legislation and interpretations permit institutions and outside entities to provide career counseling services that are educational in nature and to provide other educational benefits exclusively to student-athletes. Finally, the cabinet noted the additional monitoring associated with internship/job placement services as well as the potential for placement based exclusively on athletics reputation.

d. **Proposal No. 2010-109 – Executive Regulations – Administration of NCAA Championships – Restricted Advertising and Sponsorship Activities -- Professional Sports Organizations or Teams.** The cabinet supports Proposal No. 2010-109, which would eliminate the prohibition on sponsorship of NCAA championship activities or promotions by professional sports organizations and teams. The cabinet agreed with the sponsor's rationale. However, the cabinet recommended that the sponsor consider eliminating the prohibition for conference championships as well. The cabinet agreed that this opportunity would increase the exposure of conference championship events.

2. **Nonlegislative Informational Items.**

a. **Agent and Advisor Discussion.** The cabinet discussed the agent/advisor issue and received reports from the National Association of Basketball Coaches (NABC), Division I Men's Ice Hockey coaches, NCAA Baseball Committee, and the NCAA/NFL/NFLPA/ AFCA/CCA Task Force. The cabinet specifically focused their discussion on the creation of a national professional sports counseling panel that could assist with providing reliable information to those student-athletes interested in pursuing a professional sports career. The cabinet asked the staff to obtain additional information from the National Association of Athletics Compliance (NAAC), coaches associations and Division I Student-Athlete Advisory Committee (SAAC). Additionally, the cabinet suggested that the staff contact former student-athletes who went through this decision-making process to gather information regarding resources they used and individuals they trusted throughout the process. The cabinet was not supportive of allowing prospective or enrolled student-athletes to receive benefits from agents/ advisors.

b. **Earmarked Fundraised Dollars for Athletics Participation**. The cabinet continued its discussion related to 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 did express

concern about boosters and agents providing funding that would be contrary to current amateurism and recruiting legislation. The cabinet reviewed feedback from NAAC on the issue and agreed that NAACs feedback was supportive of proposing more flexible legislation related to fundraising activities for prospective student-athletes. The cabinet requested the staff to draft legislative concepts and prepare it for discussion at its next in-person meeting.

c. **Expenses Provided to Prospective Student-Athletes from Professional Teams.** The cabinet examined areas of Bylaw 12 that prohibit a prospective student-athlete from accepting expenses from a professional team without jeopardizing his or her amateur status. The cabinet noted that current legislation addresses the prohibition of educational expenses and general training expenses from a professional team. The cabinet further noted that current legislation exists related to camp or academy expenses from a professional team. The cabinet recommended that the adoption of Proposal No. 2009-22 should not impact these bylaws or other existing Bylaw 12 legislation that prohibit expenses from professional teams.

d. **Eligibility Center Update.** The Eligibility Center (EC) staff provided an overview of its new case management system that was activated spring 2010. The new system greatly enhances the EC's ability to use data to improve efficiencies and ultimately provide helpful information to the membership (e.g., data related to international prospective student-athletes, case duration, amateurism case/penalty information sorted by institution or conference). The EC also shared data from the current certification season (e.g., total number of penalties, active cases remaining, trends in types of violations). The EC staff also discussed several amateurism-related initiatives, including the conference-contact program, the creation of resources for the membership providing information relating to international sport structures (by sport) and the progress being made in forging strong relationships with outside constituencies that will help to improve the amateurism certification process (e.g, domestic and international NGBs and other sports associations, coaches associations). Lastly, the EC staff reviewed the progress made in handling high-profile reviews in light of the recommendations made by the Amateurism Task Force in 2009. Specifically, the EC staff informed the cabinet that high-profile, time-intensive reviews are very limited in number and when necessary, it has been possible to conduct timely reviews in situations in which the enforcement staff is involved with related issues without compromising either staff policies or procedures.

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

The National Collegiate Athletic Association
October 12, 2010 MR/RNB/AC/JP:esb

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 (CCC) CONFERENCE CALL

Participants: November 30, 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
Petrina Long, University of California, Los Angeles – Recruiting and Athletics Personnel Issues Cabinet
Shane Lyons, Atlantic Coast Conference –Legislative Council
Mike Rogers, Baylor University – Amateurism Cabinet
Judy Rose, University of North Carolina, Charlotte – Championships/Sports Management Cabinet
Jacqueline Campbell, NCAA – recording secretary

Rob Halvaks, Big West Conference – Administration Cabinet, was unable to participate on the call.

NCAA staff: David Berst, Amanda Conklin, Angie Cretors, Jennifer Daniels, Diane Dickman, Lynn Holzman, Michelle Hosick, Charnelle Kemper, Binh Nguyen, Carol Reep, Alex Smith and Leeland Zeller also participated on the call.

The conference call was called to order at 2:04 p.m. by Jacqueline Campbell. All were present as noted above.

1. **Report of the Committee's August 26, 2010, Conference Call.** The committee approved the report of the August 26, 2010, conference call.

2. **Key Items from the September/October Division I Governance Meetings.** The cabinet received a report of the key items from the September/October cabinet, council and Board of Directors meetings.

3. **Key Items on the Division I Agenda.** The committee received the following information regarding key items on the Division I agenda:

   a. Men's Basketball Recruiting. During its October 28 meeting, the Board of Directors received a request from the Collegiate Commissioners Association (CCA) to sponsor legislation that would eliminate the summer evaluation period in men's basketball beginning with the summer of 2011. The Board did not support the immediate

elimination of summer recruiting, rather it noted its intent to sponsor such legislation in the 2011-12 legislative cycle and, in the meantime, assigned the Leadership Council, along with appropriate stakeholders, the responsibility to evaluate and create a new comprehensive recruiting model for men's basketball. It was noted that while the Leadership Council is charged with creating a new recruiting model, input would be sought from various stakeholders, including the Recruiting Cabinet.

b. Agents. The Leadership Council and the Amateurism Cabinet are engaged in discussions regarding agents and the manner by which they enter the lives of prospective and enrolled student-athletes, and how they influence the decisions student-athletes ultimately make regarding professional career opportunities. It is anticipated that the Leadership Council will be expected to submit recommendations to the Board of Directors that will lead to a better process to ensure that individuals make an informed decision when considering a career in professional athletics.

c. Academics. The Academic Cabinet continues its discussion of possible changes to the initial-eligibility and 2-4 transfer requirements. The cabinet recommends no changes to the initial-eligibility standards at this time, but it has developed concepts for changes to the 2-4 transfer requirements that it is circulating for membership and two-year college input. The committee was informed that although the cabinet recommends no changes to the initial-eligibility standards at this time, there are a number of presidents in the membership that support enhancing initial-eligibility requirements.

d. Individual Financial Aid Limit. The staff noted that there has been some discussion amongst several Division I conferences regarding the possibility of changing the individual financial aid limit from a full grant-in-aid to the cost of attendance. Some have suggested that individual financial aid limits need not be the same for all student-athletes. The Awards, Benefits, Expenses and Financial Aid Cabinet will discuss the individual financial aid limit in the upcoming year.

e. Division I Distribution and Academic Component. The committee was informed that there is a task force comprised of presidents and commissioners discussing the revenue distribution plan and whether there should be changes based on the new Turner/CBS media contract, specifically whether an academic component should be added.

4. **Discussion of Ways to Enhance the Committee's Function**. The committee discussed ways to enhance communication between Division I governance bodies and how this committee could assist in the coordination and management of the Division I agenda.

5. **Division I Student-Athlete Advisory Committee Update**. Nick Fulton, chair of the Division I Student-Athlete Advisory Committee (SAAC), reported on the committee's November meeting and noted that the Division I SAAC spent considerable time taking positions on a number of proposals in the 2010-11 legislative cycle.

6. **Proposed Future Call Dates.** The staff noted that the next call of the committee would follow the February cabinet meetings and precede the April Leadership Council meeting. Calendars will be sent to committee members to determine availability.

7. **Adjournment.** The call was adjourned at 2:48 p.m.

NCAA DI Legislative Proposals

Proposal Number	Title	Source	Effective Date	Status
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	Adopted, 60-Day Override Period
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	Adopted - Final
2010-24	AMATEURISM -- INVOLVEMENT WITH PROFESSIONAL TEAMS -- PROFESSIONAL BASKETBALL DRAFT -- FOUR-YEAR COLLEGE STUDENT-ATHLETE -- MEN'S BASKETBALL	Atlantic Coast Conference	August 1, 2011	60-Day Comment Period
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	60-Day Comment Period
2010-26	AMATEURISM -- PROMOTIONAL ACTIVITIES -- USE OF A STUDENT-ATHLETE'S NAME OR LIKENESS	NCAA Division I Amateurism Cabinet	August 1, 2011	60-Day Comment Period
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.	Adopted, 60-Day Override Period
2010-109-A	EXECUTIVE REGULATIONS -- ADMINISTRATION OF NCAA CHAMPIONSHIPS -- RESTRICTED ADVERTISING AND SPONSORSHIP ACTIVITIES -- PROFESSIONAL SPORTS ORGANIZATIONS OR TEAMS	NCAA Division I Championships/ Sports Management Cabinet	Immediate	Rendered Moot - Final
2010-109-B	EXECUTIVE REGULATIONS -- ADMINISTRATION OF NCAA CHAMPIONSHIPS -- RESTRICTED ADVERTISING AND SPONSORSHIP ACTIVITIES -- PROFESSIONAL SPORTS ORGANIZATIONS OR TEAMS -- FINANCIAL SPONSORSHIP OF NCAA OR CONFERENCE CHAMPIONSHIPS	NCAA Division I Legislative Council	Immediate	Board Reviews Legislation

Date Printed: February 7, 2011

FRANCE

Leagues. The top five basketball leagues/divisions in France are the following.

1. LNB Pro A
2. LNB Pro B
3. NM1
4. NM2
5. NM3

The Ligue Nationale de Basket (Pro A and B)

Overview. The Ligue Nationale de Basket (LNB) is the top men's French professional basketball league, and consists of two divisions, Pro A and Pro B. Teams move back and forth from Pro A and B through a relegation/promotion system that also involves the Nationale Masculine (NM) 1 league. The two teams with the worst regular season record in Pro A are regulated to Pro B. On the other hand, the Pro B regular season and playoff champions are promoted to Pro A while the bottom two Pro B teams are relegated to the NM1 League.

Espoir (junior) team player salaries. In addition to their top (professional) teams, Pro A and Pro B clubs also have a number of junior teams, including their minime (13 and 14 year-olds), cadet (15, 16 and 17 year-olds), and espoir (U21) teams. The junior teams are not considered professional by the LNB, but individuals as young as cadet players can sign espoir agreements that set forth a monthly indemnity (compensation, for purposes of NCAA legislation). Generally, those players compete at the espoir level (and often a handful of games each year on the professional team) and are the young players who the club believes have a chance to one day play professionally.

There are two types of espoir contracts, aspirant and stagiaire (specifically labeled, "Engagement de Joueur Aspirant" and "Engagement de Joueur Stagiaire). There is also a corresponding agreement signed by players under such contracts, entitled "Convention de formation pour la discipline basket." Although not all espoir players sign these agreements, the majority of prospective student-athletes reviewed by the ACP staff did. In addition to defining the financial support the player is receiving, an espoir agreement also enables a player to compete on the professional team.

There are four levels of aspirant and two levels of stagiare status, which directly relate to a player's compensation level. Specifics regarding the compensation levels are set forth in the the LNB Player Statute. Espoir pay is defined under a point system with a corresponding point value (in Euro) that increases yearly based on economic influences. The minimum gross monthly salaries are as follows:

(a) First-year aspirant (first-year juvenile player) – 5 LNB points;
(b) Second-year aspirant (second-year juvenile player) – 10 LNB points;
(c) Third-year aspirant (third-year juvenile player) – 15 LNB points;

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(d) Fourth-year aspirant (first-year senior player) – 20 LNB points;
(e) First-year stagiaire (second-year senior player) – 25 – 40 LNB points;
(f) Second-year stagiaire – (third-year senior player) – 40 – 100 LNB points.

If an aspirant player is selected to play for the French Junior National Team (U18), he must receive a point value up to 80 points, while an aspirant or stagiaire player who is selected for the French U20 Team must receive a point value of at least 100 points. The number of LNB points is then multiplied by the point value of a given year to arrive at the monthly compensation.

With respect to other expenses, espoir players are required to maintain their high school studies and thus often live at home or in club or school facilities (e.g., dormitories) while attending school. It is not uncommon for players who have completed their high school educations to be provided free room and board either in apartments or with host families. Additionally, some clubs will provide meal expenses for their players in variety of ways, including meal plans at the dormitories and meals with host families or with the sports club in connection with training.

Professional salaries. The ACP staff has yet to review a French prospect who competed under a Pro A or Pro B professional contract. Given the change in legislation relating to competition with professionals in 2010, however, the staff recognizes the possibility that correspondingly modified recruiting trends may change that fact. For that reason, the following information regarding minimum professional salaries may be relevant.

LNB Bylaws outline the minimum compensation that professional players must receive from their club. The following chart appeared in LNB regulations for the 2006-07 season:

	PRO A **Annual Gross Salary**	**PRO B** **Annual Gross salary**
First season	20,000 Euro	SMIC
Second season	25,000 Euro	17,281 Euro
Third season	30,000 Euro	20,000 Euro

For clarification, in the Pro B division, if a player is under 22 years old and is signing his first professional contract, the minimum monthly payment is called "SMIC." SMIC is the minimum salary for any worker in France (1,035 Euros net in 2010). The player could be paid 15% less if the club also provides him an apartment. Part-time Pro B players can make less money than what is set forth in the preceding chart if they have other paid employment or if the player is also a student. Additionally, as noted above, a player can compete for Pro A or B professional team under the terms of his espoir contract. It is also possible, but rare, that a player under a professional contract will "play down" in espoir games.

Application of NCAA Amateurism Legislation. The following information is based on the ACP staff's experience with French prospective student-athletes with LNB espoir and professional team experience.

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Division I:

- Strong likelihood that an espoir agreement was signed, which will set forth the monthly salary that the player received.

- Possibility that there has been payment above actual and necessary expenses – generally when LNB point levels are at least 75 points and also depending on the cost-free expenses. The majority of players who have been penalized through the amateurism certification process have been so based on competition with professionals rather than professional salary concerns.

- Professional team analysis is a strong concern for prospects who enrolled in college before Fall 2010 either based on their competition at the espoir level with higher paid players or minimal competition at the professional level with the top team. In each competition with professionals case, there are usually professional contract issues because the player's espoir contract enabled the player to compete on the professional team.

- Participation in the LNB at any level will constitute organized competition.

Division II:

- Participation in the LNB at any level will constitute organized competition.

- Post-enrollment concerns are similar to those listed above for Division I.

League Web site. http://www.lnb.fr/

Information to gather from prospective student-athletes who competed in the LNB.

- All espoir agreements, including aspirant and/or stagiaire (and any addendums) and the convention documents.

- Point value that corresponds to one LNB point during each year of competition

- Lodging arrangements and whether team provided the expense cost-free or at a reduced price.

- Number of meals per week provided by the club.

- As close to actual values for all other Bylaw 12.02.4(a) expenses including contemporaneous documentation.

- If old rule is applicable or for Division II transfers, the highest amount of LNB points assigned to any player on the PSA's team each season.

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- If old rule is applicable or for Division II transfers, the number of games in which the prospect competed for the professional level team.

Nationale Masculine League (NM1, 2 and 3)

Overview. The ACP staff has yet to review a former paid player from one of the NM Leagues. The divisions of this league are best described as semi-professional since the clubs generally provide salaries to their best – usually import – players. Thus, from an NCAA perspective, the strongest concerns relate to the old professional team rule and therefore prospective student-athletes who are transferring from junior college or from foreign institution and who enrolled before fall 2010. As noted above, however, teams from Pro B are relegated to NM1 each year and, given the possible changes in recruiting trends, the staff recognizes the possibility that paid players from the NM League (most likely NM1) might be recruited to play NCAA basketball.

Application of NCAA Amateurism Legislation.

Division I:

- Low possibility that there has been payment above actual and necessary expenses, but, if possible, likely only with NM1 teams
- Professional team analysis is a strong concern for prospects who enrolled in college before fall 2010.
- Participation in the NM League at any level will constitute organized competition.

Division II:

- Participation in the NM League at any level will constitute organized competition.
- Post-enrollment concerns are similar to those listed above for Division I.

Information to gather from prospective student-athletes who competed in the LNB.

- Any signed document.
- Payment information if applicable.
- If old rule is applicable or for Division II transfers, the highest salary for any player on the prospect's team each season.

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- If old rule is applicable or for Division II transfers, the number of games in which the prospect competed for the team.

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January 25, 2011

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

Dear Mike:

We are writing this letter collectively as a result of recent discussions among the National Collegiate Athletic Association (NCAA) and senior staff members from the United States Tennis Association (USTA) and the Intercollegiate Tennis Association (ITA), related to the NCAA amateurism rules.

The ITA and the USTA would like to request that the NCAA Amateurism Cabinet review again the issue of pre-enrollment prize money for prospective student athletes, with the goal of modifying a rule that engenders a great deal of confusion, resentment, and concerns about fairness among prospects,. their parents, and institutional administrators.

It should be noted that in the summer and fall of 2007, the ITA submitted a three-pronged proposal (sponsored by the Ivy Group) to address some of these issues. At that time, the ITA proposed: 1) An Exception be made for Prize Money Prior to Full –Time Collegiate Enrollment; 2) the "One Year Grace Period – in Tennis Only" be reduced to a period approximately one half year or less; 3) to permit a prospect to participate on a professional team, and in doing so, be allowed to receive reasonable and necessary expenses.

These recommendations received the support of the Amateurism and Agents Subcommittee but were tabled by the Academics/Eligibility/Compliance Cabinet at its meeting in January 2008, primarily because the Cabinet felt that these concerns should be addressed on an association-wide basis, rather than sport specific to tennis. However, two years later, in the spring of 2009, the ITA and USTA brought the latter two of these three proposals back to the attention of the NCAA Amateurism Cabinet: both of these amendments were supported by the Cabinet and adopted by the membership.

The current pre-enrollment amateurism and eligibility rules specific to prize money are inconsistent and, at times, ineffectual, and are often unfair to talented, young American tennis players, who follow amateur rules that do not exist throughout the rest of the world. It is our goal to achieve a solution to this serious and long-standing problem.

More specifically, we would like to propose the following amendment for the consideration of the NCAA Amateurism Cabinet:

12.1.2.4.1: Exception for Prize Money Prior to Full-Time Collegiate Enrollment -- Tennis. In tennis, prior to full-time collegiate enrollment, an individual may accept prize money based on his or her place finish or performance in open athletics events (events that are not invitation only). ***Such prize money may not exceed $10,000 per calendar year and may be provided only by the sponsor of an open event. Once the individual has reached the $10,000 limit in a particular year, he or she may receive additional prize money on a per event basis, provided such prize money does not exceed the individual's actual and necessary expenses for participation in the event.*** The calculation of actual and necessary expenses shall not include the expenses or fees of anyone other than the individual (e.g., coach's fees or expenses, parent's expenses).

The **rationale** for this amendment is highlighted in the "competitive tennis expense" documentation that we have provided in the Appendix with this proposal: prospective student-athletes and their families spend exorbitant amounts of money for travel and other expenses related to competing in tennis events. Rather than limiting prospects only to accepting prize money equal to or lesser than expenses on a per tournament basis, this proposal would allow prize money to be accepted on the aggregate (per calendar year) to help cover further expenses. Research by the USTA Player Development staff place the top junior and senior prospects having made significantly less than $10,000 per year in prize money; with the exception of those few players who received a USTA wildcard into the 2010 US Open in an effort to encourage their developmental growth.

This proposal will allow prospective student-athletes to earn up to $10,000 without having to produce extensive documentation for prize money, as is currently required.

To understand more fully the reasons and importance of this proposal, it should be further noted:

- The current NCAA Division I legislation permits a prospect to accept prize money *only* up to the amount of his/her actual and necessary expenses on a per event basis. Each event must be carefully documented, but to do so is often difficult and more than challenging. Given the tremendous number of prize money events played each year throughout the world by both American and international prospects, and given the reality that amateurism is unique to our country, there is wide-spread confusion and misunderstandings about this rule on the part of tennis federations, tournament directors, as well as the prospects and their families. In addition, there is tremendous frustration over the great difficulty in making sure that this documentation is complete, accurate, and in compliance with current NCAA legislation.

- Our suggested legislative change proposes a practical and reasonable approach to this problematic situation: instead of requiring all prospects to meticulously track all travel, lodging and meal expenses on a per event basis, this proposal would allow the prospect to calculate the total of these expenses annually and to be reimbursed accordingly.

- USTA and ITA research (Appendix A) has shown that annual travel, lodging, and meal expenses for the average tennis prospects totals more than $10,000 per year. And since few prospects (only the top, elite prospects) earn in access of $10,000 prize money per year (Appendices B and C),

this will simplify the reporting process for the vast majority of players seeking to enter college (and it is also important to understand this proposed legislation in the context of the enormous expense involved in the training and competition of tennis prospects, ranging from $25,000 to $100,000 annually per prospect).

- Most top junior tennis players travel extensively to compete. No current legislation exists that allows participants, in individual sports such as tennis, to receive assistance in paying for expenses incurred while traveling to compete. However, legislation does exist for team sports to receive sponsorships and financial assistance to pay the cost for teams (i.e., Amateur Athletic Union teams) to travel extensively. Allowing tennis individuals to accept prize money, as defined by the above proposal, will allow these individuals and their families to recoup at least some of their traveling expenses. This is particularly important in the case of disadvantaged and underserved families, as making tennis accessible to all people, regardless of socio-economic status, is a priority of the USTA and the ITA. Our proposal will provide significant financial help and encouragement to the most outstanding young players, and serve to foster greater diversity on the player development/educational pathway and ensure access to tennis for currently underserved groups. It should be noted that diversity is a primary goal of the USTA and the ITA.

- This proposal will avoid the virtually impossible challenge of attempting to change how tennis competition and tennis in general is conducted outside the United States. Specifically, in most international tennis tournaments prize money is awarded based on place finish without any reference to expenses incurred by the participant, and absent any concept of amateurism. Requiring participants, especially international participants who have little or no knowledge of NCAA rules, to accept prize money up to their expenses, and expecting tournament operators to care or comply with the NCAA rule, is not realistic.

- Also, the proposed change would remove the inconsistency in the NCAA rules where the same prospect is permitted to earn a significant amount of money by utilizing his/her special tennis skills to give "hitting lessons" or "teaching lessons" at a tennis club, a resort or park. In many cases, the amount earned giving "lessons" far exceeds any prize money the same player might have won playing competitive tennis.

Thank you very much for your consideration of our proposal – as stated earlier, we feel very strongly that its adoption by the NCAA will have a very positive impact upon the lives of prospective student-athletes and their families, as well as NCAA staff and institutional staff.

Thank you very much for your consideration of our proposal.

Patrick McEnroe
General Manager,
USTA Player Development

David A Benjamin
Executive Director,
Intercollegiate Tennis Association

cc: Jon Vegosen, Chairman of the Board and President, USTA
Dave Haggerty, First Vice President, USTA
Gordon Smith, Executive Director & COO, USTA
Tom Jacobs, Managing Director, Admin. & Business Affairs, Player Development, USTA
Timon Corwin, Chair, Collegiate Varsity Committee, USTA
Timothy Russell, Chair, Youth Competition Committee, USTA
Erica Perkins, Senior Manager, Junior & Collegiate Competition, USTA
Todd Lyden, President, NCAA Eligibility Center
Geoff Silver, Director of Amateurism Certification, NCAA Eligibility Center
Natalie Rogers, Associate Director of Amateurism Certification, NCAA Eligibility Center
Angel Prinos, Associate Director, ITA
Board of Directors, ITA

Appendix A

Sample Yearly Budget for a Competitive Junior Tennis Player (January, 2011)

Approximate Range and Frequency of items for Trainng and Competition

Item:	Approximate cost range	Frequency/usage
Training:		
Private Lessons	$50-$150 per hour	0-100 per year
Group Lessons	$25-$75 per hour	0-150 per year
Equipment:		
String (per packet)	$3-$30 per packet	20-100 packets/year
String (per reel)	$30-$150 reel	1-5 reels per year
Stringing	$10 to $20 labor per racket	20-100 per year
Rackets	$50-$200 per racket	4 rackets every 1-2 years
Shoes	$50-$150 per pair	4-12 pairs per year
Clothing:		
Tops	$15-$50 per item	4-25 per year
Shorts/Skirts	$15-$50 per item	4-25 per year
Warm-up (Top & Bottoms)	$50-$200 per set	1-5 per year
Competition:		
Entry Fees	$25-$125 per event	15-25 events per year
Hotel	$75-$150 per night	30-100 nights per year
Flights	$100-$500 per round trip	2-20 flights per year
Meals	$25-$50 per day	30-150 days on the road

Average Costs Associated with Equipment, Clothing, Competition, Training

Item:		Annual Average	Totals
Competition:			
Number of Tournaments	4 days per event	20 events	
Entry Fees	$60 per event	$1,200.00	
Hotel	$400 per event	$8,000.00	
Flights (10 events)	$350 per flight	$3,500.00	
Mileage/gas (10 events)	$150 per roundtrip	$1,500.00	
Meals	$200 per event	$4,000.00	
Subtotal:			*$18,200.00*
Equipment:			
String	50 packets/$10; 5 reels/$100	$500.00	
Stringing	50 times per year	$1,000.00	
Rackets	3 @ $100 per racket	$300.00	
Shoes	8 @ $100 per pair	$800.00	
Subtotal:			*$2,600.00*
Clothing:			
Tops (20 @ $30 per)	20 @ $30 per top	$600.00	
Shorts/Skirts (10 @ $30 per)	10 @ $30 per bottom	$300.00	
Warm-up (Top & Bottoms)	2 @ $100 per set	$200.00	
Subtotal:			*$1,100.00*
Total:			**$21,900.00**
Training/Lessons	*Group and private lessons*	$10,000.00	*$10,000.00*
Average Grand Total:			**$31,900.00**

January 24, 2011

Dear USTA Player Development and Intercollegiate Tennis Association:

I am writing this letter to shed some light on the high costs of raising a young tennis player, one who hopes to one day play college tennis and compete for an NCAA Championship. The annual outlay for competing at the national level is cost prohibitive for the vast majority of families raising young tennis players.

The numbers below represent the monies my wife and I spent in 2010 on our second child, who has been competing nationally in tennis since the age of 8. We are a family of six with three other children who are all engaged in tennis at one level or another. Over the years we have tried to cut costs at every turn. The summary below represents our frugal attempt at providing our child with the best possible means to reach his potential and compete with the top players in the country in his age group.

1. **Equipment**

   3 racquets @ 100/per frame = $300

   30 sets of string plus cost to restring/$450

   60 over grips/1$/grip = 60$

   6 pair of shoes/75$ =450$

   total avg equipment cost = **$1260**

2. **Training/Lessons/Court time costs**

   $1000/month for three (3) 2 hour group sessions each week/250$ = $12,000

   1 private lesson/week@75/hr/~$300 month/= $3600 per year.

   Indoor court time 2 times a week at $15/hr = ~120$/month/x8months=$960/yr

   Total lesson and court time = **$16,560**

3. **Tournament entry fees**

   average entry fee of $60.00 = Total for 17 tournament in 2010 = **$1020**

4. **Hotel, Travel, Food**

   Average for local tournaments 8 @ $125 (gas, food) = $1000

   Average for 7 sectional tournaments (within driving distance) @ $700 per tournament (gas, mileage, food, hotel) = $4900

2 national tournaments (air travel) @ $1500 per event= $3000. Average includes food, hotel and travel. Average length of tournament stay for a top 100 player is roughly 3-4 nights.

Total Travel Costs = **$8900**

5. **Total 2010 costs**:

Training & court time - $16,560

Equiment - $1260

Entry Fees - $1020

Tournament travel, lodging, food - $8900

$27,740 Total

Please feel free to share this letter and the contents with those in your organizations that can begin to address the issues associated with the cost prohibitive nature of junior tennis competition.

Sincerely,

Timon Corwin

January 24, 2011

To Whom It May Concern:

In 2006 I did a report/document (which is included as the last page of this letter) on how much a top junior tennis US player spends on their tennis. In that document I only mentioned how much was spent on their traveling, food, and accommodations. The training and equipment cost was not factored into it.

Since that time (2006), my daughter Alex Cercone was able to obtain an ITF and WTA ranking. She graduated in 2010 and began her freshman year at the University of Florida on a full tennis scholarship. Their ITA National preseason ranking is #2.

When I did the expense for the year 2009-2010, again I was taken back, as to how much money it took to get her to that level. Again, I stress that in the calculation there is no expense included for coaching/training and equipment. When she started to play the Pro Circuit in September of 2009 we thought that with the some of her wins AS AN AMATUER, her expense money from the tournaments would cover some of the costs. They did not.

Below is her schedule that she played from September 2009 through September 2010 when she entered college- 12 months of tournament most on the pro circuit.

Date	Event	Travel, food, lodging costs
September 2009	US Open Juniors	$2,500.00
November, 2009	Eddie Herr*	$150.00
December, 2009	Orange Bowl (juniors)	$1,800.00
January, 2010	Lutz Pro Circuit*	$160.00
January, 2010	Plantation Pro Circuit	$1,300.00
February, 2010	Clearwater Pro Circuit*	$80.00
March, 2010	Destin Pro Circuit	$1,100.00
April, 2010	Jackson Miss Pro Circuit	$1,724.54
April, 2010	Osprey Pro Circuit	$1,300.00
May, 2010	Indian Harbour Pro Circuit	$1,131.00
May, 2010	Raleigh Pro Circuit	$1,233.00

June, 2010	El Paso	$1,282.00
August, 2010	Kentucky	$1,087.00

* Indicates events that were within driving distance of home

TOTAL COST of TRAVELING, ACCOMODATIONS AND FOOD: $14,697.54

TOTAL PRO CIRCUIT REIMBURSEMENT OF EXPENSES (AMATUER): $1,400.00

TOTAL OUT OF POCKET: $13,297.54

HIGHEST WTA RANKING: 789

The money spent on traveling, accommodations and food, could have paid for 2 years of in-state school at the University of Florida

Thanks for your time.

Maria Cercone

Appendix A

SAMPLE NATIONAL JUNIOR PLAYER EXPENSES 2006
(as determined for USTA Florida Section Juniors) *

Tournament travel only: (transportation, hotels and food)	
Sectional Tournament- January (level 4) Tampa, Fl	$500.00
National Open- February (level 2) Tampa, Fl	$500.00
Designated- February (level 5) Miami, Fl	$ 750.00
Sectional –March (level 4) Miami, Fl	$ 800.00
Easter Bowl- April (level 1) Palm Springs, Ca	$3000.00
National Open- May (level 2) Atlanta Ga	$850.00
Muterspaw- May (level 3) Vegas, Nv.	$1500.00
State Championships –June (level 3) Daytona, Fl	$1400.00
National Open- July- (level 2) Tallahassee, Fl	$900.00
National Clay Courts- (level 1) Va. Beach, Va.	$2200.00
National Hard Courts- (level 1) San Diego, Ca	$2600.00
ITF (grade 4) San Antonio, Tx	$1100.00
Sectional- October (level 4) Orlando, Fl	$700.00
State Doubles Championship, Dayona,Fl	$350.00
Designated- November (level 5) Miami, Fl	$450.00
National Open- November (level 2) Pensacola, Fl	$1200.00
Eddie Herr- November (Level 3) Sarasota, Fl	$200.00
Designated- December (level 5) Jupiter, Fl	$500.00
Orange Bowl- December (ITF grade 1) Miami, Fl	$750.00
Winter National December (level 1) Pheonix, Az	$2100.00
Total (in 2006)	**$ 22,350.00**
Total (in 2010)**	**$ 23,204.00**

* Taken from the 2006 USTA Jr. Competition Committee Study of National Jr. Player Expenses highlighting expenses specific to the USTA Florida Section juniors travel schedule. These are considered to be among the lowest totals in the country due to the number of high level competitions within this area that also serves as a USTA Section.

** Inflation from 2006 to 2010 = 3.82%. 2010 Inflated cost: $23,204

Costs NOT factored in:

1. Coaching
2. Coach/parent travel
3. Physical Training
4. Equipment

Appendix B

US Top 5 - HS Juniors (from www.tennisrecruiting.net)

Girls

TR.net rank	2010 WTA Ranking	Name	# of 2010 Jr. Events	# of 2010 Pro Events	Total 2010 Events	2010 Prize $	# of Career Pro events	Career prize $
1	437	Lauren Davis	12	6	18	$7,206	8	$7,601
2	399	Krista Hardebeck*	8	9	17	$9,576	11	$9,956
3	855	Jessica Pegula	10	6	16	$2,033	11	$3,567
4	548	Grace Min*	12	8	20	$9,019	25	$13,824
5	824	Kyle McPhillips	16	4	20	$2,377	12	$3,868
		Averages:	11.6	6.6	18.2	$6,042	13.4	$7,763

Boys

TR.net rank	2010 ATP Ranking	Name	# of 2010 Jr. Events	# of 2010 Pro Events	Total 2010 Events	2010 Prize $	# of Career Pro events	Career prize $
1	1697	Bjorn Frantangelo	13	9	22	$790	12	$880
2	1626	Alexios Halebian	12	7	19	$554	8	$644
3	NR	Shane Vinsant	17	5	22	$176	8	$176
4	NR	Michael Redlicki	22	0	22	$0	0	$0
5	NR	Jeremy Efferding	7	8	15	$236	12	$236
			14.2	5.8	20	$351	8	$387

US Top 5 - HS Seniors (from www.tennisrecruiting.net)

Girls

TR.net rank	2010 WTA Ranking	Name	# of 2010 Jr. Events	# of 2010 Pro Events	Total 2010 Events	2010 Prize $	# of Career Pro events	Career prize $
1	NR	Robin Anderson	4	1	5	$588	3	$588
2	951	Sabrina Santamaria	6	11	17	$1,719	16	$2,357
3	808	Lauren Herring*	13	9	22	$8,154	33	$11,922
4	NR	Monica Turewicz	10	2	12	$336	6	$336
5	584	Ellen Tsay	5	13	18	$5,704	20	$4,460
		Averages:	7.6	7.2	14.8	$3,300	15.6	$3,933

Boys

TR.net rank	2010 ATP Ranking	Name	# of 2010 Jr. Events	# of 2010 Pro Events	Total 2010 Events	2010 Prize $	# of Career Pro events	Career prize $
1	875	Jack Sock*	2	13	15	$23,527	18	$26,075
2	1217	Marcos Giron	10	12	22	$1,766	14	$1,766
3	NR	Gonzales Austin	10	6	16	$384	7	$384
4	NR	Dane Webb	15	5	20	$904	7	$1,084
5	1666	Mitchell Frank	7	8	15	$1,030	12	$1,548
		Averages:	8.8	8.8	17.6	$5,522	11.6	$6,171

Players with a * by their name received WCs to the 2010 US Open, which greatly increased their prize $ numbers:

Name	Event	Prize money
Hardebeck	QS	$5,502
Min	MDD	$4,890
Herring	MDD	$4,890
Sock	MDS	$19,000

Appendix B

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US Top 5 - HS Seniors (from www.tennisrecruiting.net)

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Min	MDD	$4,890
Herring	MDD	$4,890
Sock	MDS	$19,000

Professional Circuit/Tour Level Points & Prize Money Table

Tournament	Points	Prize Money	Points	Prize Money
ITF Pro Circuit- $10,000				
Round of 32	0	$117.50	0	$98.00
Round of 16	1	$200.00	1	$196.00
Quarterfinalist	2	$290.00	4	$245.00
Semifinalist	6	$480.00	6	$490.00
Runner-up	10	$900.00	8	$980.00
Winner	18	$1,300.00	12	$1,568.00
ITF Pro Circuit				
Round of 32	0	$176.25	1	$294.00
Round of 16	1	$300.00	8	$490.00
Quarterfinalist	3	$435.00	14	$686.00
Semifinalist	8	$720.00	24	$1,078.00
Runner-up	15	$1,350.00	34	$1,666.00
Winner	27	$1,950.00	50	$2,940.00
ATP / ITF Pro Circuit- $50,000				
Round of 32	0	$520.00	1	$475.00
Round of 16	7	$860.00	10	$760.00
Quarterfinalist	15	$1,460.00	18	$1,235.00
Semifinalist	29	$2,510.00	32	$2,185.00
Runner-up	48	$4,240.00	50	$3,990.00
Winner	80	$7,200.00	70	$7,315.00
ATP/WTA Tour- Level 1				
Round of 32	0	$6,360.00	1	
Round of 16	20	$10,720.00	30	
Quarterfinalist	45	$18,000.00	70	
Semifinalist	90	$32,000.00	130	
Runner-up	150	$59,000.00	200	
Winner	250	$112,000.00	280	
Grand Slams				
Round of 128	10	$19,000.00	5	$19,000.00
Round of 64	45	$31,000.00	100	$31,000.00
Round of 32	90	$48,000.00	160	$48,000.00
Round of 16	180	$85,000.00	280	$85,000.00
Quarterfinalist	360	$175,000.00	500	$175,000.00
Semifinalist	720	$350,000.00	900	$350,000.00
Runner-up	1200	$800,000.00	1400	$800,000.00
Winner	2000	$1,600,000.00	2000	$1,600,000.00

Payment Based on Performance - Prize Money Exception

As a general rule, NCAA Division I legislation does not permit an individual to accept any payment, including actual and necessary expenses, conditioned on the individual's or team's place finish or performance. In 1999, a legislative exception was adopted to allow an individual, prior to full-time collegiate enrollment, to accept up to actual and necessary expenses in the form of prize money from the sponsor of an open event. In 2009, a similar legislative exception was adopted for current NCAA student-athletes with the added restriction that the event must occur outside the playing season and during the summer vacation period. However, when the legislative exception was adopted for current NCAA student-athletes in 2009, it was not extended to a prospective student-athlete who accepts prize money while enrolled in a non-NCAA institution (e.g., two-year college, foreign institution, NAIA). Therefore, it remains a violation for a prospective student-athlete who, while enrolled in a non-NCAA institution, accepts prize money, even though the prize money is less than actual and necessary expenses for the event and the event occurs during the summer vacation period. It is the staff's position that a prospective student-athlete enrolled at a non-NCAA institution be afforded the same exception to the prize money legislation that a current NCAA student-athlete is afforded under current legislation. Therefore, the staff recommends that the cabinet sponsor legislation that would allow a prospective student-athlete enrolled at a non-NCAA institution to accept up to actual and necessary expenses in the form of prize money provided the competition occurs during the summer vacation period.

The staff notes that, based on the Division I Committee on Student-Athlete Reinstatement's May 2010 directive, the student-athlete reinstatement (SAR) staff currently provides relief to a prospective student-athlete who accepted prize money while enrolled in a non-NCAA institution provided the prize money did not exceed actual and necessary expenses and the competition in which the prospective student-athlete accepted the prize money occurred during the summer vacation period.

The following examples illustrate both application of legislation on prize money scenarios as well as the SAR staff decision for cases in which a violation has occurred due to the prospective student-athlete's acceptance of prize money while enrolled in a non-NCAA institution.

Prior to Initial Enrollment.

- If men's tennis prospective student-athlete is 16 years old and in high school and received $500 in prize money less than his expenses ($800) in one event during the summer period, and his career prize money received is less than his career expenses, the current chart the reinstatement staff has provided demonstrates:

    a. No violation of Division I NCAA legislation has occurred.

Subsequent to Enrollment at Non-NCAA Institution.

- If the same men's tennis prospective student-athlete has now graduated from high school, enrolled in an international institution and received $500 in prize money less than his expenses ($800) in one event during the summer period, and his career prize money is less than his career expenses, staff's decision based on the Division I Committee on Student-Athlete Reinstatement's May 2010 directive would result in:

    a. Reinstated based on no repayment and no withholding condition.

Subsequent to Enrollment at NCAA Institution.

- Same men's tennis prospective student-athlete is now recruited and decides to attend NCAA Division I institution. While at Division I institution, prospective student-athlete received $500 in prize money less than his expenses ($800) in one event during the summer period, and his career prize money is less than his career expenses, the current chart the reinstatement staff has provided demonstrates:

  a. No violation of Division I NCAA Legislation has occurred.

Committee on SAR Prize Money Chart (May 2010) – Changes Made in Bold

	Prior to Initial Enrollment	**Subsequent to non-NCAA Enrollment**	Subsequent to NCAA Enrollment
Summer period – prize money less than expenses per event and totality.	No violation.	**Violation but no repayment or withholding condition assessed by reinstatement staff.**	No violation.
Summer period – prize money greater than expenses in event(s) but less than expenses in totality.	Repayment of prize money above expenses per event and withholding condition of: Less than $500 = no withholding $500-$700 = 10% $700-$1,000 = 20% Above $1,000 = 30%	**Repayment of prize money above expenses per event and withholding condition of:** **Greater than $100 to $300 = 10%** **Greater than $300 to $500 = 20%** **Greater than $500 = 30%**	Repayment of prize money above expenses per event and withholding condition of: Greater than $100 to $300 = 10% Greater than $300 to $500 = 20% Greater than $500 = 30%
Academic year – prize money less than expenses per event and totality.	No violation.	**Repayment of all prize money.**	Repayment of all prize money.
Academic year – prize money greater than expenses in event but less than expenses in totality.	Repayment of prize money above expenses per event and withholding condition of: Less than $500 = no withholding $500-$700 = 10% $700-$1,000 = 20% Above $1,000 = 30%	**Repayment of all prize money and withholding condition of:** **Greater than $100 to $300 = 10%** **Greater than $300 to $500 = 20%** **Greater than $500 = 30%**	Repayment of all prize money and withholding condition of: Greater than $100 to $300 = 10% Greater than $300 to $500 = 20% Greater than $500 = 30%

Relevant Bylaws

Bylaw 12.02.5 - Student-Athlete.
A student-athlete is a student whose enrollment was solicited by a member of the athletics staff or other representative of athletics interests with a view toward the student's ultimate participation in the intercollegiate athletics program. Any other student becomes a student-athlete only when the student reports for an intercollegiate squad that is under the jurisdiction of the athletics department, as specified in Constitution 3.2.4.5. A student is not deemed a student-athlete solely on the basis of prior high school athletics participation.

Bylaw 12.1.2.1.5 - Payment Based on Performance.
Any payment, including actual and necessary expenses, conditioned on the individual's or team's place finish or performance or given on an incentive basis, or receipt of expenses in excess of the same reasonable amount for permissible expenses given to all individuals or team members involved in the competition. (Revised: 4/25/02 effective 8/1/02)

Bylaw 12.1.2.4.1 - Exception for Prize Money Prior to Full-Time Collegiate Enrollment.
Prior to collegiate enrollment, an individual may accept prize money based on his or her place finish or performance in an open athletics event (an event that is not invitation only). Such prize money may not exceed actual and necessary expenses and may be provided only by the sponsor of the open event. 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). (Adopted: 4/25/02 effective 8/1/02, Revised: 12/12/06 applicable to any expenses received by a prospective student-athlete on or after 8/23/06)

Bylaw 12.1.2.4.2 - Exception for Prize Money for Student-Athletes -- Outside the Playing Season During the Summer Vacation Period.
In individual sports, a student-athlete may accept prize money based on his or her place finish or performance in an open athletics event (an event that is not invitation only), provided the competition occurs outside the institution's declared playing and practice season during the institution's summer vacation period. Such prize money may not exceed actual and necessary expenses and may be provided only by the sponsor of the open event. The calculation of actual and necessary expenses shall not include the expenses or fees of anyone other than the student-athlete (e.g., coach's fees or expenses, parent's expenses). (Adopted: 4/30/09)

MEMORANDUM

February 3, 2011

P.O. Box 6222
Indianapolis, Indiana 46206
Telephone: 317/917-6222

Shipping/Overnight Address:
1802 Alonzo Watford Sr. Drive
Indianapolis, Indiana 46202

www.ncaa.org

To: NCAA Division I Amateurism Cabinet.

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

SUBJECT: Definition of an Agent, Agent Contact Calendar (Football) and National Agent Registration Program.

The purpose of this memo is to outline three concepts for consideration by the cabinet:

1. Definition of an agent;
2. Agent Contact Calendar; and
3. National Agent Registration Program.

The first concept, redefining the definition of an agent, would broaden the current definition to include outside third parties who have been inserting themselves into student-athletes' lives and creating problems. The second concept, Agent Contact Calendar, would create legislated, permissible windows of agent contact with student-athletes with remaining eligibility. Finally, a national agent registration program would serve as a resource for institutions and allow agents contact with student-athletes based on the calendar. The concepts could be packaged together so that only agents that participate in the national registration program would have access via the contact calendar.

1. Definition of an Agent.

Outside third parties are actively recruiting and soliciting student-athletes and because they do not negotiate contracts with professional teams, they do not always trigger NCAA agent legislation. These individuals attach themselves to the student-athletes early in order to establish trust and build a relationship that will pay off when the student-athlete turns professional. Historically no one has had jurisdiction over their behavior so there is no accountability from the NCAA, professional leagues, professional players' associations, or state government agencies. The below proposed definition would cause these individuals to trigger the NCAA definition of an agent.

Definition of an agent: "Any person (including, but not limited to, a contract advisor, financial planner, marketing representative, runner, or any individual who is employed or associated with that person) who 1) represents directly or indirectly, any individual in the marketing of his/her athletics ability or reputation or, 2) seeks to represent or gain financially."

2. Agent Contact Calendar (Football).

The below agent contact calendar is built specific to the sport of football and utilizes three factors in its consideration: 1) length and timing of the college football playing and practice season; 2) time of heaviest contact between agents and football student-athletes; and 3) types of communication.

This calendar oversees the contact and non-contact periods that govern communications between football student-athletes and agents, takes into account the NFLPA junior rule, and only applies to seniors and draft-eligible juniors. Agents cannot have contact with first- or second-year players.

Contact is defined as any in-person meetings, phone calls, text messages, direct mail, social networking communication or any other forms of electronic communication.

WINTER CLASSES

Time Period: End of regular season to beginning of spring football.

- Unlimited contact for draft eligible student-athletes after the end of regular season until the beginning of spring football.
- Student-athletes with remaining eligibility must inform the institution of any in-person meetings prior to the meetings and provide the institution with the agent's contact information.
- Student-athletes receiving any type of communication (i.e., phone calls, text messages, direct mail or any other form of electronic communication) from an agent must inform the institution and provide the agent's contact information after the first initial contact.

SPRING FOOTBALL

Time Period: Beginning of spring football practice until the end of the spring football game.

- In-person contact is prohibited during this period.
- Contact by telephone calls, text messages, mail, e-mail, social networking and other forms of electronic communication shall be unrestricted.
- Student-athletes receiving any type of communication from an agent must inform the institution and provide the agent's contact information after the first initial contact.

- At the institution's discretion an agent forum can be held following the spring football game to allow student-athletes to meet and interview agents.

SPRING CLASSES

Time Period: End of spring football to the end of spring classes.

- Contact by telephone, text message, direct mail, e-mail and other forms of electronic communication shall be unrestricted. Student-athletes receiving any type of communication from an agent must inform the institution and provide the agent's contact information after the first initial contact.
- In-person contact shall be limited to one day during the week and unlimited during the weekends. The institution will determine the day during the week to allow agents on campus to conduct meetings with student-athletes.
- The student-athlete must inform the institution prior to any in-person weekend meetings.

SUMMER CLASSES

Time Period: End of spring classes to beginning of fall camp.

- Unlimited contact between student-athletes and agents.
- Student-athletes must inform the institution prior to any scheduled in-person meetings.
- Student-athletes receiving any type of communication from an agent must inform the institution and provide the agent's contact information after the first initial contact.

FALL CAMP

Time Period: Beginning of fall camp to end of fall camp.

- Contact by telephone, text, e-mail, mail, and other forms of electronic communication shall be limited to one day during the week and unlimited on the weekends.
- Student-athletes receiving any type of communication from an agent must inform the institution and provide the agent's contact information after the first initial contact.
- In-person contact is not permissible during fall camp. However, institutions can schedule agent days during fall camp for agents to present information to student-athletes.

REGULAR SEASON

Time Period: Period including week prior to first game through last regular season game.

- In-person contact shall be limited to one day a week. The institution will determine the day during the week to allow agents on campus to conduct meetings with student-athletes.
- All other contact shall be unlimited.

- Student-athletes receiving any type of communication from an agent must inform the institution and provide the agent's contact information after the first initial contact.

3. National Agent Registration Program

The primary purpose of this program would be to establish a program that can assist student-athletes and member institutions in education about agents/advisors for future professional careers. The national office would register all agents/advisors that wish to represent student-athlete's in their future professional athletics careers and could share pertinent information with member institutions.

The benefits of a national agent registration program would include:

a. A secure web-based system that would be easy for individuals to register;

b. The web-based system would create one central database to serve all member institutions with information about agents. Currently member institutions often have their own agent registration program in place but many do not have any registration programs and are unfamiliar with the agents. Player Association certification programs and state and federal law requirements would still apply;

c. Allow for a sharing of information with institutions, student-athletes, and parents through a secured, online website that would include, but not be limited to contact information, employee names/contact information, head shots, disciplinary actions taken against them, etc.;

d. Provide access to NCAA student-athletes via the recruiting contact calendar to those agents that register with the national program;

e. Allow for a direct link to interviewing agents that may be involved in an institutional or NCAA investigation. For example, a condition of registration could include availing oneself to interviews and providing documents when requested; and

f. Direct education on NCAA rules can be provided to individuals that register.

RNB:esb

REPORT OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I LEADERSHIP COUNCIL JANUARY 13, 2011, MEETING

- ***ACTION ITEMS.***

None.

- ***INFORMATION ITEMS.***

1. **Discussion of Agents.** Rachel Newman-Baker, NCAA director of agents, gambling and amateurism activities, and Jimmy Sexton, sports agent and co-owner of Sports Trust Advisors, shared information with the Leadership Council on ways in which agents enter the lives of prospective and enrolled student-athletes, and how they influence the decisions student-athletes ultimately make regarding professional career opportunities. The following concepts were offered as a potential answer to address agent issues:

   a. Education. In providing information about the ways agents approach student-athletes, it was emphasized that early education is one of the best opportunities institutions have to provide their student-athletes with accurate information about agents and professional sports opportunities. The earlier institutions begin the education process with their student-athletes integrated with credible information from the agent community, the better decisions student-athletes will make in the long-run.

   b. New Definition of an Agent. The Council reviewed a proposed definition of an agent that would broaden the scope to include outside third parties who have become affiliated with prospective or enrolled student-athletes. The Council appeared to be receptive to a change in the definition, but cautioned against making changes that would place a "strict liability" standard on prospective or enrolled student-athletes for actions of third parties.

   c. Agent Contact Calendar. The Council reviewed a proposed agent contact calendar for the sport of football that would create permissible time periods for agent contact with student-athletes with remaining eligibility. There was concern expressed about the enforceability of such a calendar by either the NCAA or the National Football League Players Association (NFLPA); however, the Council agreed that it should continue to be discussed.

   d. National Agent Registration Program. The Council reviewed a proposed national agent registration program that could serve as a resource for institutions and student-athletes that would assist in the agent/advisor education process. The Council appeared receptive to such a program, noting that continued discussion with various governance bodies and the membership will be necessary.

2. **Discussion of Men's Basketball Recruiting.** The Leadership Council received presentations regarding the men's basketball recruiting environment from representatives of various men's basketball stakeholders [i.e., Dan Beebe, Collegiate Commissioners Association (CCA); Neil Dougherty, iHoops; Jim Haney, National Association of Basketball Coaches (NABC); Floyd Keith, Black Coaches and Administrators (BCA); Jim Tenopir, National Federation of High Schools (NFHS)]. Among themes/concepts that were shared with the Leadership Council:

   - Outside third parties have more access to prospective student-athletes than member institutions' coaches. The NCAA should consider revising its rules to allow college coaches to have personal contact with prospects.
   - The April and July evaluation periods are crucial for college coaches to evaluate prospects in competition against players of similar ability. The NCAA may want to consider decreasing the number of days in the July evaluation period and adding an evaluation period in April.
   - The NCAA should consider permitting off-campus contacts, official paid visits and possibly on-campus tryouts during a prospect's junior year of high school.
   - The NCAA should consider eliminating the telephone call and text messaging restrictions.
   - Changes made to the recruiting model should consider the differences in resource levels among Division I institutions.
   - Changes made to the recruiting model should consider the influence of technology on communications in the process.
   - "Third parties" are a reality in the current recruiting environment, and can be a positive influence on the prospect if trained and motivated.
   - Coaches should be viewed as teachers when considering opening up opportunities to interact with underclass prospects.
   - Consider measures that would support high school programs.

   At its April 4 meeting, the Council will continue its discussion of men's basketball recruiting and will hear presentations from additional interested groups, including head coaches, the Division I Student-Athlete Advisory Committee (SAAC), possibly event or summer camp operators and apparel companies.

3. **Report from the NCAA Olympic Sports Liaison Committee**. The Leadership Council received a report from the Olympic Sports Liaison Committee/National Governing Bodies (NGB) Working Group regarding its review of issues related to endangered sports and sports that face challenges to their growth. The working group's focus was a concern for at-risk sports and developing recommendations that could promote increased collaboration between the United States Olympic Committee (USOC), NCAA and NGBs to support the needs of various athletics programs. The working group reviewed strategies designed to keep Olympic sports viable within the NCAA structure and presented five recommendations that could have a substantial effect in meeting mutually beneficial objectives. It was noted that this is an issue that needs some focus and

4. attention, and the Leadership Council agreed to include this on the agenda of its next meeting for a more complete review.

5. **Legislative items in the 2010-11 cycle of potential interest to the Leadership Council.** The Leadership Council was updated on various actions taken during the Legislative Council's January 12-13, 2011, meeting, which was occurring simultaneously with the Leadership Council.

6. **Report from the Division I Student-Athlete Advisory Committee.** Division I SAAC Chair Nick Fulton presented a report of the committee's recent meeting and priorities for the upcoming year. Given this was Fulton's last meeting as chair, the Council thanked him for his service and commended him for his work in representing Division I student-athletes.

7. **Litigation Report.** Scott Bearby, interim NCAA general counsel, provided this report.

8. **Other Business.** It was noted that the members of the Leadership Council will be contacted via e-mail to participate on subcommittees that will be able to work between Council meetings on projects related to agents or the men's basketball recruiting model. An administrative committee also was suggested to assist on agenda development between meetings.

9. **Future Meetings**.

   a. April 4, 2011, Houston, Texas.

   b. October, 2011, TBD.

Leadership Council chair: Mike Alden, University of Missouri
Staff Liaisons: S. David Berst, Division I governance
Jacqueline Campbell, Division I governance
Kevin Lennon, academic and membership affairs

The National Collegiate Athletic Association
January 15, 2010 SDB/JGC:vlm

NCAA Division I Amateurism Cabinet

Legislative Concept - Earmarking Fundraised Dollars

BACKGROUND

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

During its June 2010 meeting, the cabinet discussed the current realities of fundraising activities and the potential benefits these types of activities have on a PSA's ability to participate in athletics. During these discussions, the cabinet reviewed the current legislation and discussed its impact on prospects participating in fundraising activities in order to obtain expenses to compete in athletics competition. In addition, at its September 2010 meeting, the cabinet reviewed feedback from NAAC that supported the need for a legislative change that would provide more flexibility to prospects who accept competition-related expenses from outside sources. Based on these discussions and NAAC's feedback, the cabinet requested the staff present a legislative concept to address the needs of PSAs participating in these types of fundraising activities.

CONCEPT FOR LEGISLATIVE CHANGE

The following concept is intended to provide flexibility to prospects who accept competition-related expenses from outside sources while also establishing parameters to ensure the legislation is protected against abuse and any clearly impermissible situations.

- ***Prior to collegiate enrollment, an individual may 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.***

NCAA Proposal Would Give Companies More Latitude to Use Athletes' Images in Ads

The Chronicle of Higher Education
January 10, 2011
By Libby Sander

Should NCAA rules allow a Nike ad to feature University of Oregon football players in action, with the company's ubiquitous swoosh and the name of the university prominently displayed? What if Under Armour, which outfits the Auburn Tigers, wanted to promote a sales event at which the university's star quarterback, Cam Newton, would appear to sign autographs?

Under the current amateurism rules, neither scenario would be allowed.

But both would be perfectly legitimate if leaders in the NCAA's Division I adopt a proposal that is up for a vote this week at the association's annual meeting in San Antonio.

Existing rules generally bar companies from using an athlete's name, image, or "likeness" in advertisements, promotions, or other ventures. The proposed measure would allow corporate sponsors to feature game clips of current athletes in their TV ads, for instance, as long as the ads include the name of the athlete's institution. It would also allow companies to publicize sales events at which college athletes would be present.

Supporters of the proposal say it would modernize and streamline outdated rules that govern the delicate relationship between athletic departments and their corporate sponsors, which provide much-needed revenue. Critics say the proposed changes could send college sports down a slippery path, leaving athletes too closely linked with—or exploited by—the marketing of commercial products.

James E. Delany, commissioner of the Big Ten Conference, which opposes the measure, has called the proposal "the essence of exploitation" that would allow companies "virtually unlimited latitude" in using athletes' images to promote their commercial interests. The college presidents and other members of the Pac-10 Council also oppose the measure, having concluded that profits gained from the use of athletes' names or likenesses would be "philosophically inappropriate." And the NCAA's own Division I Student-Athlete Advisory Committee has been wary, in particular about a provision that calls for athletes to sign a release statement allowing companies to use their images.

Michael Rogers chairs the NCAA's Amateurism Cabinet, the group charged with coming up with proposals to alter the amateurism rules in this area. The cabinet's work was largely inspired by a presidentially led panel on commercialism, which issued a report two years ago that recommended a careful overhaul of the regulations.

"What we continue to prohibit is direct endorsement," says Mr. Rogers, a law professor at Baylor University who is also the institution's faculty athletics representative. "No student-athlete is going to be holding up a can of soft drink and saying, 'This is delicious. Buy it.' But you might well have an image of a student-athlete diving into the end zone or clearing the bar at the high jump, and you would have a promotion where the commercial venture would say, 'We at XYZ Corporation also strive for excellence, just like the Baylor Bears.'"

Amy P. Perko, executive director of the Knight Commission on Intercollegiate Athletics, which opposes the proposal, says the oft-cited example of an athlete directly promoting a product is outdated—and skirts the significant changes that the proposed legislation could bring.

"Joe Namath is the last athlete I can remember who physically held a product and said, 'Use this,'" she said. "Advertising has changed."

Familiar Challenge, New Urgency

Leaders in college sports have struggled for years to modernize the commercialization rules. The issue last came up in 2007, when three proposals that suggested changes similar to the ones in this year's measure were defeated.

The current regulations, which almost everyone agrees are painfully outdated, speak of printed posters, calendars, and media guides—but not of the myriad technological advances that have changed the way college sports is marketed and consumed. Nor do the current rules define what, exactly, constitutes an athlete's name or image.

Jon T. King, a lawyer in San Francisco, is keeping a close watch on the proposal. Mr. King represents the former UCLA basketball standout Ed O'Bannon, who, along with a dozen or so former college athletes, is suing the NCAA over the name-and-likeness issue. In the lawsuit, Mr. O'Bannon asserts that the NCAA violates federal antitrust law by barring former college athletes, once their playing days are over, from profiting from NCAA- or college-licensed products—video games, classic highlights, and so on—that use their images and likenesses. (Mr. O'Bannon's case has been consolidated in a California federal court with another case against the NCAA and video-game developer Electronic Arts, brought by the former Arizona State and Nebraska quarterback Sam Keller.)

The context for Mr. O'Bannon's case is slightly different from the situations to which the current proposal—which concerns itself only with enrolled athletes—would apply. Still, Mr. King says he is particularly interested in the "incredibly wide-ranging and broad" terminology used to define an athlete's name and likeness: Under the proposal, an athlete's likeness includes not only his or her name or photograph, but simulated or computer-generated likenesses, too. The definition also includes an athlete's voice—singing, rapping, or speaking—as well as his or her personality.

"This looks like a dramatic sea change," Mr. King said in an interview. "We view it as a complete grab of all rights, forever, in an attempt to cure the problems brought up in our case."

An Issue of Control

If companies were permitted to use athletes' names or images in their promotions, how much say would the athletes themselves have in the matter?

It's a key question the Division I Student-Athlete Advisory Committee pondered last fall when it first reviewed the proposal, says Nick Fulton, a former swimmer at the University of Wisconsin at Madison who chairs the group. The proposal states that colleges can use athletes' names or likenesses in commercial activities as long as the athlete signs a release statement beforehand consenting to that use.

But it's not clear what that release statement would look like, or how much freedom athletes would have to refuse it, Mr. Fulton says. For that reason, the committee took a preliminary position against the

proposal in November, Mr. Fulton says. (The group will revisit its position when it meets in San Antonio on Tuesday.)

"We don't want to get into a situation where a student-athlete doesn't have control over their likeness or image," he says.

When the NCAA's Division I Legislative Council, the 32-member group that votes on all proposed changes to NCAA rules, takes up the proposal during its two-day meeting on Wednesday and Thursday, it has three options: it could approve the measure, defeat it, or send it back to the NCAA membership for comment. If the proposal passes the council, it would then proceed to the Division I Board of Directors, which has the final say on all legislation.

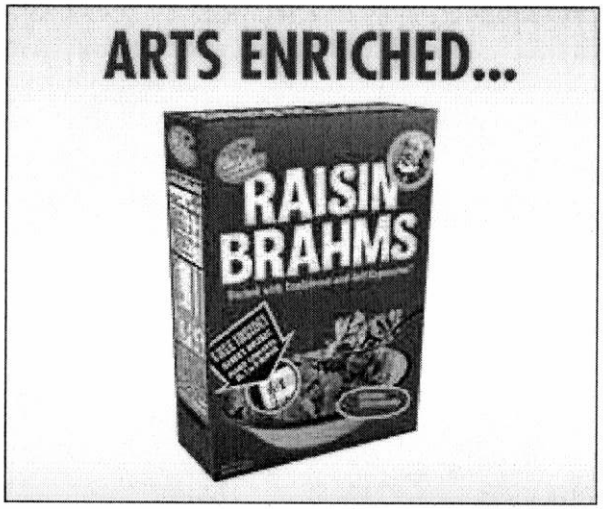
Given the disagreement among some key constituents, Mr. Rogers, of Baylor, says he is prepared to make adjustments.

"We're going to be watching this," he says. "And if we need to temper it, we will."

NCAA talks shady agent contact

Coalition of execs mull new penalties to curb misconduct.

By Jerry Briggs
jbriggs@express-news.net
Published: 12:00 a.m., Thursday, January 13, 2011



Improper dealings between agents and athletes will always plague college sports, a prominent agent said Wednesday after he participated in a panel discussion at the NCAA Convention in San Antonio.

"It's never going away," said Rick Smith of Chicago-based Priority Sports & Entertainment. "You just try to get more kids to follow the right path than the wrong path."

In the past year, the problem seems to have flared again with agent issues touching football programs at North Carolina, Georgia, South Carolina and Alabama.

Several North Carolina players sat out the season after it was found that they received thousands of dollars in benefits. One reportedly received between $10,000 and $13,000.

As a result, a coalition of NCAA officials, conference commissioners, the American Football Coaches Association, representatives of the NFL and NFL Players Association have banded together to try to find better ways to control the situation.

Included is the possibility of post-NCAA penalties that presumably could be administered by the NFL and the players association.

"We really haven't had a formal discussion on that yet," said Smith, who is one of three prominent agents in the coalition. "We just have to come up with something that all parties can agree to."

Rachel Newman Baker, NCAA director of agent, gambling and amateurism activities, teamed with Smith to address the agent issue in front of delegates at an educational symposium.

She said it's uncertain whether penalties imposed by the NFL would help stem the tide of problems.

"I think that's something that the NFL and the NFLPA are going to have to discuss or figure out," Baker said after appearing with Smith in front of delegates at an educational symposium. "I don't know that it's fair for me to say, one way or the other. I think we've got to figure, 'What can we do in our own house?'"

First-year NCAA president Mark Emmert has made it clear that the issue is on the front burner, Baker said.

"I think it's fair to say that this is on his priority list," Baker said. "He wants to make sure we're moving in a direction that's going to be in benefit to our student-athletes. But I think he's also about holding these (agents) accountable, as our athletes are being held accountable."

Smith seemed more optimistic that the problem could be addressed more effectively in football than in basketball.

"Basketball will be a lot more difficult because of AAU and things like that," he said. "The outside, third party is getting to the kid a lot younger than he is a football player. It's much easier to kind of point a basketball player out at a young age than it is a football player. That third party has gotten to those kids a lot earlier."

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

Thursday, December 2, 2010
Updated: December 3, 11:32 AM ET

Mark Emmert addresses backlash

ESPN.com news services

NCAA president Mark Emmert responded Thursday to the backlash that the governing body is allowing Cam Newton to play in the SEC championship game even though his father sought payment for his services.

"We recognize that many people are outraged at the notion that a parent or anyone else could 'shop around' a student-athlete and there would possibly not be repercussions on the student-athlete's eligibility," Emmert said in a statement on the NCAA's website.

Newton saga opens loophole

The NCAA ruled Auburn QB Cam Newton eligible, but the decision opens up a loophole the size of Jordan-Hare Stadium, writes ESPN.com's Gene Wojciechowski. **Column**

Emmert added that he's committed to "further clarifying and strengthening our recruiting and amateurism rules so they promote appropriate behavior by students, parents, coaches and third parties." He also said the NCAA will "work aggressively with our members to amend our bylaws so that this type of behavior is not a part of intercollegiate athletics."

The NCAA ruled Wednesday that the Auburn quarterback and Heisman favorite was unaware of the pay-for-play scheme concocted by his father, Cecil, and the owner of a scouting service. The NCAA declared Newton eligible to play for Auburn (No. 1 BCS, No. 2 AP) Saturday against South Carolina (No. 19 BCS, No. 18 AP).

According to the NCAA report and Kenny Rogers -- the former Mississippi State player who worked for an agent -- Rogers and Cecil Newton sought money for the quarterback to play for the Bulldogs.

George Lawson, the Newton family attorney, said Thursday that Cecil Newton cooperated with the NCAA.

"Cam's father participated in the investigation truthfully and honestly in terms of what he knew and what he didn't know, regardless of the consequences," Lawson told WSB-TV in Atlanta.

As to whether any money changed hands, the attorney said: "Absolutely not."

Lawson added that he "would hope" the investigation is over.

"But if it is not at an end, Cam and his family will continue to participate," he said.

Within the span of two days, the NCAA notified Auburn of violations of amateurism rules; the school declared Newton ineligible; and then the governing body reinstated him, clearing Newton to compete without conditions.

The NCAA noted that reinstatement decisions are separate from the enforcement process and usually are "likely to conclude prior to the close of an investigation."

On its website Thursday, NCAA vice president of enforcement Julie Roe Lach said her staff investigates all types of rules violations.

"Some of these investigations affect student-athlete eligibility and others do not," Lach said. "The investigation does not stop with a student-athlete eligibility issue, but school officials must address it as soon as they are aware of the violations."

A number of prominent college sports administrators spoke out about the decision. Jim Delany, the commissioner of the Big Ten and a former NCAA investigator, told The New York Times that the NCAA "missed an opportunity to stand up."

Pac-10 commissioner Larry Scott told The Times his office had heard from a number of schools concerned with the decision.

"What I would say on any third-party issue is that the analysis in my view, whether you're an assistant coach, president or a booster or a parent, is that there ought to be accountability," Delany told The Times. "There ought to be consequences."

Late Wednesday, USC athletic director Pat Haden told The Los Angeles Times that he was surprised by the NCAA's ruling on Newton.

USC was hit with sanctions this past summer in the wake of the Reggie Bush investigation.

"In the Reggie Bush case, when the parent [did] something inappropriate the kid and the school suffered," Haden told The Times.

Bush returned the Heisman Trophy and the school was hit with a postseason ban, scholarship reductions and probation after the NCAA found that Bush and his parents accepted extra benefits from agents and sports marketers when Bush was at USC.

SEC blog

ESPN.com's Chris Low writes about all things SEC in his conference **blog.**

• Blog network:
College Football Nation

"I was always told the parent is the child. That's what we've been telling our kids," Haden said to the paper. "If the parent does something inappropriate the child suffers the consequences."

The NCAA took issue with comparisons made to the case involving Bush.

The NCAA said: "If a student-athlete does not receive tangible benefits, that is a different situation from a student-athlete or family member who receives cash, housing or other benefits or knowingly competes and is compensated as a professional athlete."

Mark Jones, an Indianapolis attorney who works with NCAA-related cases, said the reinstatement committee generally relies on the school's self-report in making decisions involving eligibility issues, and doesn't investigate.

He said the swift movement on reinstatement is common during an athlete's season.

"The student-athlete reinstatement staff's job is to evaluate things from the student-athlete's perspective," said Jones, the chair of collegiate sports practice for Ice Miller. "That's very important in analyzing what they're going to do in terms of whether any sanctions might be necessary for the student-athlete."

Kevin Lennon, NCAA vice president of academic and membership affairs, said on the website that when the reinstatement staff reviews eligibility cases, it reviews each case based on its own merits and specific facts.

"During the decision, we must examine a number of factors, including guidelines established by our membership for what conditions should be applied based on the nature and scope of the violation," Lennon said. "We also carefully consider any mitigating factors presented by the university to determine if relief from the guidelines should be provided."

Lennon said Wednesday of the Newton case:

"Based on the information available to the reinstatement staff at this time, we do not have sufficient evidence that Cam Newton or anyone from Auburn was aware of this activity, which led to his reinstatement."

The recruiting scandal, pay-for-play investigation may not be over, as the NCAA has not closed the case on the Newtons, leaving the door open for future discipline.

Information from The Associated Press contributed to this report.

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Statement: Joint Effort To Tackle Football Agent Issues Continues

Contact(s):

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317/917-6117

Tackling the complex issue of improper agent activity in college sports requires commitment from several groups. Key representatives from the NCAA staff, its member schools, Collegiate Commissioners Association, NFL, NFL Players Association, American Football Coaches Association, state government and the agent community met again last week and continue to make progress in identifying potential solutions.

The group has identified opportunities for greater collaboration, including enforcement efforts, potential post-NCAA financial penalties, best practices for the effective enforcement of state agent laws, educational efforts, as well as an examination of the frequency and timing of agent contact with student-athletes.

As a part of the ongoing effort and discussion, another meeting is being planned for next month.

List of Participants

The joint agent discussions include key representatives from the NCAA, its member schools, Collegiate Commissioners Association, NFL, NFL Players Association, American Football Coaches Association, state government and the agent community. The participants include, among others:

- Ray Anderson, NFL, Executive Vice President of Football Operations
- Ron Hill, NFL, Vice President of Football Operations
- Merton Hanks, NFL, Director of Football Operations
- Rich McKay, President, Atlanta Falcons
- Bill Polian, President, Indianapolis Colts
- Arthur McAfee, NFL Players Association, Counsel
- James Guidry, NFL Players Association, Collegiate Affairs Manager
- Grant Teaff, American Football Coaches Association, Executive Director
- Jim Delany, Commissioner, Big Ten Conference
- Mike Slive, Commissioner, Southeastern Conference
- Greg Sankey, Associate Commissioner, Southeastern Conference

- Jeff Hawkins, University of Oregon, Director of Football Operations
- Mike Powell, Texas Secretary of State Office, Managing Attorney
- James Sexton, agent, Athletic Resource Management
- Fletcher Smith, agent, Blueprint Sports Group
- Rick Smith, agent, Priority Sports & Entertainment
- Rachel Newman Baker, NCAA, Director of Agent, Gambling and Amateurism
- Scott Bearby, NCAA, Interim Vice President of Legal Affairs/General Counsel
- David Berst, NCAA, Vice President for Division I Governance
- Dennis Poppe, NCAA, Vice President for Baseball and Football
- David Price, NCAA, Vice President of Enforcement
- Naima Stevenson, NCAA, Director of Legal Affairs/Assistant General Counsel

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USA TODAY

NCAA working with NFL, NFLPA on agent issue

Updated 12/9/2010 3:14 PM

By Michael McCarthy, USA TODAY

NCAA president Mark Emmert discusses the NCAA declaring Cam Newton eligible to play despite his father's involvement in a pay-for-play scheme.

NEW YORK — New NCAA president Mark Emmert said Wednesday he is collaborating with the NFL and NFLPA to shine much-needed light on the murky world of rogue agents and others who try to take advantage of student-athletes.

"You have to use the word 'agent' very loosely," he said at the IMG Intercollegiate Athletics Forum in New York. "There's official registered agents. Then there's these third party runners and a variety of other people. So it's a complex affair.

"We're having some extremely productive conversations right now with coaches, with NFL, the NFLPA, with some state attorneys general and a variety of folks about how we can get our arms around this situation."

SEC Commissioner Mike Slive said the group is addressing the key question plaguing college athletics today.

"What is an agent? Is an agent a runner? Is an agent a financial advisor? Is an agent a marketing consultant?" he said. The goal, he says, is to make it "impossible for somebody who wants to work in the back alleys at midnight to do that. Because the good work is done in the sunshine."

BCS defense: Tired of getting sand kicked in his face from critics, including Congress, about how college football needs a playoff, Bill Hancock came out swinging.

The executive director of the Bowl Championship Series said this year's BCS championship matchup, pitting No. 1 Oregon and Heisman hopeful LaMichael James vs. No. 2 Auburn and fellow Heisman contender Cam Newton, shows the system works.

Meanwhile, those howling for a playoff can't decide what kind of playoff they want, he added.

"Some want a four-team after the bowls playoff. Some want an eight-team playoff. Some want 12, 16. I've even had a couple say, 'Do this 32-team playoff and all your problems will be solved,' " he said.

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

Thursday, December 23, 2010
Updated: December 26, 10:01 AM ET

Ohio State football players sanctioned

ESPN.com news services

COLUMBUS, Ohio -- Welcome to Tattoo U.

What started out as a trip to a Columbus tattoo parlor by a couple of football players has created all sorts of mayhem for star quarterback Terrelle Pryor and Ohio State.

Pryor and four teammates were suspended Thursday by the NCAA for the first five games of next season for selling championship rings, jerseys and awards. They also received improper benefits -- from up to two years ago -- from the tattoo parlor and its owner.

Ohio State reaction

We didn't know. ESPN.com's Pat Forde advises future NCAA rule breakers of America to remember those words. It's the trendy phrase in this scandal-scarred season -- and it works. **Story**

What does the suspension of five Ohio State players for the first five games of next season mean? Plenty, both now and later, as ESPN.com's Adam Rittenberg details. **Blog**

"I learned more about tattoos than I ever really want to possibly know," athletic director Gene Smith said. "As a student-athlete, you're not allowed to use your persona to get discounted services."

The NCAA said all can still play in the Sugar Bowl against Arkansas on Jan. 4 in New Orleans. Ohio State's first five games next season are against Akron, Toledo, Miami, Colorado and Michigan State. Ohio State plans to appeal, hoping the number of games might be reduced.

Tattoos can run anywhere from $50 to hundreds or even thousands of dollars. Many college athletes have more than one. Pryor certainly does. One arm alone is covered from his biceps to his wrist.

"I paid for my tattoos. Go Bucks," Pryor posted on his Twitter account Wednesday night.

Pryor even sold a sportsmanship award from the 2008 Fiesta Bowl, along with his 2008 Big Ten championship ring. More egregious to Ohio State fans, he sold a "gold pants" trinket -- an iconic charm given to players who are a part of a victory over archrival Michigan. He may not be easily forgiven by Buckeyes fans who revere such traditions. Pryor must repay $2,500 for selling the three items.

His teammates also sold Big Ten championship rings -- the Buckeyes have won the past six conference titles -- plus football jerseys, pants and shoes.

Along with Pryor, leading rusher Dan Herron, No. 2 wide receiver DeVier Posey, All-Big Ten offensive tackle Mike Adams and backup defensive end Solomon Thomas must sit out the five games.

Herron must repay $1,150 for selling his football jersey, pants and shoes for $1,000 and receiving

discounted services worth $150.

Posey must repay $1,250 for selling his 2008 Big Ten championship ring for $1,200 and receiving discounted services worth $50.

Adams must repay $1,000 for selling his 2008 Big Ten championship ring. Thomas must repay $1,505 for selling his 2008 Big Ten championship ring for $1,000, his 2008 gold pants for $350 and receiving discounted services worth $155.

A sixth player, freshman linebacker Jordan Whiting, who received a discount on tattoos, must sit out the first game of the 2011 season and pay $150 to a charity.

Smith said the punishment should be mitigated because of how the players used the money they received.

"The time this occurred with these young men was a very tough time in our society. It's one of the toughest economic environments in our history," he said. "The decisions that they made they made to help their families."

The penalties

In addition to sitting out the first five games of the 2011 season, five Ohio State football players, including Terrelle Pryor (pictured) must repay the following to charity:

Pryor

• Repay $2,500 for selling 2008 Big Ten championship ring, 2009 Fiesta Bowl sportsmanship award, 2008 Gold Pants

Daniel Herron

• Repay $1,150 for selling jersey, pants and shoes for $1,000 and receiving discounted services worth $150

Devier Posey

• Repay $1,250 for selling 2008 Big Ten championship ring for $1,200 and receiving discounted services worth $50.

Mike Adams

• Repay $1,000 for selling 2008 Big Ten championship ring.

Solomon Thomas

• Repay $1,505 for selling 2008 Big Ten championship ring for $1,000, 2008 Gold Pants for $350 and receiving discounted services worth $155.

Smith was asked how getting money for their families jibed with getting free or cut-rate tattoos.

"The discount on tattoos is not as big as the other pieces," he said. "I'm not trying to make those two the same. But the cash was relative to family needs."

Pryor's high school coach, Ray Reitz, told ESPN's Joe Schad that Pryor sold items because "he wanted to help his mother."

"It was about family," Reitz said. "Sometimes when you're young you don't realize the ramifications."

Posey's mother defended her son's actions in an interview with The Columbus Dispatch.

"They didn't do anything that any other person wouldn't have done," Julie Posey told the newspaper. "They looked around to see what they could do to help [their families]. There's no crime here. None. They're not involved with agents. They didn't steal anything. They didn't borrow anything from anybody. It was theirs. Nobody told them it 'almost belongs to you.' It belonged to them."

The Associated Press left several phone messages at what is believed to be the tattoo parlor in question. Smith, coach Jim Tressel and the NCAA did not provide its name because it is part of an ongoing federal investigation.

"We all have a little sensor within us, 'Well, I'm not sure if I should be doing this,'" Tressel said. "And sometimes it gets overrided by what you think your necessity is. … I would have to think that there was no way that they just thought that [selling items] would be common practice."

After the bowl game, all five may have to make decisions about whether they'll come back for a shortened senior season or enter the NFL draft. Tressel acknowledges their decisions could be influenced by the NFL's uncertain labor situation.

"I'm not sure this would be the most advantageous time to have a job interview [with the NFL]," he said.

The NCAA did not suspend the players for the Sugar Bowl because they "did not receive adequate rules education during the time period the violations occurred."

"These are significant penalties based on findings and information provided by the university," Kevin Lennon, NCAA vice president of academic and membership affairs, said in a statement.

Lennon said a game was added to the usual four-game penalty because the players did not "immediately disclose the violations when presented with the appropriate rules education."

There are seven full-time staffers and two interns in Ohio State's compliance department. Smith said they were complicit in the violations because they didn't make it "explicit" to players they weren't permitted to receive such benefits.

Smith and Tressel said they were relieved the players can play in the Sugar Bowl. The NCAA said its policy allows players to participate in a championship or bowl game if they were "not aware they were committing violations."

"We respect the decision made by the NCAA and the Big Ten Conference and we appreciate the efforts made by Ohio State and the Big Ten to allow the student-athletes to participate in our game," Sugar Bowl CEO Paul Hoolahan said.

As Smith and Tressel left Thursday's news conference, Smith tried to lighten the mood.

"We might," he said with a smile, "hire a tattoo person and put them in the Woody Hayes [Athletic Center]."

Information from The Associated Press is included in this report.

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By Thomas O'Toole, USA TODAY

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WASHINGTON -- New NCAA president Mark Emmert spoke to two of college athletics' hot-button issues on Friday, shooting down the question of paying athletes and opting out of the discussion on a major college football playoff.

He was speaking at a taping of *Expert Opinion*, a talk show on the Big Ten Network hosted by Penn State president Graham Spanier. The show was at the Newseumin Washington because Penn State officials are here for Saturday's Penn State-Indiana football game at the Washington Redskins' FedEx Field.

In a discussion about benefits for athletes, Emmert, president of the University of Washington before taking over the NCAA in October, left no doubt where he stands: "Student-athletes will never be paid as long as I'm president of the NCAA." He added that it was "grossly inappropriate" for schools to even be talking about such a move. Emmert has said he is not opposed to a discussion about making scholarships worth the cost of attendance, which would allow for some money above room, board, tuition, books and fees. But that issue has been talked about off and on for years and received little traction.

On the issue of a playoff, he indicated he would not use the bully-pulpit power of the presidency to push for a post-season tournament. Nearly 20 years ago, then-NCAA president Dick Schultz said it was time to consider a playoff and called for a study. But no consensus could be reached. Instead, various postseason permutations led to the controversial Bowl Championship Series format which gives the six major conferences most of the leverage and money.

Emmert on Friday reiterated his position that if member schools were to vote for a championship, the NCAA would be glad to run it. "For now, we are going to support" the current structure, he said.

To that comment, Spanier said, "As chair of the BCS presidential oversight committee, I like your answer." Spanier then added, "We don't really see an expanded role for the NCAA in that. And I don't anticipate any changes in the next several years, for sure, and maybe for longer."

Emmert would not speak directly to the current investigation of Auburn quarterback and Heisman favorite Cam Newton over an alleged pay-for-play scheme orchestrated by his father. But Emmert did repeat his concerns about the enforcement process and the length of investigations. But he qualified that by saying getting the facts correct is more important than speeding up the process.

"The burden of proof is higher than for someone who is writing a blog," he said.

-- Thomas O'Toole

See photos of: Penn State University, Bowl Championship Series, NCAA

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College or the pros?

Thursday, February 3, 2011; D03

Washington Post

Each year dozens of top American junior tennis players wrestle with the decision of whether to turn pro as a teenager or play college tennis first, which appears to be a growing trend.

Here are highlights of a fact sheet that the U.S. Tennis Association prepared last fall to help top juniors and their families make the best call:

- Average value (in education, tennis development) of a four-year college scholarship: $360,000.

- Average annual cost of competing on the pro tour: $143,000.

- World ranking required to "break even" financially on the pro tour: 164th for men; 119th for women (based on 2009 end-of-year rankings).

- Average age of a top-100 pro: 25-26 for men; 23-24 for women.

- Number of years the average pro needs to reach top 100: 3-4.

- Average life expectancy on tour: 7.

- *Liz Clarke*

Source: Going to College or Turning Pro? Making an Informed Decision, The USTA National College Varsity Committee (October 2010)