A G E N D A

National Collegiate Athletic Association

Division I Amateurism Cabinet

NCAA National Office
Indianapolis, Indiana September 28 and 29, 2011

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

2. Review of June 28 and 29, 2011, Division I Amateurism Cabinet meeting report. [Supplement No. 2]

3. Guiding principles. [Supplement No. 3]

4. Review of August 16, 2011, Division I Communications and Coordination Committee report. [Supplement No. 4]

5. Student-Athlete Advisory Committee report.

6. Student-Athlete Reinstatement update.

7. Legal update.

8. Eligibility Center update.

9. Transforming Intercollegiate Athletics.

    a. Collegiate Model.

        (1) Reviewing and amending legislation.

        (2) Enforcement issues.

10. Update on legislative proposals. [Supplement No. 5]

11. Presidential Retreat update. [Supplement No. 6]

12. Basketball Recruiting Model.

    a. Overview of proposals.

    b. Discussion regarding impact on outside third parties and agents.

13. Agents.

    a. Definition of an agent.

    b. Use of agents/advisors prior to enrollment.

        (1) Prior to enrollment.

        (2) Subsequent to enrollment. [Supplement No. 7 to be distributed prior to the meeting.]

    c. Educational components.

        (1) National Pro Sports Counseling Panels.

        (2) Professional League Advisory Committees. [Supplement No. 8]

        (3) Amateur Draft report. [Supplement No. 9]

    d. Review of agent registration proposal. [Supplement No. 10]

14. Real-world application of agents on a sport-by-sport basis. [Supplement No. 11 to be distributed prior to the meeting.]

    a. Ice Hockey.

    b. Baseball.

    c. Men's Basketball.

    d. Football.

e. Women's Basketball.

15. Amateurism.

a. Discuss the definition. [Supplement No.12]

b. Review the application.

c. Review the criticism.

d. Discuss public relations strategies.

(1) Anticipate and identify upcoming impactful issues.

(2) Identify confusing, negative and controversial public perception issues.

(3) Discuss proactive strategies and Amateurism Cabinet's involvement.

16. Football Issues Group update. [Supplement No.13]

17. News articles/social media. [Supplement No.14]

18. Summary of key items and takeaways.

19. Other business.

20. Future meeting dates.

a. February 16 and 17, 2012, Hyatt Regency Indianapolis, Indiana.

21. Adjournment.

Schedule for September 28 and 29, 2011, Meeting of the Division I Amateurism Cabinet

Tuesday, September 27 **Meeting Room**

Cabinet members arrive in Indianapolis - dinner on your own.

Hotel: Fairfield Inn & Suites by Marriott- Indianapolis
501 West Washington Street
Indianapolis, Indiana 46225

Wednesday, September 28 - all activities are at the NCAA National Office

Breakfast	Breakfast is included with your hotel reservation. Please eat breakfast at your hotel before arriving at the national office. **No breakfast will be served at the national office.**	
Cabinet meeting	8:30 a.m. to 12 p.m.	Champion Hall
Lunch	12 to 1 p.m.	National office
Cabinet meeting	1 p.m. to 5 p.m.	Champion Hall

Dinner on your own.

Thursday, September 29 - all activities are at the NCAA National Office

Breakfast	Breakfast is included with your hotel reservation. Please eat breakfast at your hotel before arriving at the national office. **No breakfast will be served at the national office.**	
Cabinet meeting	8:30 a.m. to 12 p.m.	Champion Hall

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

NOTE: There will be ***no*** shuttle transportation from the national office to the airport at the conclusion of the meeting. You will be responsible for securing your return transportation to the airport. Taxi service is available from your hotel, which is directly across the street from the national office, to the airport.

REPORT OF THE NCAA DIVISION I AMATEURISM CABINET JUNE 28-29, 2011, MEETING

***KEY ITEMS*.**

1. **Earmarked Expenses for Prospective Student-Athletes in Individual Sports.** The NCAA Division I Amateurism Cabinet is proposing legislation to permit an individual, prior to collegiate enrollment, who is participating in an individual sport, to accept expenses for athletics participation from outside sources (not otherwise permitted by the NCAA) provided the funds are not provided by an agent or an institution.

2. **Agent Activities**. The cabinet continued its comprehensive review of agent activities. The concepts discussed included an evaluation of the use of agents for prospective student-athletes participating in nonopt-in draft sports, implementing an agent registration program and the creation of a national professional sports counseling program. In addition, the cabinet is proposing legislation to expand the definition of an agent.

3. **Prize Money for Tennis Prospective Student-Athletes.** The cabinet is proposing legislation to permit tennis prospective student-athletes to accept prize money not to exceed $10,000 per calendar year. Further, to specify that once the individual has reached the $10,000 limit, he or she may receive additional prize money on a per event basis, provided such prize money does not exceed his or her actual and necessary expenses for participation in the event.

***ACTION ITEMS*.**

- **None.**

***INFORMATIONAL ITEMS*.**

1. **Legislative Items.**

   a. **Individual Sports - Competition Expenses Earmarked for Prospective Student-Athlete's Use.**

      (1) Recommendation. The cabinet agreed to sponsor legislation for the 2011-12 legislative cycle to permit, in individual sports, an individual prior to initial, full-time collegiate enrollment to accept up to actual and necessary expenses associated with athletics competition or practice

immediately preceding competition from someone other than an agent or member institution.

(2) Effective Date. Immediate.

(3) Rationale. Currently, a prospective student-athlete may only accept expenses to compete in an athletics event if the expenses are provided by his or her parent or legal guardian, the nonprofessional sponsor of an event or an amateur team in which the prospect is representing. Prospective student-athletes who participate in team sports and who compete on outside teams are able to travel extensively and have their expenses paid in full or subsidized heavily by their teams, team sponsors and/or event organizers. Further, prospective student-athletes who participate on teams can go into their communities and fundraise for their team provided the money is not earmarked for a particular prospective student-athlete on the team. However, prospective student-atheletes who participate in individual sports typically are not associated with an amateur team or organization that can permissibly provide financial assistance under NCAA legislation. Further, these prospective student-athletes cannot fundraise or seek financial assistance within their communities to assist in covering expenses for an athletics event because the funds donated are considered to be earmarked for that individual. Therefore, prospective student-athletes who participate in individual sports are at a disadvantage because they have limited opportunities in which to permissibly accept expenses to compete in an athletics event. The cabinet believes that prospective student-atheletes who participate in individual sports should have the same opportunity to compete while having some or all of their expenses covered. The cabinet also believes that permitting prospective student-athletes to accept these expenses will enable those youth who do not have the financial resources to participate in athletics competition and further their athletic aspirations. The cabinet notes that the scope of this proposal is limited to the receipt of actual and necessary expenses for a particular athletics event and the practice that immediately precedes that event. Therefore, a prospective student-athlete would not be able to profit from competing in events.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

b. Tennis - Prize Money Prior To Full-Time Collegiate Enrollment - $10,000 Per Year.

(1) Recommendation. The cabinet agreed to sponsor legislation for the 2011-12 legislative cycle to permit, in the sport of tennis, prior to full-time collegiate enrollment, an individual to accept prize money based on his or her place finish or performance in open athletics events, not to exceed $10,000 per calendar year. Further, to specify that once the individual has reached the $10,000 limit, he or she may receive additional prize money on a per event basis, provided such prize money does not exceed his or her actual and necessary expenses for participation in the event.

(2) Effective Date. Immediate.

(3) Rationale. 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 to accepting prize money only equal to or lesser than expenses on a per tournament basis, this proposal would allow prize money to be accepted on the aggregate to help cover further expenses. Research by the United States Tennis Association Player Development staff place the top junior and senior prospective student-athletes as having made significantly less than $10,000 per year in prize money as prospective student-athletes, and combined with the financial costs to their families most are not earning any prize money in excess of their expenses. 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.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

c. Definition of an Agent.

(1) Recommendation. The cabinet agreed to sponsor legislation for the 2011-12 legislative cycle to modify the definition of an agent to any individual who directly or indirectly:

(a) represents or attempts to represent a prospective student-athlete or student-athlete in the marketing of his or her athletics ability or reputation for financial gain; or

(b) seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an institution or a student-athlete's potential earnings as a professional athlete. This definition may include, but is not limited to, a certified contract advisor, financial advisor, marketing representative, brand manager or anyone who is employed or associated with such persons.

(2) Effective Date. Immediate.

(3) Rationale. The culture surrounding agent recruitment of prospective student-athletes and student-athletes continues to evolve. Historically, contract advisors recruited student-athletes on an individual basis and late in a student-athlete's collegiate career, as he or she made the transition from collegiate sports to the professional ranks. Over the years, however, the salaries of professional athletes have risen, age restrictions to participate in professional sports leagues have changed, notoriety of elite student-athletes has increased with scouting and media exposure and the interest of outside third parties in elite athletes is now greater than ever.

This, in turn, has created an industry of individuals including runners, financial advisors, marketing representatives, business managers, brand managers and street agents who seek to broker elite prospective student-athletes and student-athletes to both professional and collegiate organizations for financial gain. Although many governing bodies have attempted to impose regulations on these individuals and their activities, the competitive nature of the industry has resulted in many finding ways to skirt the rules.

One constant trend is the use of outside third parties to recruit and solicit prospective student-athletes and student-athletes for financial gain. These third parties operate free of any governing body's jurisdiction, and historically they do not trigger the NCAA definition of an agent. In order for the NCAA to attempt to regulate the interaction of these individuals with prospective student-athletes and student-athletes, the cabinet believes the definition of an agent must be broadened.

The proposed definition brings contract advisors, financial advisors, marketing representatives and certain third parties under the definition of an agent. In addition, it captures individuals who seek to gain financially from a student-athlete's potential earnings as a professional athlete, and those individuals who seek to gain financially from securing a prospective

student-athlete's enrollment at an institution. The cabinet noted that this proposal is not meant to capture parents or legal guardians, athletics department staff members, former teammates or those individuals who have the best interest of a prospective student-athlete or student-athlete in mind from assisting or providing information to a prospective student-athlete or student-athlete provided they do not intend to receive a financial gain for their assistance.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

2. Nonlegislative Items.

a. Use of Agents and Advisor Prior to Enrollment. At the request of an NCAA Internal Working Group on Agent Legislation, the cabinet discussed potential legislative recommendations regarding the use of agents and advisors prior to enrollment for nonopt-in drafts that allow players to be drafted out of high school (e.g., baseball, hockey and soccer). In reviewing this issue, the cabinet noted that current legislation permits prospective student-athletes in all sports to receive advice regarding the draft process provided the individual providing the advice is not marketing his or her athletics ability or reputation, providing advice free of charge, or directly involved in negotiations with a professional team. The cabinet was not prepared, at this point, to extend the legislation to permit negotiations by agents/advisors.

b. Agent Registration Program. The cabinet continued its discussion of 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 cabinet showed strong support for such a program and requested the staff seek feedback from National Association of Athletics Compliance, NCAA Division I Leadership Council and professional sports organizations.

c. National Professional Sports Counseling Panel. The cabinet appointed a subcommittee of the cabinet to establish a potential model of a national professional sports counseling panel.

d. Compliance Forms. The cabinet reviewed and approved Form 11-10a (General Amateurism and Eligibility Form for International and Select Student-Athletes). Over the next year, the cabinet will discuss the effectiveness of the form and whether the requirement to use the form should be modified or eliminated.

e. **Amateurism Cabinet, Chair Appointment.** The cabinet appointed Mark Hollis, Michigan State University, as the chair of the Amateurism Cabinet, effective September 1, 2011.

f. **Football Issues Group Update.** The staff provided an update regarding its recent focus on collecting information related to emerging recruiting trends in football. Several trends identified include:

(1) Involvement of street agents;

(2) Involvement of scouting/recruiting services and their relationships with college coaches and agents;

(3) Employment of individuals associated with prospective student-athletes at institutional camps;

(4) Marginalization of high school coaches during recruiting process; and

(5) Intent of nonprofit mentoring programs to insert themselves into the lives of prospective student-athletes and develop relationships with them and their families.

g. **NCAA Eligibility Center Update.** The cabinet received an update from the NCAA Eligibility Center amateurism certification staff including an overview of withholding conditions imposed since the inception of the NCAA Eligibility Center. The data shared included the most common conditions imposed, and the sports and foreign countries that have produced the greatest number of withholding conditions. The amateurism certification staff also provided an update on several educational initiatives, including the production of sport-specific international resources and the amateurism conference contact program**.**

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

GUIDING PRINCIPLES FOR THE AMATEURISM CABINET

1. Student-athletes shall be an integral part of the student-body and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived.

2. Ensure that legislation reinforces that student participation in intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation.

3. Minimize missed class time; maximize time spent pursuing educational opportunities

4. All commercial activities shall support intercollegiate athletics and be consistent with the values of higher education.

5. Ensure legislation is written in a simple, clear and enforceable manner.

6. Consider the amount of time legislation has been in effect before supporting a legislative change.

7. Consider the impact of proposals on institutional, conference, NCAA and Eligibility Center resources and staff members.

8. Ensure feedback has been solicited from stakeholders.

9. Consider if sport-specific legislation is warranted or if proposed legislation can/should be expanded to other sports.

10. Examine potential unintended consequences when reviewing legislation.

REPORT OF
THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
DIVISION I COMMUNICATIONS AND COORDINATION COMMITTEE (CCC)
AUGUST 16, 2011, CONFERENCE CALL

1. **Report of the Committee's April 19, 2011, Conference Call.** The committee approved the report of its April 19, 2011, conference call.

2. **Presidential Retreat.** The committee was informed of the following working groups that were established to advance the goals identified during the Presidential Retreat:

   a. A group that will review NCAA rules and athletics practices (e.g., personnel, travel, recruitment) to determine what institutional and NCAA resource efficiencies that can be achieved.

   b. A group that will work to identify areas where greater flexibility can be employed on a conference-by-conference basis to use resources in support of student-athlete well-being, particularly the value of grants-in-aid and multi-year scholarship commitments.

   c. A group that will review the NCAA Division I Manual to reduce the volume of unenforceable and inconsequential rules that fail to support the Association's core principles and place an emphasis on the most strategically important matters. This group also is charged with developing filters that ensure new legislation aligns and addresses the Association's core principles and values.

   d. A group that will develop a multi-level violation reporting and penalty structure that will focuses on primarily those infractions that clearly violate NCAA enduring values. The group also will consider the level and severity of penalties associated with the most egregious violations.

   It was also noted that the Division I Committee on Academic Performance (CAP) and the Division I Academic Cabinet continue to move forward with their recommendations related to initial-eligibility and two-year college transfer regulations, as well as a new Academic Performance Rate (APR) benchmark and penalty structure.

3. **Division I Student-Athlete Advisory Committee Update**. Scott Krapf, chair of the Division I Student-Athlete Advisory Committee (SAAC), reported on SAAC's recent meeting and noted that the Division I SAAC has had ongoing discussions regarding the following:

   - Creation of a Student-Athlete Voice Team to better ensure that the student-athlete voice is heard;
   - A division-wide community service project;

- Continued communication regarding a men's basketball recruiting model, and
- The Capitol One Cup and how it may be better structured.

Communications and Coordination Committee chair: Mike Alden, University of Missouri
Staff Liaison: Jacqueline Campbell, Division I governance

NCAA DI Legislative Proposals

Proposal Number	Title	Intent	Source	Status
2011-1	AMATEURISM -- EXCEPTION FOR PRIZE MONEY FOR PROSPECTIVE STUDENT-ATHLETES AFTER FULL-TIME ENROLLMENT AT NON-NCAA INSTITUTIONS -- OUTSIDE THE PLAYING SEASON DURING THE SUMMER VACATION PERIOD	To specify that after a prospective student-athlete has enrolled full time at a non-NCAA institution, he or she 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 his or her institution's declared playing and practice season during the institution's summer vacation period.	NCAA Division I Amateurism Cabinet	Adopted - Final
2011-23	AMATEURISM -- DEFINITIONS AND APPLICATIONS -- AGENT	To specify that an agent is any individual who, directly or indirectly, represents or attempts to represent an individual for the purpose of marketing his or her athletics ability or reputation for financial gain, or seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an educational institution or from a student-athlete's potential earnings as a professional athlete.	NCAA Division I Amateurism Cabinet	Legislative Council Initial Consideration
2011-24	AMATEURISM -- AMATEUR STATUS -- EXPENSES FROM A SPONSOR FOR PRACTICE OR COMPETITION IN INDIVIDUAL SPORTS PRIOR TO FULL-TIME COLLEGIATE ENROLLMENT	In individual sports, to specify that, prior to full-time collegiate enrollment, a prospective student-athlete may accept up to actual and necessary expenses associated with an athletics event and practice immediately preceding the event, from a sponsor (e.g., neighbor, business) other than an agent, a member institution or a representative of an institution's athletics interests.	NCAA Division I Amateurism Cabinet	Legislative Council Initial Consideration
2011-25	AMATEURISM -- EXCEPTIONS TO AMATEURISM RULE -- PRIZE MONEY PRIOR TO FULL-TIME COLLEGIATE ENROLLMENT -- TENNIS -- $10,000 PER YEAR	In tennis, to specify that, 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, not to exceed $10,000 per calendar year; further, to specify that once the individual has reached the $10,000 limit, he or she may receive additional prize money on a per-event basis, provided such prize money does not exceed his or her actual and necessary expenses for participation in the event.	NCAA Division I Amateurism Cabinet	Legislative Council Initial Consideration
2011-26	AMATEURISM, RECRUITING, ELIGIBILITY AND AWARDS, BENEFITS AND EXPENSES -- WORLD UNIVERSITY CHAMPIONSHIPS	To include the World University Championships in all bylaws that apply to the World University Games.	NCAA Division I Championships/Sports Management Cabinet (Olympic Sports Liaison Committee)	Legislative Council Initial Consideration

Date Printed: September 20, 2011

Proposal Number	Title	Intent	Source	Status
2011-27	AMATEURISM AND EXECUTIVE REGULATIONS -- FINANCIAL DONATIONS AND ADVERTISING AND SPONSORSHIP OF INTERCOLLEGIATE EVENTS -- PROFESSIONAL SPORTS ORGANIZATIONS	To specify that a professional sports organization may serve as a financial sponsor of an intercollegiate competition event, including regular season and postseason events, provided the organization is not publicly identified as such; and that a professional sports organization may serve as a financial sponsor of an activity or promotion that is ancillary to the competition event and may be publicly identified as such; further, to eliminate the prohibition on professional sports organizations or personnel as acceptable advertisers in conjunction with NCAA championships.	NCAA Division I Championships/Sports Management Cabinet	Legislative Council Initial Consideration

REPORT OF THE AUGUST 11, 2011, MEETING OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I BOARD OF DIRECTORS

1. **Report of the April 28, 2011, Board of Directors Meeting. The Board approved the report of its April 28, 2011, meeting, noting that the approval of the recommendations of the Task Force to Clarify the Roles of the Committee on Infractions and the Infractions Appeals Committee should include the following clarification:**

   - **When the Committee on Infractions requests that the academic and membership affairs staff provide an interpretation of applicable legislation based on facts submitted, written notice of the request and the response shall be provided to all involved parties (e.g., institution, enforcement staff, Committee on Infractions).** (Unanimous voice vote) [Reference Supplement No. 2.]

2. **President's Report.** NCAA President Mark Emmert reported on the following items:

   a. **Presidential Retreat.** President Emmert thanked the Board members for their lively discussion during the retreat the previous two days and noted that participants in the retreat have asked that he appoint working groups and establish an agenda with aggressive timelines for the Board to act on their recommendations that address the following areas:

      (1) Financial Sustainability**.**

         (a) Institutional and NCAA resource efficiencies that can be achieved through the review of NCAA rules and athletics practices (e.g., personnel, travel, recruitment).

         (b) Identification of areas where greater flexibility can be employed on a conference-by-conference basis to use resources in support of the student-athlete well-being, particularly the value of grants-in-aid and multi-year scholarship commitments.

      (2) Integrity of the Collegiate Model.

         (a) Review and amend the NCAA Division I Manual to reduce the volume of unenforceable and inconsequential rules that fail to support our core principles and place an emphasis on the most strategically important matters. The group is also charged with developing filters that ensure new legislation aligns and addresses our core principles and values.

(b) Charge the NCAA Enforcement Staff, Division I Committee on Infractions and Division I Infractions Appeals Committee to propose a multi-level enforcement penalty structure.

BOARD ACTION: The Board directed President Emmert to bring to the Board in October an action plan (including the formation of several working groups and possible action items) that would expeditiously address the issues in the areas of financial sustainability and integrity of the collegiate model. (Unanimous voice vote.)

b. Status Report on Work of Bowl Game Licensing Task Force. Harvey Perlman, chair of the Task Force, provided the Board with an interim report on the work of the Task Force, which included recommendations in the area of governance, advertising and sponsorship, and student-athlete welfare. In its review of bowl game licensing, the Task Force noted that the purpose of NCAA regulation of postseason football bowls should be to assure that the bowls reflect the collegiate model of intercollegiate athletics. In that context, the NCAA has a strong interest in assuring that bowls are governed with integrity, that they are managed in a way that is consistent with student-athlete welfare, and that their commercial, promotional and sponsorship activities be consistent with the values associated with collegiate sports. The Task Force will distribute its preliminary recommendations to constituent groups [e.g., Football Bowl Subdivision (FBS) commissioners, DIA Athletics Directors, DIA Faculty Athletics Representatives, bowl operators) for review and comment with plans to present its final report to the Board in October.

c. NCAA Division I Committee on Academic Performance Report. Walt Harrison, chair of the Committee on Academic Performance (CAP), presented the following committee recommendations to the Board:

(1) Academic Performance Rate (APR) Penalty Benchmark.

(a) That the Board amend the Academic Performance Rate (APR) penalty benchmark from the current multi-year rate of 900 to a multiyear rate of 930 in order to avoid penalties within the new penalty structure.

(b) Replace the current filter system used for determining historical penalties with a single filter system that is based on improvement and is available to all teams/institutions.

(c) Approve a longer transition timeline for lower resourced institutions.

BOARD ACTION: The Board approved the revised APR penalty benchmark and the filter systems. (Unanimous voice vote.)

(2) Academic Performance Program (APP) Penalty Structure. That the Board approve a revised single APP penalty structure that will be cumulative and progressive and consist of five levels.

BOARD ACTION: The Board approved the revised penalty structure in principle and directed CAP to bring to the Board in October a final recommendation for a multi-year penalty structure that incorporates the APR benchmark (930) as the four-year academic performance requirement for a team's eligibility to participate in any postseason event. (Unanimous voice vote.)

(3) Occasion-Three and –Four Historical Penalty Waiver Hearing Procedures. That the Board approve a revision to CAP's current policies and procedures for Occasion-Three and –Four Historical Penalty waiver hearings that requires the institutional staff member responsible for the implementation of the institution's APR improvement plan be in attendance at the institution's in-person penalty waiver hearing.

BOARD ACTION: The Board approved the revision to the waiver hearing policies and procedures as recommended above. (Unanimous voice vote.)

(4) Division I Academic Performance Program Supplemental Support Fund. That the Board approve and fund the APP Supplemental Support Fund (SSF) for two additional years (i.e., 2011-12 and 2012-13).

BOARD ACTION: The Board agreed to approve the APP Supplemental Support Fund for two additional years. (Unanimous voice vote.)

(5) Appointment of Vice Chair. That the Board appoint President Roderick McDavis of Ohio University as vice chair of the committee.

BOARD ACTION: The Board voted to appoint President Roderick McDavis as vice chair of the committee. (Unanimous voice vote.)

It was noted that legislation to address the 2-4 transfer academic requirements are included in the 2011-12 legislative cycle and the Board expressed its intent to consider the legislation by the end of the academic year. In addition, the Board expects the Academic Cabinet to present recommendations regarding enhanced initial

eligibility standards, which could include a partial qualifier group that would qualify for financial assistance but nit competition during the initial year in residence.

d. **Institutional and Conference Networks.** Board members previously received a letter from the chair of the Big 12 Board of Directors noting their recent action to set a moratorium of at least a year to prohibit high school content from being broadcast on Big 12 institutional media platforms. In that regard, the staff recommended that the Board endorse a staff interpretation of current recruiting rules to preclude the broadcast of any youth programming on an institutional- or conference-branded network.

BOARD ACTION: The Board voted to endorse the staff interpretation, noting that discussions will continue throughout the upcoming year to determine the best course of action for the Association relative to this issue. (Unanimous voice vote.)

3. **NCAA Executive Committee Report**. During its April 28, 2011, meeting, the Executive Committee took action to recommend restructuring of the inclusion advocacy committees within the Association's governance structure, which included the dissolution of the Executive Committee Subcommittee on Gender and Diversity Issues. The Executive Committee noted the need for greater involvement of presidents within the substructure to provide guidance and insight at the policy development level. To achieve this goal, the Executive Committee recommended that the divisional presidential bodies consider sponsoring legislation to modify the composition of the NCAA Committee on Women's Athletics (CWA) and the NCAA Minority Opportunities and Interests Committee (MOIC) by increasing the size of each committee from 15 to 18 members and to specify that the three additional positions be filled by a president from each division. Further, that there be an equal distribution of committee members from each division. [Reference Supplement Nos. 3A and 3B.]

BOARD ACTION: The Board used its authority to adopt Proposal No. 2011-09 as noncontroversial legislation to modify the composition of the CWA and MOIC as recommended. (Unanimous voice vote.)

4. **Division I Governance Structure Update**.

a. **Report of the August 2, 2011, Meeting of the Leadership Council**. Mike Alden, chair of the Division I Leadership Council, highlighted the following issues from its August 2, 2011, Leadership Council meeting. [Reference Supplement No. 5.]

(1) Men's Basketball Recruiting Model. The Leadership Council received reports from its two men's basketball recruiting subcommittees and developed recommendations for concepts to be considered in a new men's basketball recruiting model. The Council's recommendations will be distributed to various constituent groups for feedback prior to final review in October. The Council will present its final recommendations to the Board during its October meeting, at which time the Board will be asked to sponsor legislation for the 2011-12 legislative cycle.

(2) Agents. The Leadership Council received a report on several strategies being developed to address agent-related issues. The Council took no formal action, but encouraged its Agent Subcommittee to continue discussion and monitoring of agent-related issues.

b. Report of the July 14, 2011, Teleconference of the Division I Legislative Council. Carolyn Campbell-McGovern, chair of the Division I Legislative Council, reported on actions taken during the Legislative Council's July 14, 2011, teleconference.

[Note: In accordance with the Division I legislative process, the Board has the authority to consider any action taken by the Legislative Council, but is not required to do so. Where the Board decided to take action on proposals below, you will see the action indicated in bold type. For those proposals on which it did not act, the Legislative Council's actions stand.]

(1) Legislative Actions. Due to the receipt of the requisite number of requests for override votes, the Legislative Council reconsidered its previous actions to adopt Proposal Nos. 2010-30 and 2009-100-A and took the following actions:

(a) Proposal No. 2009-100-A – Recruiting – Nonscholastic Practice and Competition and Institutional Camps or Clinics – Men's Basketball. This proposal would prohibit an institution from hosting a nonscholastic practice/competition on its campus that involves men's basketball prospects, with limited exceptions. The Legislative Council voted to maintain its previous action to adopt the proposal. The Board took no action.

(b) Proposal No. 2010-30 – Recruiting – Telephone Calls – Time Period For Telephone Calls – Sports Other Than Football. This proposal would apply the current telephone rule in men's basketball to all sports other than football. The Legislative Council reversed its previous action and defeated the proposal. The Board took no action.

(2) Board of Directors Resolution. The Legislative Council continued its discussion of the Board's resolution to review the legislative process and developed two concepts for which it requests Board endorsement:

(a) Development of a legislative process that consists of two overlapping two-year cycles to allow the membership to focus attention on particular bylaws during each legislative cycle.

BOARD ACTION: The Board endorsed the concept of two overlapping two-year cycles and asked that draft legislation be brought to the Board for review and sponsorship in October. (Unanimous voice vote.) [Reference Supplement No. 7.]

(b) Increase the requisite number of requests required to initiate an override of the adoption or defeat of a legislative proposal. The recommendation would be to increase the number required for a call for override vote from 30 to 75 and the number to suspend a proposal from 100 to 125. In addition, for Football Championship Subdivision (FCS) specific legislation, the number would increase from 15 to 25 and 40 to 50. Further, it is recommended that the same minimum threshold numbers that are applicable to FCS specific legislation be established for Football Bowl Subdivision (FBS) specific legislation.

BOARD ACTION: **The Board used its authority to adopt Proposal No. 2011-10 as emergency legislation, effective immediately, to increase the requisite number of override requests as recommended above.** (Unanimous voice vote.) [Reference Supplement No. 7.]

5. **Division I Committee on Infractions**. The NCAA Division I Administration Cabinet requested the Board reappointment Britton Binowsky, commissioner, Conference USA; Melissa Conboy, deputy director of athletics, University of Notre Dame, and John Black, attorney (public member) to the Committee on Infractions. [Reference Supplement No. 9.]

BOARD ACTION: The Board approved the reappointments as recommended. (Unanimous Voice Vote.)

6. **Division I Infractions Appeals Committee**. The committee requested the Board approve several bylaw revisions and the Division I Administration Cabinet recommended one committee appointment and several reappointments. [Reference Supplement No. 10A.]

a. **Bylaw 32.10 Revision.** The committee recommended that the Board approve a revision to Bylaw 32.10 that would establish one action to meet the submission deadlines for written documents and would simplify the determination of whether those deadlines are met.

b. **Bylaw 32.10.6 Revision.** The committee recommended that the Board approve a revision to Bylaw 32.10.6 that would grant the committee the authority to review requests to waive the procedures established for the written appeal process.

c. **Bylaw 32.11.3 Revision.** The committee recommended that the Board approve a revision to Bylaw 32.11.3 that would grant the committee the authority to review requests to waive the policies and procedures for conducting hearings.

BOARD ACTION: The Board approved the three legislative revisions as recommended by the committee. (Unanimous voice vote.)

d. **Committee Appointment and Reappointments**.

(1) Appointment. The Division I Administration Cabinet recommended the Board appoint W. Anthony Jenkins (Dickinson Wright PLLC, Detroit, Michigan) as a public member of the committee. [Reference Supplement No. 10B.]

BOARD ACTION: The Board approved the appointment of W. Anthony Jenkins (Dickinson Wright PLLC, Detroit, Michigan) as a public member of the committee. (Unanimous voice vote.)

(2) Reappointments. The Division I Administration Cabinet recommended the Board reappoint David Williams II, vice chancellor/general counsel, Vanderbilt University, Southeastern Conference, and Jack Friedenthal, professor of law, George Washington University, Atlantic 10 Conference, to the committee. [Reference Supplement No. 10C.]

BOARD ACTION: The Board approved the reappointments as recommended. (Unanimous voice vote.)

7. **Division I Administration Cabinet Recommendation**. The Administration Cabinet recommended that the Board elect Florida Gulf Coast University, Houston Baptist University, University of North Carolina Central and University of South Carolina Upstate to active Division I membership status. The cabinet also recommended that the Board approve the conference applications of the Great West Conference, a multi-sport conference, and the National Lacrosse Conference, a single-sport conference.

<u>BOARD ACTION</u>: The Board voted to elect the four recommended institutions to active Division I membership status and approved the two conference applications. (Unanimous voice vote.)

8. <u>Future Meeting Dates</u>.

a. October 27, 2011, Indianapolis, Indiana.

b. January 14, 2012, in conjunction with the NCAA Convention, Indianapolis, Indiana

c. April 26, 2012, Indianapolis, Indiana.

Board of Directors chair: Judy Genshaft, University of South Florida
Staff Liaisons: S. David Berst, Division I governance
Jacqueline Campbell, Division I governance

NCAA DIVISION I BOARD OF DIRECTORS
August 11, 2011, MEETING ATTENDANCE

Board members in attendance:
Stanley Albrecht, Utah State University, Western Athletic Conference
Guy Bailey, Texas Tech University, Big 12 Conference
William Beauchamp, University of Portland, West Coast Conference
Judy Genshaft, University of South Florida, Big East Conference, chair
Nathan Hatch, Wake Forest University, Atlantic Coast Conference
David Hopkins, Wright State University, Hhorizon League
Sidney McPhee, Middle Tennessee State University, Sun Belt Conference
William Meehan, Jacksonville State University, Ohio Valley Conference
Ann Millner, Weber State University, Big Sky Conference
Harris Pastides, University of South Carolina, Southeastern Conference
John Peters, Northern Illinois University, Mid-American Conference
Edward Ray, Oregon State University, Pacific-12 Conference
David Schmidly, University of New Mexico, Mountain West Conference
Lou Anna Simon, Michigan State University, Big Ten Conference
Steadman Upham, University of Tulsa, Conference USA
Timothy Wright, University of California, Riverside, Big West Conference

Board members not in attendance:
William R. Harvey, Hampton University, Mid-Eastern Athletic Conference
David Skorton, Cornell University, Ivy League

NCAA staff liaisons in attendance:
S. David Berst, NCAA
Jacqueline Campbell, NCAA, recording secretary

Guests from other Division I governance bodies:
Michael Alden, University of Missouri, chair of the Division I Leadership Council
Carolyn Campbell-McGovern, Ivy League, chair of the Division I Legislative Council
Walter Harrison, University of Hartford, chair of the Division I Committee on Academic Performance
Harvey Perlman, University of Nebtraska, chair of the Division I Bowl Licensing Task Force

Other NCAA staff members in attendance: Scott Bearby, Erik Christanson, Joni Comstock, Diane Dickman, Mark Emmert, Bernard Franklin, Lynn Holzman, Michelle Hosick, Jim Isch, Amy Kudwa, Kevin Lennon, Steve Mallonee, Keith Martin, Kathleen McNeely, Delise O'Meally, Tom Paskus, Todd Petr, Dennie Poppe, Ronnie Ramos, Bill Regan, Donald Remy, Wallace Renfro, Julie Roe Lach, Greg Shaheen, Jennifer Strawley, Robert Vowels, Wendy Walters and Bob Williams.

DI Board to hear cultural and operational recommendations

Sep 1, 2011 2:02:30 PM

By Michelle Brutlag Hosick
The NCAA News

The Division I Board of Directors will hear recommendations on specific changes to improve the culture and operation of Division I intercollegiate athletics at its upcoming meetings this academic year.

At its Oct. 27 meeting, the Board will discuss ways to create greater flexibility in the rules to support student-athlete well-being, especially on a conference-by-conference basis. Possible recommendations include multi-year scholarships and full-cost-of-attendance issues.

Also in October, the Division I Committee on Academic Performance will provide a series of recommendations designed to promote academic success among student-athletes. The recommendations will include new initial-eligibility, progress-toward-degree and two-four transfer standards, as well as the implementation plan for the Board-adopted 930 Academic Progress Rate penalty benchmark and the related penalty structure that will require teams to earn a multiyear APR of 930 to participate in the postseason.

At the 2012 NCAA Convention in January, the Board will address financial costs, evaluating current resource allocation practices and rules at all NCAA levels and recommend efficiencies. The Division I Leadership Council will also present recommendations on external influences and recruitment to the Board at its January meeting.

In April 2012, the Board will hear recommendations on amendments to the Division I Manual aimed at reducing the volume of unenforceable and inconsequential rules that are not national in scope. It will also review recommended legislative processes to ensure that any new rules align with those values.

Lastly, the Board will examine the enforcement process and penalties in April 2012, evaluating a new multi-level violation reporting and penalty structure that focuses on serious infractions.

The recommended changes to improve the culture and operation of Division I intercollegiate athletics will come to the Board from four presidentially led working groups. The groups are a direct outgrowth of an Aug. 9-10 Presidential Retreat called by NCAA President Mark Emmert.

Each working group will include a mix of presidents/chancellors and athletics administrators. The working groups, with chairs and vice-chairs, are:

- **Financial costs**; Mike Adams, University of Georgia, chair; and Ann Millner, Weber

State University, vice chair

- **Enforcement**; Edward Ray, University of Oregon, chair; and Nancy Zimpher, State University of New York, vice chair
- **Rules**; James Barker, Clemson University, chair; Stedman Upham, University of Tulsa, vice chair
- **Student-athlete well-being**; Graham Spanier, Pennsylvania State University, chair; Sidney McPhee, Middle Tennessee State University, vice chair.

The full working group make up is listed below:

	Name	Position	Conference
Collegiate Model Enforcement	Pat Haden	AD	PAC-12
Collegiate Model Enforcement	Peggy Bradley-Doppes	AD	Sun Belt
Collegiate Model Enforcement	Grant Teaff	Coach	
Collegiate Model Enforcement	Robin Harris	Commissioner	IVY
Collegiate Model Enforcement	Dan Beebe	Commissioner	Big 12
Collegiate Model Enforcement	Linda Salfrank	Consultant	
Collegiate Model Enforcement	Julie Cromer	Consultant/SME	
Collegiate Model Enforcement	Eleanor Myers	FAR	A-10
Collegiate Model Enforcement	David Williams	IAC	IAC
Collegiate Model Enforcement	Ed Ray	President	PAC-12
Collegiate Model Enforcement	John Bravman	President	Patriot League
Collegiate Model Enforcement	LouAnna Simon	President	Big Ten
Collegiate Model Enforcement	Nancy Zimpher	President	FCS
Collegiate Model Enforcement	Chris Strobel	Staff	
Collegiate Model Enforcement	David Berst	Staff	
Collegiate Model Enforcement	Donald Remy	Staff	
Collegiate Model Enforcement	Jackie Campbell	Staff	
Collegiate Model Enforcement	Jen Henderson	Staff	
Collegiate Model Enforcement	Julie Roe-Lach, Lead	Staff	
Collegiate Model Enforcement	Tom Hosty	Staff	
Collegiate Model Enforcement	Kevin McShane	Student	
Collegiate Model Rules	Bob Bowlsby	AD	PAC-12
Collegiate Model Rules	Joe Castiglione	AD	Big 12
Collegiate Model Rules	Warde Manuel	AD	MAC
Collegiate Model Rules	Harvey Perlman	Chancellor	Big Ten
Collegiate Model Rules	Jim Haney	Coach	
Collegiate Model Rules	Beth DeBauche	Commissioner	OVC
Collegiate Model Rules	Greg Sankey	Commissioner	SEC

Collegiate Model Rules	Amy Folan	Consultant/SME	
Collegiate Model Rules	Dydia DeLyser	FAR	SEC
Collegiate Model Rules	Charles Nelms	President	MEAC
Collegiate Model Rules	Jim Barker	President	ACC
Collegiate Model Rules	John DeGoia	President	Big East
Collegiate Model Rules	Stedman Upham	President	C-USA
Collegiate Model Rules	Jon Duncan	Consultant	
Collegiate Model Rules	Brad Hostetter	Staff	
Collegiate Model Rules	David Berst	Staff	
Collegiate Model Rules	Donald Remy	Staff	
Collegiate Model Rules	Jackie Campbell	Staff	
Collegiate Model Rules	Kevin Lennon, Lead	Staff	
Collegiate Model Rules	LuAnn Humphrey	Staff	
Collegiate Model Rules	Steve Mallonee	Staff	
Collegiate Model Rules	Curtis Schickner	Student	
Resource Allocation	Judy Rose	AD	A-10
Resource Allocation	Mike Alden	AD	Big 12
Resource Allocation	Kathy Deboer	Coach	
Resource Allocation	Britton Banowsky	Commissioner	C-USA
Resource Allocation	Joey D'Antonio	Commissioner	Big East
Resource Allocation	Terry Donovan	Consultant/SME	
Resource Allocation	Deb Ladyman	Consultant/SME	
Resource Allocation	Jack Evans	Former FAR	ACC
Resource Allocation	Ann Millner	President	Big Sky
Resource Allocation	George Wright	President	SWAC
Resource Allocation	John Peters	President	MAC
Resource Allocation	Mike Adams	President	SEC
Resource Allocation	Nathan Hatch	President	ACC
Resource Allocation	David Berst	Staff	
Resource Allocation	Jackie Campbell	Staff	
Resource Allocation	Kathleen McNeely	Staff	
Resource Allocation	Keith Martin	Staff	
Resource Allocation	Scott Bearby	Staff	
Resource Allocation	Todd Petr	Staff	
Resource Allocation	Lauren Cochlin	Student	
Well-Being	Bernard Muir	AD	Colonial
Well-Being	Jack Swarbrick	AD	Big East

Well-Being	Beth Bass	Coach	
Well-Being	Judy MacLeod	Commissioner	C-USA
Well-Being	Kevin Weiberg	Commissioner	PAC-12
Well-Being	Percy Bates	FAR	Big Ten
Well-Being	Ann Weaver-Hart	President	A-10
Well-Being	Graham Spanier	President	Big Ten
Well-Being	Harris Pastides	President	SEC
Well-Being	Holden Thorp	President	ACC
Well-Being	Sidney McPhee	President	Sun Belt
Well-Being	Byron Hatch	Staff	
Well-Being	Jackie Campbell	Staff	
Well-Being	Kathleen McNeely	Staff	
Well-Being	Kris Richardson	Staff	
Well-Being	Scott Bearby	Staff	
Well-Being	Todd Petr	Staff	
Well-Being	Eugene Daniels	Student	
Well-Being	Phil Martelli	Consultant/SME	
Well-Being	David Berst	Staff	

College Advisory Committee

MISSION

The Committee seeks to provide underclassmen who are ***seriously*** considering entry into the NFL Draft with an informed and realistic estimate of a player's potential to be selected. The Committee actively encourages underclassmen to maintain an open dialogue with their head coach throughout the Advisory and Special Eligibility process, and will provide head coach with player evaluation results.

The National Football Le ague advocates to all underclassmen that despite any prospect of being selected in the Draft, the long-term best interest of the student-athlete is to complete academic degree and college football eligibility requirements.

HISTORY OF PROGRAM

The College Advisory Committee (CAC) was developed for the 1994 NFL Draft at the request of the American Football Coaches Association to serve in a limited advisory capacity for underclassmen who are ***seriously*** considering entry into the NFL Draft.

The Committee is made up of high level personnel evaluators from each of the NFL's 32 clubs, along with directors from the League's two sanctioned scouting organizations (National Football Scouting and BLESTO).

While the Committee's evaluation is only an opinion, and *NOT* to be considered binding in any way, or a guarantee that a player will be drafted in a certain round, or at all, it is an objective evaluation where experienced professionals can offer an informed, realistic assessment of a player's draft potential.

WHO IS ELIGIBLE FOR A CAC EVALUATION

- Underclassmen who have had at least three full college football seasons elapse since high school graduation.
- Underclassmen who are *eligible to return for the upcoming season*.
- Only underclassmen who are ***seriously*** considering petitioning for special eligibility for the NFL Draft may request evaluations.

WHO IS NOT ELIGIBLE FOR A CAC EVALUATION

- Players who are "just curious" about their potential draft status.
- Players who do not have remaining eligibility or who are no longer enrolled in school.
- Players who are interested in obtaining an evaluation for insurance reasons.

THE EVALUATION

• The evaluation result will be the Committee's *best estimate* of the player's potential to be drafted. It is non-binding and not a guarantee.

• **Players will be advised of one of the following:** *(a) they have the potential to be drafted as high as the first round; (b) they have the potential to be drafted as high as the second round; (c) they have the potential to be drafted as high as the third round; (d) they do not have the potential to be drafted in the first three rounds; or (e) they do not have the potential to be drafted. **

• The evaluation a player receives is based on his football ability. It does not take into account injuries, perceived strength or weakness of a particular year's draft class, performances at the scouting combine or pro timing days, or any other factor that may influence a player's draft status.

• When an evaluation is complete, a representative of the Commissioner's office will contact each player and head coach by private telephone conversation. The player and head coach will also receive the evaluation result in writing.

• The evaluation is confidential. *Only* the player and his head coach are notified of the result. Results will not be given to agents, family members, media, or NFL clubs.

• Each player is strongly encouraged to discuss his evaluation result and any decisions regarding declaration of special eligibility with his head coach.

* Note: In 2007 and 2008, players were advised one of the following: *(a) they have the potential to be drafted as high as the first round; (b) they have the potential to be drafted as high as the second round; (c) they have the potential to be drafted as high as the third round; (d) they have the potential to be drafted as high as the fourth round; (e) they have the potential to be drafted as high as the fifth round; (f) they have the potential to be drafted as high as the sixth round; (g) they have the potential to be drafted as high as the seventh round; or (h) they do not have the potential to be drafted.*

The draft result data prior to 2009 showed that players who were projected to be drafted in rounds 4, 5, 6 or 7 were being drafted later than projected or not at all. As a result, the Committee changed the grading system to include a category of "players do not have the potential to be drafted in the first three rounds."

DATA

- Since 2007, 74.5% of all underclassmen who requested evaluations from the College Advisory Committee chose to remain in school.
- Since 2007, 86.2% of underclassmen who were evaluated as having draft potential lower than the third round, or not likely to be drafted at all, chose to remain in school.

The Committee is most accurate when projecting first and second round talent. *As the talent curve begins to flatten, opinions often vary on the potential of players, even among clubs. Statistics show that, particularly in the later rounds, the risk is high that a player may be drafted lower than projected by the Committee or not at all.*

Since 2007, 49.3% of players who were given an evaluation of "not likely to be drafted in the first three rounds" were not selected at all.

2009-2011 Draft Results										
Projected Round	Number Evaluated	Entered the Draft	Round Selected in Draft							
			Round 1	Round 2	Round 3	Round 4	Round 5	Round 6	Round 7	Free Agent
Round 1	17	13	12	1						
Round 2	55	36	20	9	2	4		1		
Round 3	69	29	1	8	10	4	5			1
Round 4-7	294	48		5	4	5	4	5	3	22
Free Agent	48	3								3
Total	483	129	33	23	16	13	9	6	3	26

2002-2008 DRAFT RESULTS							
Round Evaluated	Number Evaluated	Entered the Draft	Round Selected in Draft				
			Round 1	Rounds 2-3	Rounds 4-5	Rounds 6-7	Free Agent
Round 1	35	30	26	4	-	-	-
Rounds 2-3	205	103	33	49	13	4	4
Rounds 4-5	297	69	2	17	17	12	21
Rounds 6-7	198	27	-	1	1	2	23
Free Agent	36	7	-	-	-	-	7
2002-2008 Tot	771	236	61	71	31	18	55

1996-2001 DRAFT RESULTS						
Round Evaluated	Number Evaluated	Entered the Draft	Round Selected in Draft			
			Rounds 1-2	Rounds 3-4	Rounds 5-7	Free Agent
Rounds 1-2	40	32	27	5	-	-
Rounds 3-4	115	40	11	14	9	6
Rounds 5-7	107	25	2	3	5	15
Free Agent	49	14	-	-	2	12
1996-2001 Tot	**311**	**111**	**40**	**22**	**16**	**33**

1994-1995 DRAFT RESULTS					
Round Evaluated	Number Evaluated	Entered the Draft	Round Selected in Draft		
			Rounds 1-2	Rounds 3-7	Free Agent
Rounds 1-2	17	11	7	4	-
Rounds 3-7	66	25	10	9	6
Free Agent	13	3	-	1	2
1994-1995 Tot	**96**	**39**	**17**	**14**	**8**

NATIONAL FOOTBALL LEAGUE
2010-2011 COLLEGE ADVISORY COMMITTEE

November 10, 2010

Dear Player,

As the conclusion of the college football season approaches, we realize that you may be trying to make important decisions regarding your education, pursuit of a potential professional football career, and future.

The vast majority of college football players benefit from completing their eligibility requirements and earning their college degrees. If you are seriously considering petitioning for special eligibility and entering the NFL Draft before completing your academic and athletic collegiate commitments, we encourage you to make the most informed decision possible.

The College Advisory Committee

The National Football League offers a service where high level personnel evaluators from the NFL's clubs will review your game footage and provide you with a confidential estimate of your potential to be drafted as an underclassman. While the College Advisory Committee's evaluation is only an opinion, and not to be considered binding in any way, or a guarantee that you will be drafted in a certain round, or at all, it is an objective evaluation where experienced professionals can offer an informed, realistic assessment of your draft potential. You may realize that your best option is to remain in school.

The Evaluation

The NFL encourages you to discuss the evaluation result and any decisions regarding petitioning for special eligibility with your head coach.

- The evaluation result will be the Committee's best estimate of your potential to be drafted. **It is non-binding and not a guarantee.**
- **One of the following evaluations will be provided:** *(a) you have the potential to be drafted as high as the first round; (b) you have the potential to be drafted as high as the second round; (c) you have the potential to be drafted as high as the third round; (d) you do not have the potential to be drafted in the first three rounds; or (e) you do not have the potential to be drafted.*
- Please note that your evaluation is only a projected draft round. It will not include an assessment of your strengths, weaknesses, or what you need to work on to improve.

280 Park Avenue, New York, New York 10017 (212) 450-2215 FAX (212) 847-1881

The evaluation is based only on football ability. It does not take into account injuries, perceived strength or weakness of a particular year's draft class, performances at the scouting combine or pro timing days, or any other factor that may influence a player's draft status, including the entry of other underclassmen into the Draft.

It is important to remember that if a significant number of underclassmen enter the Draft who are rated as high or higher than you, the result may be that you will drop into a lower round than projected by the CAC. A projected draft round becomes less likely as the pool of players in the Draft increases.

- The evaluation is confidential. Only you and your head coach are notified of the result. Results will not be given to agents, family members, media, or NFL clubs.

- When your evaluation is complete, a representative of the Commissioner's office will contact you and your head coach by private telephone conversation. You and your head coach will also receive the evaluation result in writing. You will receive your evaluation result before the January 15, 2011 deadline to petition for Special Eligibility.

How Accurate is a CAC Evaluation?

Rating a player's draft potential is not an exact science. **Many factors influence a player's draft status that are not accounted for in this evaluation. The evaluation result should be considered only one piece of information and not the sole basis for any decisions regarding petitioning for special eligibility.** Opinions on a player's draft potential may vary even among NFL personnel evaluators. Please note the results from the 2010 NFL Draft:

- *Two players were evaluated as having the potential to be drafted in the first round. Both players were drafted in the first round.*

- *Sixteen players were evaluated as having the potential to be drafted in the second round. Three players were drafted in the second round, eight players were drafted in the first round, four in the fourth round, and one in the sixth round.*

- *Nine players were evaluated as having the potential to be drafted in the third round. Seven players were drafted in the third round, one in the second round, and one in the fifth round.*

- *Twelve players were evaluated as not likely to be drafted in the first three rounds. Two players were drafted in the fifth round, three players were drafted in the sixth round, one player was drafted in the second round, and six players were not drafted at all.*

- *Eight players who were evaluated as not having the potential to be drafted all remained in school.*

As the talent curve begins to flatten, opinions often vary on the potential of players. Statistics show that, particularly in the later rounds, the risk is high that a player may be drafted lower than projected by the Committee or not at all.

Important Information

- To be eligible for an evaluation, you must have been out of high school for three football seasons. You must also be eligible to return to your college program for the upcoming season.

- Evaluation requests will be accepted after the conclusion of your collegiate football regular season. Your request should be received by the Commissioner's office **no later than Friday, December 17, 2010**. Though requests will be accepted after that date through Tuesday, January 4, **there will be no guarantee** that an evaluation can be completed and returned to you prior to the deadline for applying for special eligibility.

- You must complete the evaluation request form and have it signed by your Pro Liaison or Director of Football Operations. **Please confirm that the NFL League Office has received your evaluation request by calling 212-450-2215.**

- Your request for an evaluation must be accompanied by your **official** university transcripts.

Questions about the CAC can be directed to:

College Advisory Committee
Attention: Player Personnel Department
National Football League
280 Park Avenue
New York, NY 10017

Phone: (212) 450-2215
Fax: (212) 847-1881
E-mail: nflplayerpersonnel@nfl.com

NATIONAL FOOTBALL LEAGUE
2010-2011 COLLEGE ADVISORY COMMITTEE

PLAYER REQUEST FOR EVALUATION

To be guaranteed of an evaluation, the NFL must receive this request and an *official* copy of your college transcripts by DECEMBER 17, 2010.

Requests will be accepted through Tuesday, January 4, but there is no guarantee that the evaluation will be completed prior to the January 15, 2011 deadline for petitioning for special eligibility.

Date: _____

Dear Advisory Committee:

I, the undersigned, wish to inquire as to my potential of being drafted in the 2011 NFL Draft. I have been graduated from high school for three full football seasons and have completed my 2010 collegiate regular season. I am eligible to return for the 2011 season.

I understand that, in response to this request, the Committee will give me its best estimate of my draft potential. I further understand that the Committee's evaluation is non-binding and in no way a guarantee or assurance that I will be drafted in a specific slot, or at all, by any NFL team, each of which will make its own, independent decision about its drafting plans and needs.

Full Name: _____ **Date of Birth**: _____

Position: _____ **Jersey Number**: _____

College: _____

Head Coach: _____ **Phone #:** _____

College Advisory Committee Contact: _____ **Phone #:** _____

High School: _____ **High School Graduation Date:** _____

High School City: _____ **High School State:** _____

Previous College(s) and Years Attended: _____

_____

280 Park Avenue, New York, New York 10017 (212) 450-2215 FAX (212) 847-1881

2010-2011 PLAYER REQUEST FOR EVALUATION

Are you considering petitioning for special eligibility to enter the 2011 NFL Draft? _____

Are you eligible to return to your program for the 2011 season? _____

Are you seeking this evaluation for insurance reasons? _____

Please write a brief statement why you are requesting this evaluation: _____

_____

Did you participate in the 2010 season? ☐ **YES** ☐ **NO**

Number of Games: Played (2010 Season): _____ **Started (2010 Season):** _____

Which games do you feel were your best performances? (Opponent, Season)

_____

_____

Home Phone: _____ **Cell Phone:** _____ **School Phone:** _____

Best Phone Number to contact you: **Home Phone** ☐ **Cell Phone** ☐ **School Phone** ☐

Email Address: _____

Mailing Address: *(Please note this is where your evaluation letter will be mailed)*

_____

_____

_____	_____
(Player's Signature)	**(Pro Liaison/Dir. of Football Ops Signature)**
_____	_____
(Please Print)	**(Please Print)**
_____	_____
(Date)	**(Date)**

NFL Player Personnel Department Phone: 212-450-2215 Fax: 212-847-1881

COLLEGE ADVISORY COMMITTEE

2011

2011 College Advisory Committee

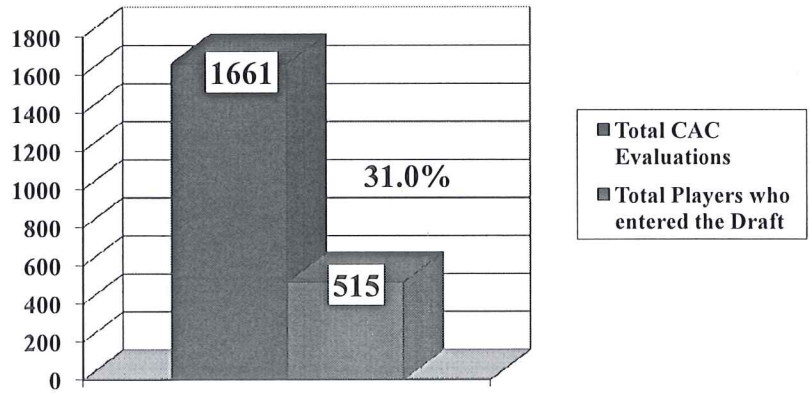
	Division I-A	Non Division I-A	Total
Number of Schools Requesting Evaluations	61	3	**64**
Number of Completed CAC Evaluations	178	3	**181**
CAC Players Who Returned to College	136	1	**137**
CAC Players Who Declared for Draft	42	2	**44**

2011 College Advisory Committee

	Number	%
Total Number of CAC Players	**181**	
Players Evaluated as Round 1	6	3.3%
Players Evaluated as Round 2	14	7.7%
Players Evaluated as Round 3	24	13.3%
Players Evaluated as Rounds 4-7	114	63.0%
Players Evaluated as Free Agent	23	12.7%
Total Number of CAC Players who entered Draft	**44**	**25.8%**
CAC Players Granted Special Eligibility	43	97.7%
CAC Players Automatically Eligible	1	2.3%
CAC Players who were Partial Qualifiers	0	0.0%

Projected Draft Round	Number of Players Evaluated	Number of Players Who Declared for Draft	% of Players Who Declared for Draft	Number of Players Who Returned to College	% of Players Who Returned to College
1	6	5	83.3%	1	16.7%
2	14	10	71.4%	4	28.6%
3	24	14	58.3%	10	41.7%
4-7	114	12	10.5%	102	89.5%
FA	23	3	13.0%	20	87.0%
Total	**181**	**44**	**24.3%**	**137**	**75.7%**

College Advisory Committee
1994 – 2011 Totals



College Advisory Committee
1994 – 2011 By Year

Year	Total Players Evaluated	CAC Players Who Declared for Draft	% of CAC Players Who Declared for Draft	CAC Players Who Returned to College	% of CAC Players Who Returned to College
2011	181	44	24.3%	137	75.7%
2010	151	39	25.8%	112	74.2%
2009	151	46	30.5%	105	69.5%
2008	183	47	25.7%	136	74.3%
2007	133	28	21.1%	105	78.9%
2006	103	30	29.1%	73	70.9%
2005	101	33	32.7%	68	67.3%
2004	81	34	42.0%	47	58.0%
2003	82	27	32.9%	55	67.1%
2002	88	37	42.0%	51	58.0%
2001	75	26	34.7%	49	65.3%
2000	57	21	36.8%	36	63.2%
1999	51	15	29.4%	36	70.6%
1998	36	15	41.7%	21	58.3%
1997	45	19	42.2%	26	57.8%
1996	47	15	31.9%	32	68.1%
1995	43	19	44.2%	24	55.8%
1994	53	20	37.7%	33	62.3%
Total	1661	515	31.0%	1146	69.0%

2005-2011 College Advisory Committee by Conference

Conference	2011	2010	2009	2008	2007	2006	2005	Total
Atlantic Coast Conference	40	33	26	33	37	26	15	210
Big East Conference	10	5	7	19	12	8	11	72
Big South Conference	0	0	0	0	1	0	0	1
Big Sky Conference	1	0	0	0	0	0	0	1
Big Ten Conference	18	22	20	32	9	12	7	120
Big Twelve Conference	23	13	22	28	9	4	11	110
Central Intercollegiate Athletic Association	1	0	0	0	0	0	0	1
Conference USA	5	5	4	7	4	1	5	31
Gateway Football Conference	0	0	0	0	0	0	1	1
Great Lakes Conference	0	1	0	0	0	0	0	1
Great West Football Conference	0	1	0	1	0	1	0	3
Gulf South Conference	0	1	0	0	0	0	0	1
Independent	4	1	0	1	0	0	4	10
Lone Star Conference	0	1	0	1	0	1	0	3
Mid-American Conference	1	1	2	0	2	4	1	11
Mid-Eastern Athletic Conference	1	1	1	1	0	0	0	4
Missouri Valley Football Conference	0	0	0	0	1	3	0	4
Mountain West Conference	5	4	5	4	3	4	2	27
Northeast Conference	0	0	0	0	1	0	0	1
Ohio Valley Conference	0	1	1	0	1	0	0	3
Pacific Ten Conference	25	15	20	12	14	6	10	102
South Atlantic Conference	0	0	0	1	1	0	0	2
Southeastern Conference	46	42	37	32	34	30	31	252
Southern Conference	0	0	0	1	0	0	0	1
Southwestern Athletic Conference	0	1	2	0	1	1	0	5
Sun Belt Conference	1	0	1	1	0	0	0	3
W. Virginia Intercollegiate Ath. Conf.	0	0	0	1	0	0	0	1
Western Athletic Conference	0	3	3	8	3	2	3	22
Total	181	151	151	183	133	103	101	1003

2007-2011 College Advisory Committee
Draft Results

Projected Round	Number Evaluated	Entered the Draft	%	Round Selected in Draft							
				Round 1	Round 2	Round 3	Round 4	Round 5	Round 6	Round 7	Free Agent
Round 1	32	26	81.3%	21	4	1					
Round 2	88	55	62.5%	29	17	4	4		1		
Round 3	120	46	38.3%	2	12	13	9	5		2	3
Rounds 4-7	494	71	14.4%		6	6	5	7	7	5	35
Free Agent	65	6	9.2%								6
Total	799	204	25.5%	52	39	24	18	12	8	7	44

2011 College Advisory Committee
Draft Results

	Number	%
Total Number of CAC Players	**181**	
Players Evaluated as Round 1	6	3.3%
Players Evaluated as Round 2	14	7.7%
Players Evaluated as Round 3	24	13.3%
Players Evaluated as Rounds 4-7	114	63.0%
Players Evaluated as Free Agent	23	12.7%
Total Number of CAC Players who entered Draft	**44**	**24.3%**
CAC Players Granted Special Eligibility	44	100.0%
CAC Players Automatically Eligible	0	0.0%
CAC Players who were Partial Qualifiers	0	0.0%

Projected Round	Number Evaluated	Entered the Draft	%	Round Selected in Draft							
				Round 1	Round 2	Round 3	Round 4	Round 5	Round 6	Round 7	Free Agent
Round 1	6	5	83.3%	5							
Round 2	14	10	71.4%	4	5	1					
Round 3	24	14	58.3%	1	4	2	2	4			1
Round 4-7	114	12	10.5%		1	1			2	1	7
Free Agent	23	3	13.0%								3
Total	181	44	24.3%	10	10	4	2	4	2	1	11

2010 College Advisory Committee Draft Results

	Number	%
Total Number of CAC Players	**151**	
Players Evaluated as Round 1	2	1.3%
Players Evaluated as Round 2	21	13.9%
Players Evaluated as Round 3	26	17.2%
Players Evaluated as Rounds 4-7	94	62.3%
Players Evaluated as Free Agent	8	5.3%
Total Number of CAC Players who entered Draft	**39**	**25.8%**
CAC Players Granted Special Eligibility	39	100.0%
CAC Players Automatically Eligible	0	0.0%
CAC Players who were Partial Qualifiers	0	0.0%

Projected Round	Number Evaluated	Entered the Draft	%	Round Selected in Draft							
				Round 1	Round 2	Round 3	Round 4	Round 5	Round 6	Round 7	Free Agent
Round 1	2	2	100.0%	2							
Round 2	21	16	76.2%	8	3		4		1		
Round 3	26	9	34.6%		1	7		1			
Round 4-7	94	12	12.8%		1			2	3		6
Free Agent	8	0	0.0%								
Total	151	39	25.8%	10	5	7	4	3	4		6

2009 College Advisory Committee Draft Results

	Number	%
Total Number of CAC Players	**151**	
Players Evaluated as Round 1	9	6.0%
Players Evaluated as Round 2	20	13.2%
Players Evaluated as Round 3	19	12.6%
Players Evaluated as Rounds 4-7	86	57.0%
Players Evaluated as Free Agent	17	11.3%
Total Number of CAC Players who entered Draft	**46**	**30.5%**
CAC Players Granted Special Eligibility	43	93.5%
CAC Players Automatically Eligible	3	6.5%
CAC Players who were Partial Qualifiers	0	0.0%

Projected Round	Number Evaluated	Entered the Draft	%	Round Selected in Draft							
				Round 1	Round 2	Round 3	Round 4	Round 5	Round 6	Round 7	Free Agent
Round 1	9	6	66.6%	5	1						
Round 2	20	10	50.0%	8	1	1					
Round 3	19	6	31.6%		3	1	2				
Round 4-7	86	24	27.9%		3	3	5	2	0	2	9
Free Agent	17	0	0.0%								
Total	151	46	30.5%	13	8	5	7	2	0	2	9

2008 College Advisory Committee Draft Results

	Number	%
Total Number of CAC Players	**183**	
Players Evaluated as Round 1	9	4.9%
Players Evaluated as Round 2	20	10.9%
Players Evaluated as Round 3	30	16.4%
Players Evaluated as Round 4	35	19.1%
Players Evaluated as Round 5	24	13.1%
Players Evaluated as Round 6	31	16.9%
Players Evaluated as Round 7	26	14.2%
Players Evaluated as Free Agent	8	4.4%
Total Number of CAC Players who entered Draft	**47**	
Players Granted Special Eligibility	44	93.6%
Players Automatically Eligible	3	6.4%
Players who were Partial Qualifiers	0	0.0%

Projected Round	Number Evaluated	Entered the Draft	%	Round Selected in Draft							
				Round 1	Round 2	Round 3	Round 4	Round 5	Round 6	Round 7	Free Agent
Round 1	9	8	88.9%	6	1	1					
Round 2	20	13	65.0%	3	8	2					
Round 3	30	11	36.7%	1	1	3	3			1	2
Round 4	35	9	25.7%			2	0	2	1	1	3
Round 5	24	0	0.0%								
Round 6	31	1	3.2%								1
Round 7	26	4	15.4%								4
Free Agent	8	1	12.5%								1
Total	183	47	25.7%	10	10	8	3	2	1	2	11

2007 College Advisory Committee Draft Results

	Number	%
Total Number of CAC Players	**133**	
Players Evaluated as Round 1	6	4.5%
Players Evaluated as Round 2	13	9.8%
Players Evaluated as Round 3	21	15.8%
Players Evaluated as Round 4	13	9.8%
Players Evaluated as Round 5	28	21.1%
Players Evaluated as Round 6	22	16.5%
Players Evaluated as Round 7	21	15.8%
Players Evaluated as Free Agent	9	6.8%
Total Number of CAC Players who entered Draft	**28**	**21.1%**
CAC Players Granted Special Eligibility	28	100.0%
CAC Players Automatically Eligible	0	0.0%
CAC Players who were Partial Qualifiers	0	0.0%

Projected Round	Number Evaluated	Entered the Draft	%	Round Selected in Draft							
				Round 1	Round 2	Round 3	Round 4	Round 5	Round 6	Round 7	Free Agent
Round 1	6	5	83.3%	3	2						
Round 2	13	6	46.2%	6							
Round 3	21	6	28.6%		3		2			1	
Round 4	13	1	7.7%					1			
Round 5	28	4	14.3%		1				1	1	1
Round 6	22	3	136%								3
Round 7	21	1	5.0%								1
Free Agent	9	2	22.2%								2
Total	133	28	21.1%	9	6	0	2	1	1	2	7

MEMORANDUM

September 20, 2011

TO: Rachel Newman Baker.

FROM: Libby Harmon and Bill Nesnidal.

SUBJECT: Amateur Draft Report.

The purpose of this research and analysis was to determine trends from data of underclassmen student-athletes leaving college early to enter the National Basketball Association (NBA) or National Football League (NFL) Draft's. The data from this report originated from NFL tracking and research as well as an enforcement staff compilation of NBA Draft data and NFL Draft trends. This information is reflected in the charts and analysis contained in this memorandum.

NBA trends

For the 2008, 2009 and 2010 drafts, at least half of the underclassmen who entered and currently play in the NBA were drafted after their freshman or sophomore years.

About 40 percent of the total number of underclassmen who declared for the draft in the past three years currently plays in the league.

About 94 percent of the underclassmen drafted by the league over the past year are still playing.

NFL trends

Most underclassmen are drafted in the first three rounds in the NFL Draft. Since 1990, 71 percent of underclassmen were drafted in the first three rounds, and 38 percent were drafted in the first round.

Since 1990, 60.8 percent of the underclassmen eligible to be drafted were selected by an NFL team.

Utilizing a five-year outlook, an average of 7.6 percent underclassmen drafted by the NFL are released from the league each year. This number increases to an average of 12 percent released from the league during the fourth and fifth seasons after the initial draft year.

Conclusion

Several trends and conclusions can be drawn from the NBA and NFL Draft data provided in this memorandum. Specifically, once an underclassman student-athlete is drafted into either league,

there is a high retention rate. The retention rate is higher in the NFL than the NBA; however, there is a slight but steady decrease in the retention rate in both leagues.

On average, those underclassmen eligible to declare for the NFL Draft have a higher percentage to be drafted by the NFL than those underclassmen eligible to declare for the NBA Draft. Potentially, more underclassmen student-athletes believe they will be drafted by the NBA than actually are. Compared to those underclassmen's expectations of being drafted by the NFL. Additionally, it is important to keep in mind the difference in the number of roster spots for each league, approximately 53 roster spots in the NFL and 15 roster spots in the NBA.

While the NBA Draft's fewer underclassmen, many of those undrafted underclassmen pursue other options, such as Europe, to continue their professional careers. However, aside from the NFL, those wishing to pursue a professional football career do not have many other opportunities compared to those wishing to pursue a professional basketball career outside the NBA.

In conclusion, the numbers of underclassmen who declare for the NFL and NBA Draft's are on the rise. This data could be used in the future to educate underclassmen student-athletes and institutions regarding how to weigh the options to continue pursuing a college degree versus pursuing a professional career. It would be helpful to continue collecting and tracking this data for future NBA and NFL Draft's to be able to identify any changes in the current trends.

RNB:mrs

Draft Season	League	Number	Draft Season		Season + 1		Season + 2	
2008	NBA	28	28	100.00%	27	96.43%	24	85.71%
	NFL	39	38	97.44%	39	100.00%	37	94.87%
2009	NBA	26	26	100.00%	25	96.15%		
	NFL	41	41	100.00%	41	100.00%		
2010	NBA	35	35	100.00%				
	NFL	46	45	97.83%				

Figure No. 1: Underclassmen drafted by the NBA and NFL that remained in the league after their first three years.

NFL					
Years	**Total Players Eligible**	**Players Selected**	**Players Not Selected**	**Percentage Selected**	**Percentage Not Selected**
2008	70	39	31	55.7%	44.3%
2009	58	41	17	70.7%	29.3%
2010	62	46	16	74.2%	25.8%
NBA					
Years	**Total Players Eligible**	**Players Selected**	**Players Not Selected**	**Percentage Selected**	**Percentage Not Selected**
2008	49	28	21	57.1%	42.9%
2009	74	26	48	35.1%	64.9%
2010	80	35	45	43.8%	56.3%

Figure No. 2: Underclassmen eligible and selected for the NFL and NBA drafts during the past three years.

		Draft Season		Season + 1		Season + 2		Season + 3		Season + 4		Season + 5	
Draft Season	**No.**	**53 Man Roster**		**Return**		**Return**		**Return**		**Return**		**Return**	
2005	38	34	89.5%	33	86.8%	26	68.4%	26	68.4%	24	63.2%	21	55.3%
2006	34	31	91.2%	29	85.3%	29	85.3%	27	79.4%	24	70.6%		
2007	29	27	93.1%	28	96.6%	27	93.1%	26	89.7%				
2008	39	35	89.7%	39	100%	35	89.7%						
2009	41	40	97.6%	39	95.1%								
2010	46	45	97.8%										
Average			93.2%		92.8%		84.1%		79.2%		66.9%		55.3%

Figure 3. The length of time the underclassmen drafted by the NFL remained in the league.

THE PRINCIPLE OF AMATEURISM

Student-athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation by professional and commercial enterprises.

Football Recruiting Issues

Background

At the June meeting, the enforcement staff provided an update regarding its recent focus on collecting information related to emerging recruiting trends in football. Several trends identified include: (1) involvement of street agents; (2) involvement of scouting/recruiting services and their relationships with college coaches and agents; (3) employment of individuals associated with prospective student-athletes at institutional camps; (4) marginalization of high school coaches during the recruiting process; and (5) intent of nonprofit mentoring programs to insert themselves into the lives of prospective student-athletes and develop relationships with them and their families.

In addition, the Southeastern Conference provided a letter to the cabinet that highlighted some of their concerns associated with nonscholastic football that they felt warranted an immediate response from the cabinet. The specific issues identified include: (1) hosting 7-on-7 events at campus facilities; (2) hiring nonscholastic coaches at institutional camps; and (3) permitting unofficial visits around "tours" made by 7-on-7 programs. The SEC would like the cabinet to take action to ensure the focus of football recruiting remains in the scholastic environment.

The SEC has sponsored two proposals (Proposal Nos. 2011-46 and 2011-47) for the 2011-12 legislative cycle that begin to address the issues surrounding hosting 7-on-7 events at campus facilities. Therefore, the remaining two issues are the items on which the cabinet will focus. Included in this document is some of the current legislation in men's basketball and legislation surrounding official and unofficial visits that may assist in the discussion of what are the next steps that need to be taken, if any.

Lastly, it is important to note that the enforcement staff will be providing a report later this fall regarding its recent focus on these trends in football that may also provide additional insight. The cabinet's continued examination of the trends present a unique opportunity to examine issues related to football for Division I institutions and the next steps to be taken in order to specifically address them.

Current Legislation in Men's Basketball

Bylaw 13.1.7.8 Basketball Evaluations.

Summer Evaluation Period.

During the summer evaluation period, a member of an institution's basketball coaching staff may attend institutional basketball camps per Bylaw 13.12.1.1; and noninstitutional organized events (e.g., camps, leagues, tournaments and festivals) that are certified per Bylaw 13.18. (Revised 10/23/07, 11/1/07)

The following are interpretations issued by the NCAA Division I Board of Directors on October 29, 2009, related to men's basketball.

1. The definition of an "individual associated with a prospect" is any person who maintains (or directs others to maintain) contact with the prospective student-athlete, the prospective student-athlete's relatives or legal guardians, or coaches at any point during the prospective student-athlete's participation in basketball, and whose contact is directly or indirectly related to the prospective student-athlete's :

   (a) Athletics skill and abilities; or

   (b) Recruitment by or enrollment in an NCAA institution.

   This definition includes, but is not limited to, parents, legal guardians, handlers, personal trainers and coaches. An individual who meets the definition of an individual associated with a prospect retains that status during the enrollment of that prospect at that institution.

2. It is not permissible for an institution or men's basketball staff member to employ (i.e., volunteer or paid) an individual associated with a recruiting prospective student-athlete at the institution's or men's basketball staff member's camp or clinic.

3. It is not permissible for an institution or men's basketball staff member to provide money to a nonprofit foundation that expends funds for the benefit of a nonscholastic team, prospective student-athlete(s) or an individual associated with a prospective student-athlete. A violation would occur even if the foundation provides funding to or services for both prospective student-athletes and individuals younger than prospect age.

4. It is not permissible for an institution or men's basketball staff member to provide a consulting fee to an individual associated with a prospective student-athlete or to a consulting firm in which an individual associated with a prospective student-athlete has a proprietary or financial interest.

Current Legislation Related to Official and Unofficial Visits

Bylaw 13.1.6.2. Practice or Competition Site.

Recruiting contact may not be made with a prospective student-athlete prior to any athletics competition in which the prospective student-athlete is on an official or unofficial visit. Contact includes the passing of noted or verbally relaying information to a prospective student-athlete by a third party on behalf of an institution staff member and telephone calls. Such contact shall be governed by the following: (Revised 1/11/8, 1/10/91, 1/11/94, effective 7/1/96, 9/18/07)

(a) Contact shall not be made with the prospective student-athlete any site prior to the contest on the day or days of competition; (Revised: 1/11/89)

(b) Contact shall not be made with the prospective student athlete from the time he or she reports on call (at the direction of his or her coach or comparable authority) and become involved in competition-related activity (e.g., traveling to an away-from-home game) to the end of the competition even if such competition-related activities are initiated prior to the day or days of competition; (Revised 1/11/94)

(c) Contact shall not be made with the prospective student-athlete after the competition until the prospective student-athlete is released by the appropriate institutional authority and departs the dressing and meeting facility;

(d) Contact shall not be made with the prospective student-athlete involved in competition that requires participation on consecutive days (e.g., tournament) until after his or her final contest is completed and he or she is released by the appropriate institutional authority and leaves the dressing and meeting facility. Contact shall not be made with a prospective student-athlete involved in a tournament that is not conducted on consecutive days until after his or her final contest is completed on a day before a break in the days of the tournament and he or she is released by the appropriate institutional authority and leaves the dressing and meeting facility; (Revised: 1/11/94, 9/18/07)

(e) Contact with a prospective student-athlete who is on an extended road trip (e.g., traveling with a team from one contest or event to another), is permitted at the conclusion of a competition and prior to the commencement of travel to the next competition, provided he or she has been released by the appropriate institutional authority and departs the dressing and meeting facility; and (Adopted: 9/18/07)

(f) Coaching staff members may not send electronic correspondence to a prospective student-athlete while he or she is on call for competition at the competition site (e.g., arena, stadium). Coaching staff members may send general correspondence (including electronic correspondence) to a prospective student-athlete while he or she is on call and not at the competition site or while the prospective student-athlete is at any location once he or she has been released by the appropriate authority, provided the general correspondence is sent directly to a prospective student-athlete (e.g., the front desk of the hotel, the prospective student-athlete's personal fax machine) and there is no additional party (e.g., camp employee, coach) involved in disseminating the correspondence (see Bylaw 13.4). For additional restrictions in basketball, see Bylaw 13.1.6.2.2. (Revised: 4/3/02, 4/23/03, 3/23/06, 12/12/06)

Proposal Number: 2011-46

Title: RECRUITING -- TRYOUTS -- NONSCHOLASTIC PRACTICE OR COMPETITION AND NONINSTITUTIONAL CAMPS OR CLINICS – FOOTBALL

Intent: In football, to specify that an institution [including any institutional department (e.g., athletics, recreational/intramural)] shall not host, sponsor or conduct a nonscholastic football practice or competition (e.g., seven-on-seven events) in which football prospective student-athletes participate on its campus or at an off-campus facility regularly used by the institution for practice and/or competition by any of the institution's sport programs; further, to limit the use of institutional facilities for noninstitutional camps or clinics that include prospect-aged participants to June and July in bowl subdivision football and to June, July and August in championship subdivision football.

Bylaws: Amend 13.11.1, as follows:

[Federated provision, FBS and FCS, divided vote]

13.11.1 Prohibited Activities. A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session or test/tryout) at which one or more prospective student-athletes (as defined in Bylaws 13.11.1.1 and 13.11.1.2) reveal, demonstrate or display their athletics abilities in any sport except as provided in Bylaws 13.11.2 and 13.11.3. [D]

[13.11.1.1 through 13.11.1.9, unchanged.]

13.11.1.10 Nonscholastic Practice or Competition -- Football. An institution [including any institutional department (e.g., athletics, recreational/intramural)] shall not host, sponsor or conduct a nonscholastic football practice or competition (e.g., seven-on-seven events) in which football prospective student-athletes participate on its campus or at an off-campus facility regularly used by the institution for practice and/or competition by any of the institution's sport programs.

13.11.1.11 Use of Institutional Facilities for Noninstitutional Camps or Clinics -- Football. In bowl subdivision football, the use of institutional facilities for noninstitutional camps or clinics that include prospect-aged participants shall be limited to the months of June and July. In championship subdivision football, the use of institutional facilities for noninstitutional camps or clinics that include prospect-aged participants shall be limited to the months of June, July and August.

[13.11.1.10 through 13.11.1.11 renumbered as 13.11.1.12 through 13.11.1.13, unchanged.]

Source: Southeastern Conference

Effective Date: Immediate; a contract signed before August 15, 2011 may be honored.

Category: Amendment

Topical Area: Recruiting

Rationale: There has been a proliferation of nonscholastic football events recently conducted on institutional campuses or using institutional facilities, and such events are frequently associated with recruiting efforts. Rather than continue to support an increase in these types of events, it is appropriate to enact a ban on any institutional involvement with nonscholastic football events. This proposal would institute such a ban, while still permitting regular and postseason scholastic events to be played on an institution's campus in accordance with applicable rules (i.e., tryout exception).

Budget Impact: Potential for lost revenue for use of facilities by outside entities.

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

Proposal Number: 2011-47

Title: RECRUITING -- TRYOUTS -- LOCAL SPORTS CLUBS -- FOOTBALL

Intent: In football, to prohibit a coach or a noncoaching staff member with football-specific responsibilities from being involved in any capacity in a football club that includes prospective student-athletes.

Bylaws: Amend 13.11.2.3, as follows:

[Federated provision, FBS and FCS, divided vote]

13.11.2.3 Local Sports Clubs. In sports other than basketball **and football**, an institution's coach may be involved in any capacity (e.g., as a participant, administrator or in instructional or coaching activities) in the same sport for a local sports club or organization located in the institution's home community, provided all prospective student-athletes participating in said activities are legal residents of the area (within a 50-mile radius of the institution). In all sports, an institution's coach may be involved in any capacity (e.g., as a participant, administrator or in instructional or coaching activities) in a sport other than the coach's sport for a local sports club or organization located in the institution's home community, provided all prospective student-athletes participating in said activities are legal residents of the area (within a 50-mile radius of the institution). Further, in club teams involving multiple teams or multiple sports, the 50-mile radius is applicable only to the team with which the institution's coach is involved; however, it is not permissible for the coach to assign a prospective student-athlete who lives outside the 50-mile area to another coach of the club. A coach also may be involved in activities with individuals who are not of a prospective student-athlete age, regardless of where such individuals reside. (In women's volleyball and women's sand volleyball, see Bylaws 13.1.7.12 and 13.1.7.13, respectively, for regulations relating to a coach's involvement with a local sports club and the permissible number of evaluation days.)

[13.11.2.3.1 through 13.11.2.3.3 unchanged.]

13.11.2.3.4 Noncoaching Staff Members with Sport-Specific Responsibilities -- Football. In football, a noncoaching staff member with football-specific responsibilities (e.g., director of football operations, manager, administrative personnel) shall not be involved in any capacity (e.g., as a participant, administrator or in instructional or coaching activities) in a football club or organization that includes prospective student-athletes.

[13.11.2.3.4 renumbered as 13.11.2.3.5, unchanged.]

Source: Southeastern Conference

Effective Date: Immediate

Category: Amendment

Topical Area: Recruiting

Rationale: The recent emergence of seven-on-seven football clubs has created the need to modify existing rules related to involvement with local football clubs. Such clubs are now frequently comprised of highly talented football prospective student-athletes engaged in nonscholastic club football activities. Through this proposal, football would join basketball as sports in which coaching staff members are not permitted to be involved with local sports clubs that include prospective student-athletes.

Budget Impact: None.

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

Class of 2002 a cautionary tale for today's All-Americans

It was tabbed as one of the most powerful groups in years, stacked with just about everything you could ask for -- talented big men, quality point guards, big-time shooters and athletic wings.

The McDonald's All-American Class of 2002.

However, it's a decade later and only a handful could be found occupying NBA rosters last season.

Amar'e Stoudemire, Carmelo Anthony, Raymond Felton, Chris Bosh and J.J. Redick.

Yes, that's it.

"Are you serious?" Redick said when informed there were only five NBA guys. "That is nuts. No way."

"Those numbers are alarming," added former UNC star Sean May, who spent last year in Turkey. "We had one of the best high school classes ever."

It serves as a cautionary tale to the youth of today, those who sit high atop the rankings and are coddled by coaches, shoe company executives as well as agents and runners.

The numbers are irrelevant.

"They don't mean a thing," said former Duke forward Shavlik Randolph, who once held the No. 1 spot in the class early in his Broughton High (N.C.) days. "If you're ranked high, that means there's a guy that isn't ranked who's probably outworking you."

"It's a curse," admitted Evan Burns, a top-10 player who spent one season at San Diego State after failing to qualify to play at UCLA.

Sure, there are some of the 24 who played at Madison Square Garden on April 5, 2002, who could be in the league right now if not for bad luck. Jason Fraser endured seven surgeries in his Villanova career, Paul Davis has battled through a torn ACL and back issues and May spent last season in Turkey, largely because of knee issues that have bothered him since he entered the NBA.

There are others that were just flat overrated -- and shouldn't have been ranked anywhere near McDonald's All-American status. Guys like Elijah Ingram, Sean Dockery, Travis Garrison and Michael Thompson.

And there are some who admittedly bought into the hype.

"That was my problem," said Burns, an elite player coming out of Fairfax High in California who is now a production assistant in Los Angeles. "I don't want to admit it went to my head, but I know it did."

"You can lose sight of a lot of things and start to buy into how great you are," added Bracey Wright, who was ranked about 50 spots higher than high school teammate Deron Williams yet has played 425 fewer NBA games. "Sometimes your mind isn't in the right place and you can lose focus."

"People are telling you that the NBA is a given coming out of high school," added Garrison, the ex-Maryland forward who played in the Ukraine last year. "So you start to believe it. I'm sure other guys felt the same way."

Wright admitted it affected him, especially when he arrived at Indiana.

"I think I was still wrapped up in the persona of who everyone said I was," Wright added. "The rankings led me to not work as hard and not be as hungry as I was."

Burns hasn't spent a single day in the NBA and Wright, who was drafted in the second round of the 2005 NBA Draft, split time between France and Croatia last season.

Nearly one half of the guys that spent the first week of April 2002 in New York City for the famed game haven't even logged a single game in the NBA. That list includes Fraser, DeAngelo Collins, Burns, Daniel Horton, Dockery, Brad Buckman, Ingram, Garrison, Thompson, Eric Williams and Torin Francis.

Thirteen players from the highly regarded group spent last season somewhere overseas. That doesn't include Rashad McCants, who had a short stint in the NBDL, Horton -- who didn't play anywhere because of injury -- in addition to Fraser, Burns, Dockery and Thompson, all of whom are out of basketball.

"It should tell the kids coming up that you need to have something to fall back on," May said. "Did anyone think that Deron Williams would be an elite player in the league? Nobody did. You just never know."

While Williams was ranked in the bottom half of every recruit guru's Top 100 a decade ago, McCants' name could be found just below Amar'e and Carmelo. He was a shoo-in as an NBA lifer, and many even figured he'd be an All-Star at the highest level. Instead, McCants was persuaded to accept a stint with the NBDL's Texas Legends last season in hopes of getting another shot in the NBA.

It never happened and now McCants, who has started his own entertainment company, is contemplating playing overseas this season.

"They are blackballing me," McCants said of the NBA general managers. "They won't let me back in."

However, one NBA general manager told CBSSports.com that it's because McCants' talent just doesn't outweigh the "other baggage."

"He's not a bad guy and hasn't done anything wrong," the GM said. "But he's had his chances and didn't succeed and now the mindset of general managers is to try and find the 'next' guy. McCants hasn't played in two years now."

Collins was an enigma coming out of Inglewood High (Calif.) who tried to make the jump from high school. He also places blame -- and claims the Miami Heat would have won the NBA title if they had him on their roster this past season.

"I know right now I'd be playing in the NBA if I didn't get all the bad press right before the draft," said Collins, who blames an ESPN "Outside the Lines" report. "When I saw that, I knew I'd never play in the NBA."

Despite Collins' assertions that the media stood in the way of his NBA dream, he told CBSSports.com he is more than content over in China, where he is currently averaging 24.1 points, 13.6 rebounds, 4.8 assists and 4.4 blocks a game.

Collins is only one of the many ex-McDonald's All-Americans who appears to have come to grips with the fact they won't ever step on the court for an NBA game -- while others realize it's unlikely they won't return to The Association.

Thompson, who barely played at Duke and then was a role guy at Northwestern, has thrived in the financial industry, recently joining the firm Jackson Wabash in Chicago.

"I miss playing with a passion," Thompson said. "But there comes a point in your life where you have to transition to play the bills -- and that's what I had to do. I felt that I could make as much money doing this as going overseas."

But the majority of the McDonald's All-Americans from the Class of 2002 are enjoying life playing abroad.

"Obviously, my dream is to play in the NBA," said Buckman, a former Texas forward who spent parts of last season in three countries -- Germany, Croatia and Turkey. "But life in Europe is pretty amazing. I've had a blast."

"Basketball over here is good," added ex-Wake Forest big man Eric Williams. "It's not as easy as people think and guys get multi-million contracts. I've made tons of money and the best part is it's all tax-free. Life isn't all that different than being in the NBA -- except you're in another country."

Williams earned $200,000 his first season in Italy, made $300,000 this past season and has his rent and use of a car paid for by the team. Anthony Roberson earned $375,000 a year ago, his first in Italy.

Fraser said it's not the notoriety -- or lack thereof -- that has been the most difficult aspect for him.

"Realizing how close I was to having financial freedom," said Fraser, who currently works as an admission representative for a college. "Not the lifestyle as a star. The lifestyle of not having to struggle."

"Get your degree," Thompson said. "Everyone that was there won't be there when it goes sour. Everyone blowing smoke up your ass won't be there. Go to a good school because, at the end of the day, you have yourself. No one is going to help you."

"Education is key," Fraser added. "You need it. Period. Education helps you develop as a man."

Burns, who can be found playing down at the local YMCA these days, sometimes finds himself caught reflecting back to that week in New York City, what seems like yesterday, and a vivid conversation he shared Redick.

"J.J. knew exactly what he wanted," Burns said. "He was humble and worked. We were all talking about the NBA and how quickly we were going to get there and he was talking about playing at Duke for four years and getting an education. That's what he told me and look at him now."

The crazy aspect is that Redick wasn't necessarily preparing himself for the NBA. He said he took an Italian class his junior year because his plan was to play overseas.

"I wanted to be able to speak Italian," said Redick, who scored 26 points and was the MVP of the McDonald's Game. "At that point, I really didn't think I would ever play in the NBA."

But Redick's a rare breed among those who are indulged and pampered in the grassroots basketball scene.

"It's difficult because so many things are given to you," Burns said. "Your mentality changes."

And so, in many cases, did their entire lives.

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

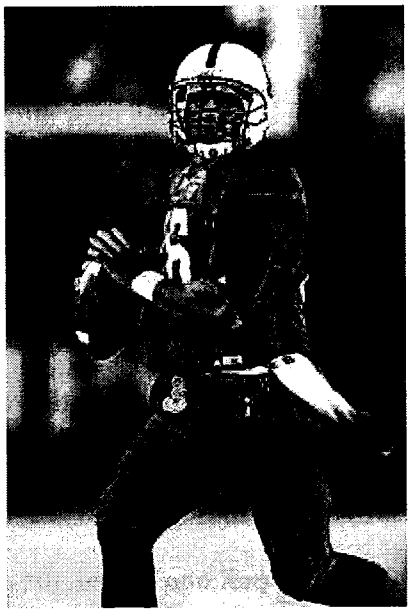
Friday, July 15, 2011

Paying players might create havoc

By Ivan Maisel
ESPN.com

It used to be that when the subject of paying student-athletes arose, the defenders of the status quo leapt onto their high horses. They shuddered to think of the calamity that would occur if the walls of amateurism were breached. They told the squeamish to avert their eyes. They turned the heads of children. Amateurism must be defended. Our American Way of Life stood in the balance.

That is so 20th century.



Russell Wilson is returning to the college football field after playing minor league baseball.

Classic amateurism is just about confined to golf these days. The NCAA long ago allowed student-athletes to turn professional in one sport while retaining their eligibility in another. In recent years, the NCAA has established funds to provide basic necessities for student-athletes in need. So what if the NCAA controls the money? The NCAA still hands it out.

The point is that rules evolve. One era's professional is today's Wisconsin quarterback Russell Wilson, a minor leaguer in the Colorado Rockies' farm system. So allow your mind to drift. Let the rules continue to evolve. Think what might happen if the NCAA allowed its member institutions to pay its student-athletes.

Yes, we know. They already pay them as much as $250,000 in tuition, room, board, books, fees, medical care, physical training, tutoring and trinkets that can be traded for tattoos.

But move beyond that. Pay the players who fill those six-figure stadiums. Pay the athletes who promote the brand of the alma mater. Pay the female athletes, too, because who needs a lawsuit? Work out your budget. Feel magnanimous about putting more money in the pockets of student-athletes.

Now, go hire an attorney.

"If they are paid more than the cost of attendance," Matt Mitten, the director of the National Sports Law Institute at Marquette Law School, said of student-athletes, "they would likely be characterized as employees. And that has a number of implications."

If they are employees, some or all of the athletic scholarships they receive might be taxed as income.

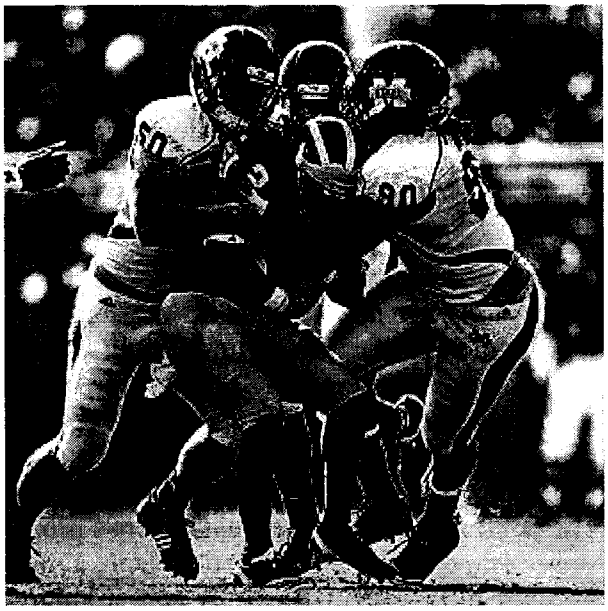
If they are employees, they might unionize.

If they are employees, the university, as the employer, might be responsible for any tort -- a wrongful act resulting in an injury worthy of compensation -- committed by them.

"You've got a player that you know is particularly aggressive, and, in the course of the basketball game, he punches an opposing player in the face," Mitten said. "You don't see a lot of these suits. But they have the potential to be there. ... Suppose the player suffers a real serious injury. He starts looking around for a deep pocket. They say, 'Well, let's sue not only the opposing player who injured me but his university.'"

If athletes are employees, they might jeopardize the case history of courts showing deference to athletics as part of a university's educational mission.

"Even though the universities getting together and saying, 'We're not going to give you a nickel more than tuition, books, room and board,' looks a lot like price-fixing," Mitten said, "the courts have said, 'Well, the NCAA and the schools have a very strong interest in being the guardian of amateurism and promoting competitive balance.'"



If players were considered paid employees, it would create a number of legal and tax-related questions.

Judges might change their attitude. So, too, might the Internal Revenue Service. If athletes are employees, the university's educational mission might be called to account for tax purposes, too. The profits generated by the athletic department might be classified as unrelated business income and subject to taxation at corporate rates.

At the very least, universities would be hiring accountants at the rate that football coaches hire quality control assistants. Unlike the latter, accountants are not cheap.

Once you pull one thread, the entire sweater unravels. If colleges are making profits, Mitten said, "It would have implications as to whether the sponsorships [are] something they could take as a tax deduction."

That includes not only the sponsors who pay for bowl games but also the sponsors who pay for ads on giant video screens and on stadium facades.

If student-athletes are employees, they would be eligible for worker's compensation for their injuries unless a state passed legislation exempting student-athletes from coverage.

The most prominent case that establishes that a student-athlete is not an employee is Waldrep v. Texas Employers Insurance Association. Kent Waldrep, a TCU running back who became paralyzed from the chest down in a 1974 game against Alabama, filed for worker's compensation in Texas in 1991. A compensation commission ruled in favor of Waldrep, only to have that ruling overturned by a district court jury.

In affirming the jury's decision, a state appeals court listed all the ways in which Waldrep did not qualify as a university employee. Among them: the letter of intent and financial aid paperwork signed by Waldrep and TCU did not constitute an employment contract. Financial aid did not represent income. TCU did not pay a salary or promise one; did not withhold taxes; and did not tell Waldrep he was or

would become an employee.

Those are just some of the issues with which NCAA members will tangle if scholarships evolve into salaries. All of them could be worked out. One or more of them could wreak havoc on college sports as we know them.

If there's an athletic director or university president out there who's looking to open the door to turning student-athletes into employees, he or she is being quiet about it. Most believe that student-athletes are receiving compensation. They see an athletic grant-in-aid as different from a professional salary. So do Congress and the courts -- so far.

Ivan Maisel is a senior writer for ESPN.com and hosts the ESPNU College Football podcast. Send your questions and comments to him at Ivan.Maisel@ESPN.com.

Oklahoma AG puts together team to investigate, prosecute sports agents

Wayne Greene
Tulsa World
10 September 2011

OKLAHOMA CITY - Attorney General Scott Pruitt announced the formation of a special prosecution team to target sports agents who violate state law in their contacts with college athletes.

"The actions of just a few sports agents can ruin athletes' careers and cost universities millions of dollars, potentially harming entire athletic programs here in our state," Pruitt said in a Friday video statement, timed to the beginning of the college football season.

Pruitt said the team will find, investigate and prosecute sports agents and their runners who "seek to harm our students and our universities."

Diane Clay, a spokeswoman for Pruitt, said an attorney on Pruitt's staff will be assigned part time to lead the team. Investigators will be assigned to probes as they are needed.

Earlier this year, the Oklahoma Legislature toughened the state law regulating sports agents, requiring them to post $250,000 surety bonds and stiffening penalties for violators.

First infractions are misdemeanors, subject to fines of up to $250,000. Second infractions are felonies, subject to fines of up to $500,000 and up to three years in prison.

The law also allows Pruitt's office to issue subpoenas for any material relevant to the administration of the Uniform Athlete Agents Act.

"Oklahoma's newly strengthened Uniform Athlete Agents Act sends a message to sports agents around the country that preying on Oklahoma's student-athletes and their families will not be tolerated," Pruitt said.

The legislation was written by state Rep. Todd Thomsen, R-Ada, and Senate President Pro Tem Brian Bingman, R-Sapulpa.

Thomsen was a punter and kicker for the University of Oklahoma football team 1985-88 and was part of OU's 1985 national championship team.

"I think that the problem has escalated exponentially year after year," Thomsen said.

If an agent breaks rules in dealing with athletes and that leads to NCAA penalties, the damage goes well beyond the athlete and the school, Thomsen said. Local businesses in Norman and Stillwater rely on successful sports programs for economic stimulus, he said.

Thomsen and Bingman said they were pleased to hear that Pruitt was pursuing the new law aggressively.

Bingman said it was time to make sure sports agents who break the rules pay significant penalties for their actions.

Officials at OU and Oklahoma State University said they supported Pruitt's efforts.

"We commend Attorney General Pruitt's enforcement and educational enhancements related to Oklahoma's Uniformed Athlete Agents Act," OSU Athletic Director Mike Holder said in a statement released by Pruitt's office. "These efforts will make significant progress toward protecting the eligibility of our student-athletes from individuals in the sports agent industry who are willing to violate NCAA rules and Oklahoma laws in order to gain inappropriate access to our student-athletes."

OU athletic department spokesman Kenny Mossman said: "We are very supportive of this legislation and appreciate the actions of the attorney general in addressing a problem that has become more prominent in recent years."

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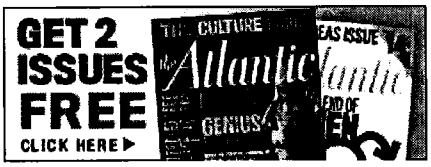


October 2011

THE ATLANTIC ON TWITTER

The Shame of College Sports

A LITANY OF SCANDALS IN RECENT YEARS HAVE MADE THE CORRUPTION OF COLLEGE SPORTS CONSTANT FRONT-PAGE NEWS. WE PROFESS OUTRAGE EACH TIME WE LEARN THAT YET ANOTHER STUDENT-ATHLETE HAS BEEN TAKING MONEY UNDER THE TABLE. BUT THE REAL SCANDAL IS THE VERY STRUCTURE OF COLLEGE SPORTS, WHEREIN STUDENT-ATHLETES GENERATE BILLIONS OF DOLLARS FOR UNIVERSITIES AND PRIVATE COMPANIES WHILE EARNING NOTHING FOR THEMSELVES. HERE, A LEADING CIVIL-RIGHTS HISTORIAN MAKES THE CASE FOR PAYING COLLEGE ATHLETES—AND REVEALS HOW A SPATE OF LAWSUITS WORKING THEIR WAY THROUGH THE COURTS COULD DESTROY THE NCAA.

By Taylor Branch

IMAGE CREDIT: EVAN KAFKA

"I'M NOT HIDING," Sonny Vaccaro told a closed hearing at the Willard Hotel in Washington, D.C., in 2001. "We want to put our materials on the bodies of your athletes, and the best way to do that is buy your school. Or buy your coach."

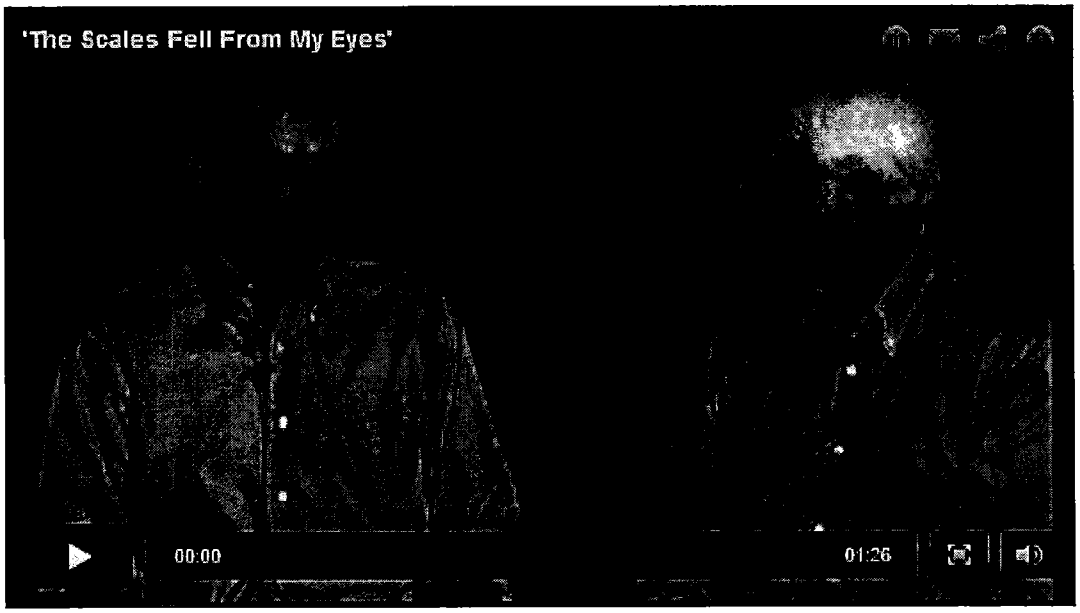
Vaccaro's audience, the members of the Knight Commission on Intercollegiate Athletics, bristled. These were eminent reformers—among them the president of the National Collegiate Athletic Association, two former heads of the U.S. Olympic Committee, and several university presidents and chancellors. The Knight Foundation, a nonprofit that takes an interest in college athletics as part of its concern with civic life, had tasked them with saving college sports from runaway commercialism as embodied by the likes of Vaccaro, who, since signing his pioneering shoe contract with Michael Jordan in 1984, had built sponsorship empires successively at Nike, Adidas, and Reebok. Not all the members could hide their scorn for the "sneaker pimp" of schoolyard hustle, who boasted of writing checks for millions to everybody in higher education.

"Why," asked Bryce Jordan, the president emeritus of Penn State, "should a university be an advertising medium for your industry?"

Vaccaro did not blink. "They shouldn't, sir," he replied. "You sold your souls, and you're going to continue selling them. You can be very moral and righteous in asking me that question, sir," Vaccaro added with irrepressible good cheer, "but there's not one of you in this room that's going to turn down any of our money. You're going to take it. I can only offer it."

William Friday, a former president of North Carolina's university system, still winces at the memory. "Boy, the silence that fell in that room," he recalled recently. "I never will forget it." Friday, who founded and co-chaired two of the three Knight Foundation sports initiatives over the past 20 years, called Vaccaro "the worst of all" the witnesses ever to come before the panel.

But what Vaccaro said in 2001 was true then, and it's true now: corporations offer money so they can profit from the glory of college athletes, and the universities grab it. In 2010, despite the faltering economy, a single college athletic league, the football-crazed Southeastern Conference (SEC), became the first to crack the billion-dollar barrier in athletic receipts. The Big Ten pursued closely at $905 million. That money comes from a combination of ticket sales, concession sales, merchandise, licensing fees, and other sources—but the great bulk of it comes from television contracts.



VIDEO: Taylor Branch describes how his research for this piece woke him up to the NCAA's injustice (part 1 of 3)

Educators are in thrall to their athletic departments because of these television riches and because they respect the political furies that can burst from a locker room. "There's fear," Friday told me when I visited him on the University of North Carolina campus in Chapel Hill last fall. As we spoke, two giant construction cranes towered nearby over the university's Kenan Stadium, working on the latest $77 million renovation. (The University of Michigan spent almost four times that much to expand its Big House.) Friday insisted that for the networks, paying huge sums to universities was a bargain. "We do every little thing for them," he said. "We furnish the theater, the actors, the lights, the music, and the audience for a drama measured neatly in time slots. They bring the camera and turn it on." Friday, a weathered idealist at 91, laments the control universities have ceded in pursuit of this money. If television wants to broadcast football from here on a Thursday night, he said, "we shut down the university at 3 o'clock to accommodate the crowds." He longed for a campus identity more centered in an academic mission.

The United States is the only country in the world that hosts big-time sports at institutions of higher learning. This should not, in and of itself, be controversial. College athletics are rooted in the classical ideal of *Mens sana in corpore sano*—a sound mind in a sound body—and who would argue with that? College sports are deeply inscribed in the culture of our

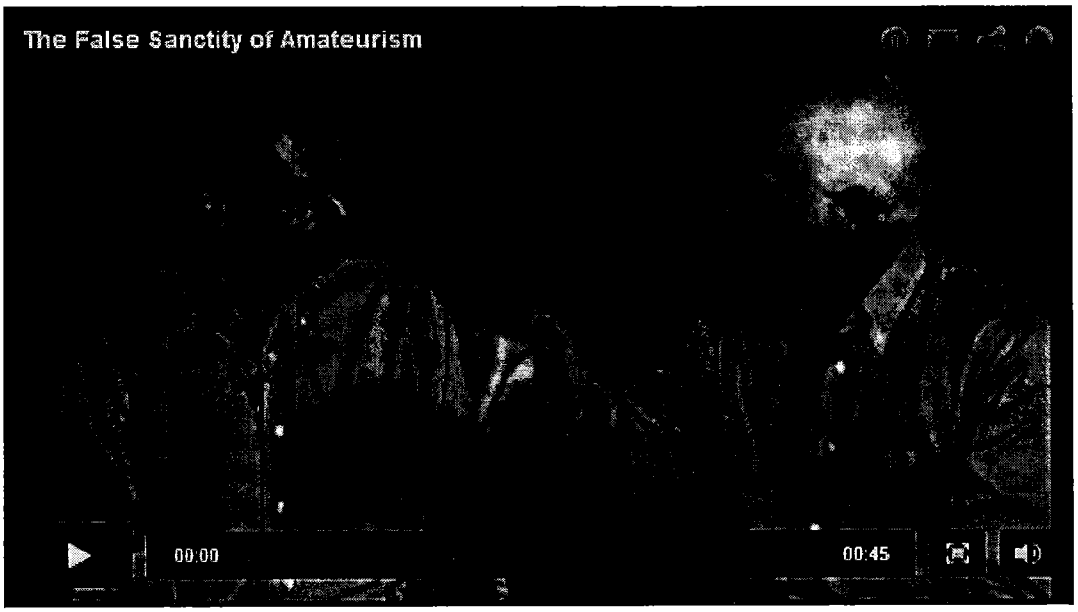
nation. Half a million young men and women play competitive intercollegiate sports each year. Millions of spectators flock into football stadiums each Saturday in the fall, and tens of millions more watch on television. The March Madness basketball tournament each spring has become a major national event, with upwards of 80 million watching it on television and talking about the games around the office water cooler. ESPN has spawned ESPNU, a channel dedicated to college sports, and Fox Sports and other cable outlets are developing channels exclusively to cover sports from specific regions or divisions.

With so many people paying for tickets and watching on television, college sports has become Very Big Business. According to various reports, the football teams at Texas, Florida, Georgia, Michigan, and Penn State—to name just a few big-revenue football schools—each earn between $40 million and $80 million in profits a year, even after paying coaches multimillion-dollar salaries. When you combine so much money with such high, almost tribal, stakes—football boosters are famously rabid in their zeal to have their alma mater win—corruption is likely to follow.

Scandal after scandal has rocked college sports. In 2010, the NCAA sanctioned the University of Southern California after determining that star running back Reggie Bush and his family had received "improper benefits" while he played for the Trojans. (Among other charges, Bush and members of his family were alleged to have received free airfare and limousine rides, a car, and a rent-free home in San Diego, from sports agents who wanted Bush as a client.) The Bowl Championship Series stripped USC of its 2004 national title, and Bush returned the Heisman Trophy he had won in 2005. Last fall, as Auburn University football stormed its way to an undefeated season and a national championship, the team's star quarterback, Cam Newton, was dogged by allegations that his father had used a recruiter to solicit up to $180,000 from Mississippi State in exchange for his son's matriculation there after junior college in 2010. Jim Tressel, the highly successful head football coach of the Ohio State Buckeyes, resigned last spring after the NCAA alleged he had feigned ignorance of rules violations by players on his team. At least 28 players over the course of the previous nine seasons, according to *Sports Illustrated*, had traded autographs, jerseys, and other team memorabilia in exchange for tattoos or cash at a tattoo parlor in Columbus, in violation of NCAA rules. Late this summer, Yahoo Sports reported that the NCAA was investigating allegations that a University of Miami booster had given millions of dollars in illicit cash and services to more than 70 Hurricanes football players over eight years.

The list of scandals goes on. With each revelation, there is much wringing of hands. Critics scold schools for breaking faith with their educational mission, and for failing to enforce the sanctity of "amateurism." Sportswriters denounce the NCAA for both tyranny and impotence in its quest to "clean up" college sports. Observers on all sides express jumbled emotions about youth and innocence, venting against professional mores or greedy amateurs.

For all the outrage, the real scandal is not that students are getting illegally paid or recruited, it's that two of the noble principles on which the NCAA justifies its existence—"amateurism" and the "student-athlete"—are cynical hoaxes, legalistic confections propagated by the universities so they can exploit the skills and fame of young athletes. The tragedy at the heart of college sports is not that some college athletes are getting paid, but that more of them are not.



VIDEO: Taylor Branch uses a religious analogy to explain what's wrong with college athletics (part 2 of 3)

Don Curtis, a UNC trustee, told me that impoverished football players cannot afford movie tickets or bus fare home. Curtis is a rarity among those in higher education today, in that he dares to violate the signal taboo: "I think we should pay these guys something."

Fans and educators alike recoil from this proposal as though from original sin. Amateurism is the whole point, they say. Paid athletes would destroy the integrity and appeal of college sports. Many former college athletes object that money would have spoiled the sanctity of the bond they enjoyed with their teammates. I, too, once shuddered instinctively at the notion of paid college athletes.

But after an inquiry that took me into locker rooms and ivory towers across the country, I have come to believe that sentiment blinds us to what's before our eyes. Big-time college sports are fully commercialized. Billions of dollars flow through them each year. The NCAA makes money, and enables universities and corporations to make money, from the unpaid labor of young athletes.

Slavery analogies should be used carefully. College athletes are not slaves. Yet to survey the scene—corporations and universities enriching themselves on the backs of uncompensated young men, whose status as "student-athletes" deprives them of the right to due process guaranteed by the Constitution—is to catch an unmistakable whiff of the plantation. Perhaps a more apt metaphor is colonialism: college sports, as overseen by the NCAA, is a system imposed by well-meaning paternalists and rationalized with hoary sentiments about caring for the well-being of the colonized. But it is, nonetheless, unjust. The NCAA, in its zealous defense of bogus principles, sometimes destroys the dreams of innocent young athletes.

The NCAA today is in many ways a classic cartel. Efforts to reform it—most notably by the three Knight Commissions over the course of 20 years—have, while making changes around the edges, been largely fruitless. The time has come for a major overhaul. And whether the powers that be like it or not, big changes are coming. Threats loom on multiple fronts: in Congress, the courts, breakaway athletic conferences, student rebellion, and public disgust. Swaddled in gauzy clichés, the NCAA presides over a vast, teetering glory.

Founding Myths

From the start, amateurism in college sports has been honored more often in principle than in fact; the NCAA was built of a mixture of noble and venal impulses. In the late 19th century, intellectuals believed that the sporting arena simulated an impending age of Darwinian struggle. Because the United States did not hold a global empire like England's, leaders warned of national softness once railroads conquered the last continental frontier. As though heeding this warning, ingenious students turned variations on rugby into a toughening agent. Today a plaque in New Brunswick, New Jersey, commemorates the first college game, on November 6, 1869, when Rutgers beat Princeton 6–4.

Walter Camp graduated from Yale in 1880 so intoxicated by the sport that he devoted his life to it without pay, becoming "the father of American football." He persuaded other schools to reduce the chaos on the field by trimming each side from 15 players to 11, and it was his idea to paint measuring lines on the field. He conceived functional designations for players, coining terms such as quarterback. His game remained violent by design. Crawlers could push the ball forward beneath piles of flying elbows without pause until they cried "Down!" in submission.

In an 1892 game against its archrival, Yale, the Harvard football team was the first to deploy a "flying wedge," based on Napoleon's surprise concentrations of military force. In an editorial calling for the abolition of the play, *The New York Times* described it as "half a ton of bone and muscle coming into collision with a man weighing 160 or 170 pounds," noting that surgeons often had to be called onto the field. Three years later, the continuing mayhem prompted the Harvard faculty to take the first of two votes to abolish football. Charles Eliot, the university's president, brought up other concerns. "Deaths and injuries are not the strongest argument against football," declared Eliot. "That cheating and brutality are profitable is the main evil." Still, Harvard football persisted. In 1903, fervent alumni built Harvard Stadium with zero college funds. The team's first paid head coach, Bill Reid, started in 1905 at nearly twice the average salary for a full professor.

A newspaper story from that year, illustrated with the Grim Reaper laughing on a goalpost, counted 25 college players killed during football season. A fairy-tale version of the founding of the NCAA holds that President Theodore Roosevelt, upset by a photograph of a bloodied Swarthmore College player, vowed to civilize or destroy football. The real story is that Roosevelt maneuvered shrewdly to preserve the sport—and give a boost to his beloved Harvard. After *McClure's* magazine published a story on corrupt teams with phantom students, a muckraker exposed Walter Camp's $100,000 slush fund at Yale. In response to mounting outrage, Roosevelt summoned leaders from Harvard, Princeton, and Yale to the White House, where Camp parried mounting criticism and conceded nothing irresponsible in the college football rules he'd established. At Roosevelt's behest, the three schools issued a public statement that college sports must reform to survive, and representatives from 68 colleges founded a new organization that would soon be called the National Collegiate Athletic Association. A Haverford College official was confirmed as secretary but then promptly resigned in favor of Bill Reid, the new Harvard coach, who instituted new rules that benefited Harvard's playing style at the expense of Yale's. At a stroke, Roosevelt saved football and dethroned Yale.

For nearly 50 years, the NCAA, with no real authority and no staff to speak of, enshrined amateur ideals that it was helpless to enforce. (Not until 1939 did it gain the power even to mandate helmets.) In 1929, the Carnegie Foundation made headlines with a report, "American College Athletics," which concluded that the scramble for players had "reached the proportions of nationwide commerce." Of the 112 schools surveyed, 81 flouted NCAA recommendations with inducements to students ranging from open payrolls and disguised booster funds to no-show jobs at movie studios. Fans ignored the uproar, and two-thirds of the colleges mentioned told *The New York Times* that they planned no changes. In 1939, freshman players at the University of Pittsburgh went on strike because they were getting paid less than their upperclassman teammates.

Embarrassed, the NCAA in 1948 enacted a "Sanity Code," which was supposed to prohibit all concealed and indirect benefits for college athletes; any money for athletes was to be limited to transparent scholarships awarded solely on financial need. Schools that violated this code would be expelled from NCAA membership and thus exiled from competitive sports.

This bold effort flopped. Colleges balked at imposing such a drastic penalty on each other, and the Sanity Code was repealed within a few years. The University of Virginia went so far as to call a press conference to say that if its athletes were ever accused of being paid, they should be forgiven, because their studies at Thomas Jefferson's university were so rigorous.

The Big Bluff

In 1951, the NCAA seized upon a serendipitous set of events to gain control of intercollegiate sports. First, the organization hired a young college dropout named Walter Byers as executive director. A journalist who was not yet 30 years old, he was an appropriately inauspicious choice for the vaguely defined new post. He wore cowboy boots and a toupee. He shunned personal contact, obsessed over details, and proved himself a bureaucratic master of pervasive, anonymous intimidation. Although discharged from the Army during World War II for defective vision, Byers was able to see an opportunity in two contemporaneous scandals. In one, the tiny College of William and Mary, aspiring to challenge football powers Oklahoma and Ohio State, was found to be counterfeiting grades to keep conspicuously pampered players eligible. In the other, a basketball point-shaving conspiracy (in which gamblers paid players to perform poorly) had spread from five New York

colleges to the University of Kentucky, the reigning national champion, generating tabloid "perp" photos of gangsters and handcuffed basketball players. The scandals posed a crisis of credibility for collegiate athletics, and nothing in the NCAA's feeble record would have led anyone to expect real reform.

But Byers managed to impanel a small infractions board to set penalties without waiting for a full convention of NCAA schools, which would have been inclined toward forgiveness. Then he lobbied a University of Kentucky dean—A. D. Kirwan, a former football coach and future university president—not to contest the NCAA's dubious legal position (the association had no actual authority to penalize the university), pleading that college sports must do something to restore public support. His gambit succeeded when Kirwan reluctantly accepted a landmark precedent: the Kentucky basketball team would be suspended for the entire 1952–53 season. Its legendary coach, Adolph Rupp, fumed for a year in limbo.

The Kentucky case created an aura of centralized command for an NCAA office that barely existed. At the same time, a colossal misperception gave Byers leverage to mine gold. Amazingly in retrospect, most colleges and marketing experts considered the advent of television a dire threat to sports. Studies found that broadcasts reduced live attendance, and therefore gate receipts, because some customers preferred to watch at home for free. Nobody could yet imagine the revenue bonanza that television represented. With clunky new TV sets proliferating, the 1951 NCAA convention voted 161–7 to outlaw televised games except for a specific few licensed by the NCAA staff.

All but two schools quickly complied. The University of Pennsylvania and Notre Dame protested the order to break contracts for home-game television broadcasts, claiming the right to make their own decisions. Byers objected that such exceptions would invite disaster. The conflict escalated. Byers brandished penalties for games televised without approval. Penn contemplated seeking antitrust protection through the courts. Byers issued a contamination notice, informing any opponent scheduled to play Penn that it would be punished for showing up to compete. In effect, Byers mobilized the college world to isolate the two holdouts in what one sportswriter later called "the Big Bluff."

Byers won. Penn folded in part because its president, the perennial White House contender Harold Stassen, wanted to mend relations with fellow schools in the emerging Ivy League, which would be formalized in 1954. When Notre Dame also surrendered, Byers conducted exclusive negotiations with the new television networks on behalf of every college team. Joe Rauh Jr., a prominent civil-rights attorney, helped him devise a rationing system to permit only 11 broadcasts a year—the fabled Game of the Week. Byers and Rauh selected a few teams for television exposure, excluding the rest. On June 6, 1952, NBC signed a one-year deal to pay the NCAA $1.14 million for a carefully restricted football package. Byers routed all contractual proceeds through his office. He floated the idea that, to fund an NCAA infrastructure, his organization should take a 60 percent cut; he accepted 12 percent that season. (For later contracts, as the size of television revenues grew exponentially, he backed down to 5 percent.) Proceeds from the first NBC contract were enough to rent an NCAA headquarters, in Kansas City.

Only one year into his job, Byers had secured enough power and money to regulate all of college sports. Over the next decade, the NCAA's power grew along with television revenues. Through the efforts of Byers's deputy and chief lobbyist, Chuck Neinas, the NCAA won an important concession in the Sports Broadcasting Act of 1961, in which Congress made its granting of a precious antitrust exemption to the National Football League contingent upon the blackout of professional football on Saturdays. Deftly, without even mentioning the NCAA, a rider on the bill carved each weekend into protected broadcast markets: Saturday for college, Sunday for the NFL. The NFL got its antitrust exemption. Byers, having negotiated the NCAA's television package up to $3.1 million per football season—which was higher than the NFL's figure in those early years—had made the NCAA into a spectacularly profitable cartel.

"We Eat What We Kill"

The NCAA's control of college sports still rested on a fragile base, however: the consent of the colleges and universities it governed. For a time, the vast sums of television money delivered to these institutions through Byers's deals made them willing to submit. But the big football powers grumbled about the portion of the television revenue diverted to nearly a thousand NCAA member schools that lacked major athletic programs. They chafed against cost-cutting measures—such as restrictions on team size—designed to help smaller schools. "I don't want Hofstra telling Texas how to play football," Darrell Royal, the Longhorns coach, griped. By the 1970s and '80s, as college football games delivered bonanza ratings—and advertising revenue—to the networks, some of the big football schools began to wonder: Why do we need to have our television coverage brokered through the NCAA? Couldn't we get a bigger cut of that TV money by dealing directly with the networks?

Byers faced a rude internal revolt. The NCAA's strongest legions, its big football schools, defected en masse. Calling the NCAA a price-fixing cartel that siphoned every television dollar through its coffers, in 1981 a rogue consortium of 61 major football schools threatened to sign an independent contract with NBC for $180 million over four years.

With a huge chunk of the NCAA's treasury walking out the door, Byers threatened sanctions, as he had against Penn and Notre Dame three decades earlier. But this time the universities of Georgia and Oklahoma responded with an antitrust suit. "It is virtually impossible to overstate the degree of our resentment ... of the NCAA," said William Banowsky, the president of the University of Oklahoma. In the landmark 1984 *NCAA v. Board of Regents of the University of Oklahoma* decision, the U.S. Supreme Court struck down the NCAA's latest football contracts with television—and any future ones—as an illegal restraint of trade that harmed colleges and viewers. Overnight, the NCAA's control of the television market for football vanished. Upholding Banowsky's challenge to the NCAA's authority, the Regents decision freed the football schools to sell any and all games the markets would bear. Coaches and administrators no longer had to share the revenue generated by their athletes with smaller schools outside the football consortium. "We eat what we kill," one official at the University of Texas bragged.

A few years earlier, this blow might have financially crippled the NCAA—but a rising tide of money from basketball concealed the structural damage of the Regents decision. During the 1980s, income from the March Madness college basketball tournament, paid directly by the television networks to the NCAA, grew tenfold. The windfall covered—and then far exceeded—what the organization had lost from football.

Still, Byers never forgave his former deputy Chuck Neinas for leading the rebel consortium. He knew that Neinas had seen from the inside how tenuous the NCAA's control really was, and how diligently Byers had worked to prop up its Oz-like façade. During Byers's tenure, the rule book for Division I athletes grew to 427 pages of scholastic detail. His NCAA personnel manual banned conversations around water coolers, and coffee cups on desks, while specifying exactly when drapes must be drawn at the NCAA's 27,000-square-foot headquarters near Kansas City (built in 1973 from the proceeds of a 1 percent surtax on football contracts). It was as though, having lost control where it mattered, Byers pedantically exerted more control where it didn't.

After retiring in 1987, Byers let slip his suppressed fury that the ingrate football conferences, having robbed the NCAA of television revenue, still expected it to enforce amateurism rules and police every leak of funds to college players. A lethal greed was "gnawing at the innards of college athletics," he wrote in his memoir. When Byers renounced the NCAA's pretense of amateurism, his former colleagues would stare blankly, as though he had gone senile or, as he wrote, "desecrated my sacred vows." But Byers was better positioned than anyone else to argue that college football's claim to amateurism was unfounded. Years later, as we will see, lawyers would seize upon his words to do battle with the NCAA.

Meanwhile, reformers fretted that commercialism was hurting college sports, and that higher education's historical balance between academics and athletics had been distorted by all the money sloshing around. News stories revealed that schools went to extraordinary measures to keep academically incompetent athletes eligible for competition, and would vie for the most-sought-after high-school players by proffering under-the-table payments. In 1991, the first Knight Commission report, "Keeping Faith With the Student Athlete," was published; the commission's "bedrock conviction" was that university presidents must seize control of the NCAA from athletic directors in order to restore the preeminence of academic values over athletic or commercial ones. In response, college presidents did take over the NCAA's governance. But by 2001, when the second Knight Commission report ("A Call to Action: Reconnecting College Sports and Higher Education") was issued, a new generation of reformers was admitting that problems of corruption and commercialism had "grown rather than diminished" since the first report. Meanwhile the NCAA itself, revenues rising, had moved into a $50 million, 116,000-square-foot headquarters in Indianapolis. By 2010, as the size of NCAA headquarters increased yet again with a 130,000-square-foot expansion, a third Knight Commission was groping blindly for a hold on independent college-athletic conferences that were behaving more like sovereign pro leagues than confederations of universities. And still more money continued to flow into NCAA coffers. With the basketball tournament's 2011 television deal, annual March Madness broadcast revenues had skyrocketed 50-fold in less than 30 years.

The Myth of the "Student-Athlete"

Today, much of the NCAA's moral authority—indeed much of the justification for its existence—is vested in its claim to protect what it calls the "student-athlete." The term is meant to conjure the nobility of amateurism, and the precedence of scholarship over athletic endeavor. But the origins of the "student-athlete" lie not in a disinterested ideal but in a sophistic

formulation designed, as the sports economist Andrew Zimbalist has written, to help the NCAA in its "fight against workmen's compensation insurance claims for injured football players."

"We crafted the term student-athlete," Walter Byers himself wrote, "and soon it was embedded in all NCAA rules and interpretations." The term came into play in the 1950s, when the widow of Ray Dennison, who had died from a head injury received while playing football in Colorado for the Fort Lewis A&M Aggies, filed for workmen's-compensation death benefits. Did his football scholarship make the fatal collision a "work-related" accident? Was he a school employee, like his peers who worked part-time as teaching assistants and bookstore cashiers? Or was he a fluke victim of extracurricular pursuits? Given the hundreds of incapacitating injuries to college athletes each year, the answers to these questions had enormous consequences. The Colorado Supreme Court ultimately agreed with the school's contention that he was not eligible for benefits, since the college was "not in the football business."

The term *student-athlete* was deliberately ambiguous. College players were not students at play (which might understate their athletic obligations), nor were they just athletes in college (which might imply they were professionals). That they were high-performance athletes meant they could be forgiven for not meeting the academic standards of their peers; that they were students meant they did not have to be compensated, ever, for anything more than the cost of their studies. *Student-athlete* became the NCAA's signature term, repeated constantly in and out of courtrooms.

Using the "student-athlete" defense, colleges have compiled a string of victories in liability cases. On the afternoon of October 26, 1974, the Texas Christian University Horned Frogs were playing the Alabama Crimson Tide in Birmingham, Alabama. Kent Waldrep, a TCU running back, carried the ball on a "Red Right 28" sweep toward the Crimson Tide's sideline, where he was met by a swarm of tacklers. When Waldrep regained consciousness, Bear Bryant, the storied Crimson Tide coach, was standing over his hospital bed. "It was like talking to God, if you're a young football player," Waldrep recalled.

Waldrep was paralyzed: he had lost all movement and feeling below his neck. After nine months of paying his medical bills, Texas Christian refused to pay any more, so the Waldrep family coped for years on dwindling charity.

Through the 1990s, from his wheelchair, Waldrep pressed a lawsuit for workers' compensation. (He also, through heroic rehabilitation efforts, recovered feeling in his arms, and eventually learned to drive a specially rigged van. "I can brush my teeth," he told me last year, "but I still need help to bathe and dress.") His attorneys haggled with TCU and the state worker-compensation fund over what constituted employment. Clearly, TCU had provided football players with equipment for the job, as a typical employer would—but did the university pay wages, withhold income taxes on his financial aid, or control work conditions and performance? The appeals court finally rejected Waldrep's claim in June of 2000, ruling that he was not an employee because he had not paid taxes on financial aid that he could have kept even if he quit football. (Waldrep told me school officials "said they recruited me as a student, not an athlete," which he says was absurd.)

The long saga vindicated the power of the NCAA's "student-athlete" formulation as a shield, and the organization continues to invoke it as both a legalistic defense and a noble ideal. Indeed, such is the term's rhetorical power that it is increasingly used as a sort of reflexive mantra against charges of rabid hypocrisy.

Last Thanksgiving weekend, with both the FBI and the NCAA investigating whether Cam Newton had been lured onto his team with illegal payments, Newton's Auburn Tigers and the Alabama Crimson Tide came together for their annual game, known as the Iron Bowl, before 101,821 fans at Bryant-Denny Stadium. This game is always a highlight of the football season because of the historic rivalry between the two schools, and the 2010 edition had enormous significance, pitting the defending national champion Crimson Tide against the undefeated Tigers, who were aiming for their first championship since 1957. I expected excited fans; what I encountered was the throbbing heart of college sports. As I drove before daybreak toward the stadium, a sleepless caller babbled over WJOX, the local fan radio station, that he "couldn't stop thinking about the coin toss." In the parking lot, ticketless fans were puzzled that anyone need ask why they had tailgated for days just to watch their satellite-fed flat screens within earshot of the roar. All that morning, pilgrims packed the Bear Bryant museum, where displays elaborated the misery of Alabama's 4–24 run before the glorious Bryant era dawned in 1958.

Finally, as Auburn took the field for warm-ups, one of Alabama's public-address-system operators played "Take the Money and Run" (an act for which he would be fired). A sea of signs reading $CAM taunted Newton. The game, perhaps the most exciting of the season, was unbearably tense, with Auburn coming from way behind to win 28–27, all but assuring that it would go on to play for the national championship. Days later, Auburn suspended Newton after the NCAA found that a

rules violation had occurred: his father was alleged to have marketed his son in a pay-for-play scheme; a day after that, the NCAA reinstated Newton's eligibility because investigators had not found evidence that Newton or Auburn officials had known of his father's actions. This left Newton conveniently eligible for the Southeastern Conference championship game and for the postseason BCS championship bowl. For the NCAA, prudence meant honoring public demand.

"Our championships," NCAA President Mark Emmert has declared, "are one of the primary tools we have to enhance the student-athlete experience."

"Whoremasters"

NCAA v. Regents left the NCAA devoid of television football revenue and almost wholly dependent on March Madness basketball. It is rich but insecure. Last year, CBS Sports and Turner Broadcasting paid $771 million to the NCAA for television rights to the 2011 men's basketball tournament alone. That's three-quarters of a billion dollars built on the backs of amateurs—on unpaid labor. The whole edifice depends on the players' willingness to perform what is effectively volunteer work. The athletes, and the league officials, are acutely aware of this extraordinary arrangement. William Friday, the former North Carolina president, recalls being yanked from one Knight Commission meeting and sworn to secrecy about what might happen if a certain team made the NCAA championship basketball game. "They were going to dress and go out on the floor," Friday told me, "but refuse to play," in a wildcat student strike. Skeptics doubted such a diabolical plot. These were college kids—unlikely to second-guess their coaches, let alone forfeit the dream of a championship. Still, it was unnerving to contemplate what hung on the consent of a few young volunteers: several hundred million dollars in television revenue, countless livelihoods, the NCAA budget, and subsidies for sports at more than 1,000 schools. Friday's informants exhaled when the suspect team lost before the finals.

Cognizant of its precarious financial base, the NCAA has in recent years begun to pursue new sources of revenue. Taking its cue from member schools such as Ohio State (which in 2009 bundled all its promotional rights—souvenirs, stadium ads, shoe deals—and outsourced them to the international sports marketer IMG College for a guaranteed $11 million a year), the NCAA began to exploit its vault of college sports on film. For $29.99 apiece, NCAA On Demand offers DVDs of more than 200 memorable contests in men's ice hockey alone. Video-game technology also allows nostalgic fans to relive and even participate in classic moments of NCAA Basketball. NCAA Football, licensed by the NCAA through IMG College to Electronic Arts, one of the world's largest video-game manufacturers, reportedly sold 2.5 million copies in 2008. Brit Kirwan, the chancellor of the Maryland university system and a former president at Ohio State, says there were "terrible fights" between the third Knight Commission and the NCAA over the ethics of generating this revenue.

All of this money ultimately derives from the college athletes whose likenesses are shown in the films or video games. But none of the profits go to them. Last year, Electronic Arts paid more than $35 million in royalties to the NFL players union for the underlying value of names and images in its pro football series—but neither the NCAA nor its affiliated companies paid former college players a nickel. Naturally, as they have become more of a profit center for the NCAA, some of the vaunted "student-athletes" have begun to clamor that they deserve a share of those profits. You "see everybody getting richer and richer," Desmond Howard, who won the 1991 Heisman Trophy while playing for the Michigan Wolverines, told USA Today recently. "And you walk around and you can't put gas in your car? You can't even fly home to see your parents?"

Some athletes have gone beyond talk. A series of lawsuits quietly making their way through the courts cast a harsh light on the absurdity of the system—and threaten to dislodge the foundations on which the NCAA rests. On July 21, 2009, lawyers for Ed O'Bannon filed a class-action antitrust suit against the NCAA at the U.S. District Court in San Francisco. "Once you leave your university," says O'Bannon, who won the John Wooden Award for player of the year in 1995 on UCLA's national-championship basketball team, "one would think your likeness belongs to you." The NCAA and UCLA continue to collect money from the sales of videos of him playing. But by NCAA rules, O'Bannon, who today works at a Toyota dealership near Las Vegas, alleges he is still not allowed to share the revenue the NCAA generates from his own image as a college athlete. His suit quickly gathered co-plaintiffs from basketball and football, ex-players featured in NCAA videos and other products. "The NCAA does not license student-athlete likenesses," NCAA spokesperson Erik Christianson told The New York Times in response to the suit, "or prevent former student-athletes from attempting to do so. Likewise, to claim the NCAA profits off student-athlete likenesses is also pure fiction."

The legal contention centers on Part IV of the NCAA's "Student-Athlete Statement" for Division I, which requires every athlete to authorize use of "your name or picture ... to promote NCAA championships or other NCAA events, activities or programs." Does this clause mean that athletes clearly renounce personal interest forever? If so, does it actually undermine

the NCAA by implicitly recognizing that athletes have a property right in their own performance? Jon King, a lawyer for the plaintiffs, expects the NCAA's core mission of amateurism to be its "last defense standing."

In theory, the NCAA's passion to protect the noble amateurism of college athletes should prompt it to focus on head coaches in the high-revenue sports—basketball and football—since holding the top official accountable should most efficiently discourage corruption. The problem is that the coaches' growing power has rendered them, unlike their players, ever more immune to oversight. According to research by Charles Clotfelter, an economist at Duke, the average compensation for head football coaches at public universities, now more than $2 million, has grown 750 percent (adjusted for inflation) since the Regents decision in 1984; that's more than 20 times the cumulative 32 percent raise for college professors. For top basketball coaches, annual contracts now exceed $4 million, augmented by assorted bonuses, endorsements, country-club memberships, the occasional private plane, and in some cases a negotiated percentage of ticket receipts. (Oregon's ticket concessions netted former football coach Mike Bellotti an additional $631,000 in 2005.)

The NCAA rarely tangles with such people, who are apt to fight back and win. When Rick Neuheisel, the head football coach of the Washington Huskies, was punished for petty gambling (in a March Madness pool, as it happened), he sued the NCAA and the university for wrongful termination, collected $4.5 million, and later moved on to UCLA. When the NCAA tried to cap assistant coaches' entering salary at a mere $16,000, nearly 2,000 of them brought an antitrust suit, *Law v. NCAA*, and in 1999 settled for $54.5 million. Since then, salaries for assistant coaches have commonly exceeded $200,000, with the top assistants in the SEC averaging $700,000. In 2009, Monte Kiffin, then at the University of Tennessee, became the first assistant coach to reach $1 million, plus benefits.

The late Myles Brand, who led the NCAA from 2003 to 2009, defended the economics of college sports by claiming that they were simply the result of a smoothly functioning free market. He and his colleagues deflected criticism about the money saturating big-time college sports by focusing attention on scapegoats; in 2010, outrage targeted sports agents. Last year *Sports Illustrated* published "Confessions of an Agent," a firsthand account of dealing with high-strung future pros whom the agent and his peers courted with flattery, cash, and tawdry favors. Nick Saban, Alabama's head football coach, mobilized his peers to denounce agents as a public scourge. "I hate to say this," he said, "but how are they any better than a pimp? I have no respect for people who do that to young people. None."

Saban's raw condescension contrasts sharply with the lonely penitence from Dale Brown, the retired longtime basketball coach at LSU. "Look at the money we make off predominantly poor black kids," Brown once reflected. "We're the whoremasters."

"Picayune Rules"

NCAA officials have tried to assert their dominion—and distract attention from the larger issues—by chasing frantically after petty violations. Tom McMillen, a former member of the Knight Commission who was an All-American basketball player at the University of Maryland, likens these officials to traffic cops in a speed trap, who could flag down almost any passing motorist for prosecution in kangaroo court under a "maze of picayune rules." The publicized cases have become convoluted soap operas. At the start of the 2010 football season, A. J. Green, a wide receiver at Georgia, confessed that he'd sold his own jersey from the Independence Bowl the year before, to raise cash for a spring-break vacation. The NCAA sentenced Green to a four-game suspension for violating his amateur status with the illicit profit generated by selling the shirt off his own back. While he served the suspension, the Georgia Bulldogs store continued legally selling replicas of Green's No. 8 jersey for $39.95 and up.

A few months later, the NCAA investigated rumors that Ohio State football players had benefited from "hook-ups on tatts"—that is, that they'd gotten free or underpriced tattoos at an Ohio tattoo parlor in exchange for autographs and memorabilia—a violation of the NCAA's rule against discounts linked to athletic personae. The NCAA Committee on Infractions imposed five-game suspensions on Terrelle Pryor, Ohio State's tattooed quarterback, and four other players (some of whom had been found to have sold their Big Ten championship rings and other gear), but did permit them to finish the season and play in the Sugar Bowl. (This summer, in an attempt to satisfy NCAA investigators, Ohio State voluntarily vacated its football wins from last season, as well as its Sugar Bowl victory.) A different NCAA committee promulgated a rule banning symbols and messages in players' eyeblack—reportedly aimed at Pryor's controversial gesture of support for the pro quarterback Michael Vick, and at Bible verses inscribed in the eyeblack of the former Florida quarterback Tim Tebow.

The moral logic is hard to fathom: the NCAA bans personal messages on the bodies of the players, and penalizes players for trading their celebrity status for discounted tattoos—but it codifies precisely how and where commercial insignia from

multinational corporations can be displayed on college players, for the financial benefit of the colleges. Last season, while the NCAA investigated him and his father for the recruiting fees they'd allegedly sought, Cam Newton compliantly wore at least 15 corporate logos—one on his jersey, four on his helmet visor, one on each wristband, one on his pants, six on his shoes, and one on the headband he wears under his helmet—as part of Auburn's $10.6 million deal with Under Armour.

"Restitution"

Obscure NCAA rules have bedeviled Scott Boras, the preeminent sports agent for Major League Baseball stars, in cases that may ultimately prove more threatening to the NCAA than Ed O'Bannon's antitrust suit. In 2008, Andrew Oliver, a sophomore pitcher for the Oklahoma State Cowboys, had been listed as the 12th-best professional prospect among sophomore players nationally. He decided to dismiss the two attorneys who had represented him out of high school, Robert and Tim Baratta, and retain Boras instead. Infuriated, the Barattas sent a spiteful letter to the NCAA. Oliver didn't learn about this until the night before he was scheduled to pitch in the regional final for a place in the College World Series, when an NCAA investigator showed up to question him in the presence of lawyers for Oklahoma State. The investigator also questioned his father, Dave, a truck driver.

Had Tim Baratta been present in their home when the Minnesota Twins offered $390,000 for Oliver to sign out of high school? A yes would mean trouble. While the NCAA did not forbid all professional advice—indeed, Baseball America used to publish the names of agents representing draft-likely underclassmen—NCAA Bylaw 12.3.2.1 prohibited actual negotiation with any professional team by an adviser, on pain of disqualification for the college athlete. The questioning lasted past midnight.

Just hours before the game was to start the next day, Oklahoma State officials summoned Oliver to tell him he would not be pitching. Only later did he learn that the university feared that by letting him play while the NCAA adjudicated his case, the university would open not only the baseball team but all other Oklahoma State teams to broad punishment under the NCAA's "restitution rule" (Bylaw 19.7), under which the NCAA threatens schools with sanctions if they obey any temporary court order benefiting a college athlete, should that order eventually be modified or removed. The baseball coach did not even let his ace tell his teammates the sad news in person. "He said, 'It's probably not a good idea for you to be at the game,'" Oliver recalls.

The Olivers went home to Ohio to find a lawyer. Rick Johnson, a solo practitioner specializing in legal ethics, was aghast that the Baratta brothers had turned in their own client to the NCAA, divulging attorney-client details likely to invite wrath upon Oliver. But for the next 15 months, Johnson directed his litigation against the two NCAA bylaws at issue. Judge Tygh M. Tone, of Erie County, came to share his outrage. On February 12, 2009, Tone struck down the ban on lawyers negotiating for student-athletes as a capricious, exploitative attempt by a private association to "dictate to an attorney where, what, how, or when he should represent his client," violating accepted legal practice in every state. He also struck down the NCAA's restitution rule as an intimidation that attempted to supersede the judicial system. Finally, Judge Tone ordered the NCAA to reinstate Oliver's eligibility at Oklahoma State for his junior season, which started several days later.

The NCAA sought to disqualify Oliver again, with several appellate motions to stay "an unprecedented Order purporting to void a fundamental Bylaw." Oliver did get to pitch that season, but he dropped into the second round of the June 2009 draft, signing for considerably less than if he'd been picked earlier. Now 23, Oliver says sadly that the whole experience "made me grow up a little quicker." His lawyer claimed victory. "Andy Oliver is the first college athlete ever to win against the NCAA in court," said Rick Johnson.

Yet the victory was only temporary. Wounded, the NCAA fought back with a vengeance. Its battery of lawyers prepared for a damages trial, ultimately overwhelming Oliver's side eight months later with an offer to resolve the dispute for $750,000. When Oliver and Johnson accepted, to extricate themselves ahead of burgeoning legal costs, Judge Tone was compelled to vacate his orders as part of the final settlement. This freed NCAA officials to reassert the two bylaws that Judge Tone had so forcefully overturned, and they moved swiftly to ramp up rather than curtail enforcement. First, the NCAA's Eligibility Center devised a survey for every drafted undergraduate athlete who sought to stay in college another year. The survey asked whether an agent had conducted negotiations. It also requested a signed release waiving privacy rights and authorizing professional teams to disclose details of any interaction to the NCAA Eligibility Center. Second, NCAA enforcement officials went after another Scott Boras client.

The Toronto Blue Jays had made the left-handed pitcher James Paxton, of the University of Kentucky, the 37th pick in the 2009 draft. Paxton decided to reject a reported $1 million offer and return to school for his senior year, pursuing a dream to

pitch for his team in the College World Series. But then he ran into the new NCAA survey. Had Boras negotiated with the Blue Jays? Boras has denied that he did, but it would have made sense that he had—that was his job, to test the market for his client. But saying so would get Paxton banished under the same NCAA bylaw that had derailed Andrew Oliver's career. Since Paxton was planning to go back to school and not accept their draft offer, the Blue Jays no longer had any incentive to protect him—indeed, they had every incentive to turn him in. The Blue Jays' president, by telling reporters that Boras had negotiated on Paxton's behalf, demonstrated to future recruits and other teams that they could use the NCAA's rules to punish college players who wasted their draft picks by returning to college. The NCAA's enforcement staff raised the pressure by requesting to interview Paxton.

Though Paxton had no legal obligation to talk to an investigator, NCAA Bylaw 10.1(j) specified that anything short of complete cooperation could be interpreted as unethical conduct, affecting his amateur status. Under its restitution rule, the NCAA had leverage to compel the University of Kentucky to ensure obedience.

As the 2010 season approached, Gary Henderson, the Kentucky coach, sorely wanted Paxton, one of Baseball America's top-ranked players, to return. Rick Johnson, Andrew Oliver's lawyer, filed for a declaratory judgment on Paxton's behalf, arguing that the state constitution—plus the university's code of student conduct—barred arbitrary discipline at the request of a third party. Kentucky courts deferred to the university, however, and Paxton was suspended from the team. "Due to the possibility of future penalties, including forfeiture of games," the university stated, it "could not put the other 32 players of the team and the entire UK 22-sport intercollegiate athletics department at risk by having James compete." The NCAA appraised the result with satisfaction. "When negotiations occur on behalf of student-athletes," Erik Christianson, the NCAA spokesperson, told The New York Times in reference to the Oliver case, "those negotiations indicate that the student-athlete intends to become a professional athlete and no longer remain an amateur."

Paxton was stranded. Not only could he not play for Kentucky, but his draft rights with the Blue Jays had lapsed for the year, meaning he could not play for any minor-league affiliate of Major League Baseball. Boras wrangled a holdover job for him in Texas with the independent Grand Prairie AirHogs, pitching against the Pensacola Pelicans and Wichita Wingnuts. Once projected to be a first-round draft pick, Paxton saw his stock plummet into the fourth round. He remained unsigned until late in spring training, when he signed with the Seattle Mariners and reported to their minor-league camp in Peoria, Arizona.

"You Might As Well Shoot Them in the Head"

"When you dream about playing in college," Joseph Agnew told me not long ago, "you don't ever think about being in a lawsuit." Agnew, a student at Rice University in Houston, had been cut from the football team and had his scholarship revoked by Rice before his senior year, meaning that he faced at least $35,000 in tuition and other bills if he wanted to complete his degree in sociology. Bereft of his scholarship, he was flailing about for help when he discovered the National College Players Association, which claims 7,000 active members and seeks modest reforms such as safety guidelines and better death benefits for college athletes. Agnew was struck by the NCPA scholarship data on players from top Division I basketball teams, which showed that 22 percent were not renewed from 2008 to 2009—the same fate he had suffered.

In October 2010, Agnew filed a class-action antitrust suit over the cancellation of his scholarship and to remove the cap on the total number of scholarships that can be awarded by NCAA schools. In his suit, Agnew did not claim the right to free tuition. He merely asked the federal court to strike down an NCAA rule, dating to 1973, that prohibited colleges and universities from offering any athletic scholarship longer than a one-year commitment, to be renewed or not, unilaterally, by the school—which in practice means that coaches get to decide each year whose scholarships to renew or cancel. (After the coach who had recruited Agnew had moved on to Tulsa, the new Rice coach switched Agnew's scholarship to a recruit of his own.) Agnew argued that without the one-year rule, he would have been free to bargain with all eight colleges that had recruited him, and each college could have decided how long to guarantee his scholarship.

Agnew's suit rested on a claim of an NCAA antitrust violation combined with a laudable academic goal—making it possible for students to finish their educations. Around the same time, lawyers from President Obama's Justice Department initiated a series of meetings with NCAA officials and universities in which they asked what possible educational rationale there was for allowing the NCAA—an organization that did not itself pay for scholarships—to impose a blanket restriction on the length of scholarships offered by colleges. Tidbits leaked into the press. In response, the NCAA contended that an athletic scholarship was a "merit award" that should be reviewed annually, presumably because the degree of "merit" could change. Justice Department lawyers reportedly suggested that a free market in scholarships would expand learning opportunities in

accord with the stated rationale for the NCAA's tax-exempt status—that it promotes education through athletics. The one-year rule effectively allows colleges to cut underperforming "student-athletes," just as pro sports teams cut their players. "Plenty of them don't stay in school," said one of Agnew's lawyers, Stuart Paynter. "They're just gone. You might as well shoot them in the head."

Agnew's lawsuit has made him a pariah to former friends in the athletic department at Rice, where everyone identified so thoroughly with the NCAA that they seemed to feel he was attacking them personally. But if the premise of Agnew's case is upheld by the courts, it will make a sham of the NCAA's claim that its highest priority is protecting education.

"They Want to Crush These Kids"

Academic performance has always been difficult for the NCAA to address. Any detailed regulation would intrude upon the free choice of widely varying schools, and any academic standard broad enough to fit both MIT and Ole Miss would have little force. From time to time, a scandal will expose extreme lapses. In 1989, Dexter Manley, by then the famous "Secretary of Defense" for the NFL's Washington Redskins, teared up before the U.S. Senate Subcommittee on Education, Arts, and Humanities, when admitting that he had been functionally illiterate in college.

Within big-time college athletic departments, the financial pressure to disregard obvious academic shortcomings and shortcuts is just too strong. In the 1980s, Jan Kemp, an English instructor at the University of Georgia, publicly alleged that university officials had demoted and then fired her because she refused to inflate grades in her remedial English courses. Documents showed that administrators replaced the grades she'd given athletes with higher ones, providing fake passing grades on one notable occasion to nine Bulldog football players who otherwise would have been ineligible to compete in the 1982 Sugar Bowl. (Georgia lost anyway, 24–20, to a University of Pittsburgh team led by the future Hall of Fame quarterback Dan Marino.) When Kemp filed a lawsuit against the university, she was publicly vilified as a troublemaker, but she persisted bravely in her testimony. Once, Kemp said, a supervisor demanding that she fix a grade had bellowed, "Who do you think is more important to this university, you or Dominique Wilkins?" (Wilkins was a star on the basketball team.) Traumatized, Kemp twice attempted suicide.

In trying to defend themselves, Georgia officials portrayed Kemp as naive about sports. "We have to compete on a level playing field," said Fred Davison, the university president. During the Kemp civil trial, in 1986, Hale Almand, Georgia's defense lawyer, explained the university's patronizing aspirations for its typical less-than-scholarly athlete. "We may not make a university student out of him," Almand told the court, "but if we can teach him to read and write, maybe he can work at the post office rather than as a garbage man when he gets through with his athletic career." This argument backfired with the jurors: finding in favor of Kemp, they rejected her polite request for $100,000, and awarded her $2.6 million in damages instead. (This was later reduced to $1.08 million.) Jan Kemp embodied what is ostensibly the NCAA's reason for being—to enforce standards fairly and put studies above sports—but no one from the organization ever spoke up on her behalf.

THE NCAA BODY charged with identifying violations of any of the Division I league rules, the Committee on Infractions, operates in the shadows. Josephine Potuto, a professor of law at the University of Nebraska and a longtime committee member who was then serving as its vice chair, told Congress in 2004 that one reason her group worked in secret was that it hoped to avoid a "media circus." The committee preferred to deliberate in private, she said, guiding member schools to punish themselves. "The enforcement process is cooperative, not adversarial," Potuto testified. The committee consisted of an elite coterie of judges, athletic directors, and authors of legal treatises. "The committee also is savvy about intercollegiate athletics," she added. "They cannot be conned."

In 2009, a series of unlikely circumstances peeled back the veil of secrecy to reveal NCAA procedures so contorted that even victims marveled at their comical wonder. The saga began in March of 2007, shortly after the Florida State Seminoles basketball team was knocked out of the NIT basketball tournament, which each spring invites the best teams not selected for the March Madness tournament. At an athletic-department study hall, Al Thornton, a star forward for the team, completed a sports-psychology quiz but then abandoned it without posting his written answers electronically by computer. Brenda Monk, an academic tutor for the Seminoles, says she noticed the error and asked a teammate to finish entering Thornton's answers onscreen and hit "submit," as required for credit. The teammate complied, steaming silently, and then complained at the athletic office about getting stuck with clean-up chores for the superstar Thornton (who was soon to be selected by the Los Angeles Clippers in the first round of the NBA draft). Monk promptly resigned when questioned by FSU

officials, saying her fatigue at the time could not excuse her asking the teammate to submit the answers to another student's completed test.

Monk's act of guileless responsibility set off a chain reaction. First, FSU had to give the NCAA preliminary notice of a confessed academic fraud. Second, because this would be its seventh major infraction case since 1968, FSU mounted a vigorous self-investigation to demonstrate compliance with NCAA academic rules. Third, interviews with 129 Seminoles athletes unleashed a nightmare of matter-of-fact replies about absentee professors who allowed group consultations and unlimited retakes of open-computer assignments and tests. Fourth, FSU suspended 61 of its athletes in 10 sports. Fifth, the infractions committee applied the byzantine NCAA bylaws to FSU's violations. Sixth, one of the penalties announced in March of 2009 caused a howl of protest across the sports universe.

Twenty-seven news organizations filed a lawsuit in hopes of finding out how and why the NCAA proposed to invalidate 14 prior victories in FSU football. Such a penalty, if upheld, would doom coach Bobby Bowden's chance of overtaking Joe Paterno of Penn State for the most football wins in Division I history. This was sacrosanct territory. Sports reporters followed the litigation for six months, reporting that 25 of the 61 suspended FSU athletes were football players, some of whom were ruled ineligible retroactively from the time they had heard or yelled out answers to online test questions in, of all things, a music-appreciation course.

When reporters sought access to the transcript of the infractions committee's hearing in Indianapolis, NCAA lawyers said the 695-page document was private. (The NCAA claimed it was entitled to keep all such records secret because of a landmark Supreme Court ruling that it had won in 1988, in *NCAA v. Tarkanian*, which exempted the organization from any due-process obligations because it was not a government organization.) Media outlets pressed the judge to let Florida State share its own copy of the hearing transcript, whereupon NCAA lawyers objected that the school had never actually "possessed" the document; it had only seen the transcript via a defendant's guest access to the carefully restricted NCAA Web site. This claim, in turn, prompted intercession on the side of the media by Florida's attorney general, arguing that letting the NCAA use a technical loophole like this would undermine the state's sunshine law mandating open public records. After tumultuous appeals, the Florida courts agreed and ordered the NCAA transcript released in October of 2009.

News interest quickly evaporated when the sports media found nothing in the record about Coach Bowden or the canceled football victories. But the transcript revealed plenty about the NCAA. On page 37, T. K. Wetherell, the bewildered Florida State president, lamented that his university had hurt itself by cooperating with the investigation. "We self-reported this case," he said during the hearing, and he later complained that the most ingenuous athletes—those who asked "What's the big deal, this happens all the time?"—received the harshest suspensions, while those who clammed up on the advice of lawyers went free. The music-appreciation professor was apparently never questioned. Brenda Monk, the only instructor who consistently cooperated with the investigation, appeared voluntarily to explain her work with learning-disabled athletes, only to be grilled about her credentials by Potuto in a pettifogging inquisition of remarkable stamina.

In January of last year, the NCAA's Infractions Appeals Committee sustained all the sanctions imposed on FSU except the number of vacated football victories, which it dropped, ex cathedra, from 14 to 12. The final penalty locked Bobby Bowden's official win total on retirement at 377 instead of 389, behind Joe Paterno's 401 (and counting). This carried stinging symbolism for fans, without bringing down on the NCAA the harsh repercussions it would have risked if it had issued a television ban or substantial fine.

Cruelly, but typically, the NCAA concentrated public censure on powerless scapegoats. A dreaded "show cause" order rendered Brenda Monk, the tutor, effectively unhirable at any college in the United States. Cloaking an old-fashioned blackball in the stately language of law, the order gave notice that any school hiring Monk before a specified date in 2013 "shall, pursuant to the provisions of Bylaw 19.5.2.2(l), show cause why it should not be penalized if it does not restrict the former learning specialist [Monk] from having any contact with student-athletes." Today she works as an education supervisor at a prison in Florida.

THE FLORIDA STATE verdict hardly surprised Rick Johnson, the lawyer who had represented the college pitchers Andrew Oliver and James Paxton. "All the NCAA's enforcements are random and selective," he told me, calling the organization's appeals process a travesty. (Johnson says the NCAA has never admitted to having wrongly suspended an athlete.) Johnson's scalding experience prompted him to undertake a law-review article on the subject, which in turn sent him trawling through NCAA archives. From the summary tax forms required of nonprofits, he found out that the NCAA had spent nearly $1 million chartering private jets in 2006. "What kind of nonprofit organization leases private jets?," Johnson asks. It's hard to

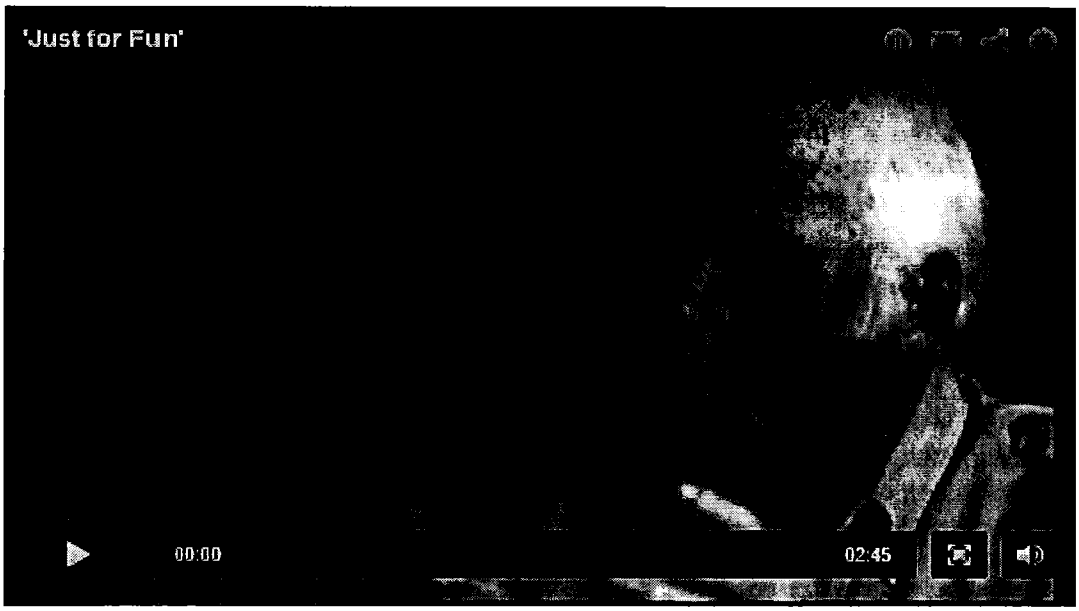
determine from tax returns what money goes where, but it looks as if the NCAA spent less than 1 percent of its budget on enforcement that year. Even after its plump cut for its own overhead, the NCAA dispersed huge sums to its 1,200 member schools, in the manner of a professional sports league. These annual payments are universal—every college gets something—but widely uneven. They keep the disparate shareholders (barely) united and speaking for all of college sports. The payments coerce unity within the structure of a private association that is unincorporated and unregulated, exercising amorphous powers not delegated by any government.

Searching through the archives, Johnson came across a 1973 memo from the NCAA general counsel recommending the adoption of a due-process procedure for athletes in disciplinary cases. Without it, warned the organization's lawyer, the association risked big liability claims for deprivation of rights. His proposal went nowhere. Instead, apparently to limit costs to the universities, Walter Byers had implemented the year-by-year scholarship rule that Joseph Agnew would challenge in court 37 years later. Moreover, the NCAA's 1975 convention adopted a second recommendation "to discourage legal actions against the NCAA," according to the minutes. The members voted to create Bylaw 19.7, Restitution, to intimidate college athletes in disputes with the NCAA. Johnson recognized this provision all too well, having won the temporary court judgment that the rule was illegal if not downright despotic. It made him nearly apoplectic to learn that the NCAA had deliberately drawn up the restitution rule as an obstacle to due process, contrary to the recommendation of its own lawyer. "They want to crush these kids," he says.

The NCAA, of course, has never expressed such a desire, and its public comments on due process tend to be anodyne. At a congressional hearing in 2004, the infractions-committee vice chair, Josephine Potuto, repeatedly argued that although the NCAA is "not bound by any judicial due process standards," its enforcement, infractions, and hearing procedures meet and "very likely exceed" those of other public institutions. Yet when pressed, Potuto declared that athletes would have no standing for due process even if the Supreme Court had not exempted the NCAA in the 1988 Tarkanian decision. "In order to reach due-process issues as a legal Constitutional principle, the individual challenging has to have a substantive property or liberty interest," she testified. "The opportunity to play intercollegiate athletics does not rise to that level."

To translate this from the legal jargon, Potuto used a circular argument to confine college athletes beneath any right to freedom or property in their own athletic effort. They have no stake to seek their rights, she claimed, because they have no rights at stake.

Potuto's assertion might be judged preposterous, an heir of the Dred Scott dictum that slaves possessed no rights a white person was bound to respect. But she was merely being honest, articulating assumptions almost everyone shares without question. Whether motivated by hostility for students (as critics like Johnson allege), or by noble and paternalistic tough love (as the NCAA professes), the denial of fundamental due process for college athletes has stood unchallenged in public discourse. Like other NCAA rules, it emanates naturally from the premise that college athletes own no interest in sports beyond exercise, character-building, and good fun. Who represents these young men and women? No one asks.



VIDEO: Taylor Branch explains the circular logic that keeps college athletes from getting a slice of the enormous industry that surrounds them (part 3 of 3)

The debates and commissions about reforming college sports nibble around the edges—trying to reduce corruption, to prevent the "contamination" of athletes by lucre, and to maintain at least a pretense of concern for academic integrity. Everything stands on the implicit presumption that preserving amateurism is necessary for the well-being of college athletes. But while amateurism—and the free labor it provides—may be necessary to the preservation of the NCAA, and perhaps to the profit margins of various interested corporations and educational institutions, what if it doesn't benefit the athletes? What if it hurts them?

"The Plantation Mentality"

"Ninety percent of the NCAA revenue is produced by 1 percent of the athletes," Sonny Vaccaro says. "Go to the skill positions"—the stars. "Ninety percent African Americans." The NCAA made its money off those kids, and so did he. They were not all bad people, the NCAA officials, but they were blind, Vaccaro believes. "Their organization is a fraud."

Vaccaro retired from Reebok in 2007 to make a clean break for a crusade. "The kids and their parents gave me a good life," he says in his peppery staccato. "I want to give something back." Call it redemption, he told me. Call it education or a good cause. "Here's what I preach," said Vaccaro. "This goes beyond race, to human rights. The least educated are the most exploited. I'm probably closer to the kids than anyone else, and I'm 71 years old."

Vaccaro is officially an unpaid consultant to the plaintiffs in O'Bannon v. NCAA. He connected Ed O'Bannon with the attorneys who now represent him, and he talked to some of the additional co-plaintiffs who have joined the suit, among them Oscar Robertson, a basketball Hall of Famer who was incensed that the NCAA was still selling his image on playing cards 50 years after he left the University of Cincinnati.

Jon King, an antitrust lawyer at Hausfeld LLP in San Francisco, told me that Vaccaro "opened our eyes to massive revenue streams hidden in college sports." King and his colleagues have drawn on Vaccaro's vast knowledge of athletic-department finances, which include off-budget accounts for shoe contracts. Sonny Vaccaro and his wife, Pam, "had a mountain of documents," he said. The outcome of the 1984 Regents decision validated an antitrust approach for O'Bannon, King argues, as well as for Joseph Agnew in his continuing case against the one-year scholarship rule. Lawyers for Sam Keller—a former quarterback for the University of Nebraska who is featured in video games—are pursuing a parallel "right of publicity" track based on the First Amendment. Still other lawyers could revive Rick Johnson's case against NCAA bylaws on a larger scale, and King thinks claims for the rights of college players may be viable also under laws pertaining to contracts, employment, and civil rights.

Vaccaro had sought a law firm for O'Bannon with pockets deep enough to withstand an expensive war of attrition, fearing that NCAA officials would fight discovery to the end. So far, though, they have been forthcoming. "The numbers are off the wall," Vaccaro says. "The public will see for the first time how all the money is distributed."

Vaccaro has been traveling the after-dinner circuit, proselytizing against what he sees as the NCAA's exploitation of young athletes. Late in 2008, someone who heard his stump speech at Howard University mentioned it to Michael Hausfeld, a prominent antitrust and human-rights lawyer, whose firm had won suits against Exxon for Native Alaskans and against Union Bank of Switzerland for Holocaust victims' families. Someone tracked down Vaccaro on vacation in Athens, Greece, and he flew back directly to meet Hausfeld. The shoe salesman and the white-shoe lawyer made common cause.

Hausfeld LLP has offices in San Francisco, Philadelphia, and London. Its headquarters are on K Street in Washington, D.C., about three blocks from the White House. When I talked with Hausfeld there not long ago, he sat in a cavernous conference room, tidy in pinstripes, hands folded on a spotless table that reflected the skyline. He spoke softly, without pause, condensing the complex fugue of antitrust litigation into simple sentences. "Let's start with the basic question," he said, noting that the NCAA claims that student-athletes have no property rights in their own athletic accomplishments. Yet, in order to be eligible to play, college athletes have to waive their rights to proceeds from any sales based on their athletic performance.

"What right is it that they're waiving?," Hausfeld asked. "You can't waive something you don't have. So they had a right that they gave up in consideration to the principle of amateurism, if there be such." (At an April hearing in a U.S. District Court in California, Gregory Curtner, a representative for the NCAA, stunned O'Bannon's lawyers by saying: "There is no document, there is no substance, that the NCAA ever takes from the student-athletes their rights of publicity or their rights of likeness. They are at all times owned by the student-athlete." Jon King says this is "like telling someone they have the winning lottery ticket, but by the way, it can only be cashed in on Mars." The court denied for a second time an NCAA motion to dismiss the O'Bannon complaint.)

The waiver clause is nestled among the paragraphs of the "Student-Athlete Statement" that NCAA rules require be collected yearly from every college athlete. In signing the statement, the athletes attest that they have amateur status, that their stated SAT scores are valid, that they are willing to disclose any educational documents requested, and so forth. Already, Hausfeld said, the defendants in the Ed O'Bannon case have said in court filings that college athletes thereby transferred their promotional rights forever. He paused. "That's ludicrous," he said. "Nobody assigns rights like that. Nobody can assert rights like that." He said the pattern demonstrated clear abuse by the collective power of the schools and all their conferences under the NCAA umbrella—"a most effective cartel."

The faux ideal of amateurism is "the elephant in the room," Hausfeld said, sending for a book. "You can't get to the bottom of our case without exposing the hypocrisy of amateurism, and Walter Byers says it eloquently." An assistant brought in Byers's memoir. It looked garish on the shiny table because dozens of pink Post-its protruded from the text. Hausfeld read to me from page 390:

> The college player cannot sell his own feet (the coach does that) nor can he sell his own name (the college will do that). This is the plantation mentality resurrected and blessed by today's campus executives.

He looked up. "That wasn't me," he said. "That was the NCAA's architect." He found a key recommendation on page 388:

> Prosecutors and the courts, with the support of the public, should use antitrust laws to break up the collegiate cartel—not just in athletics but possibly in other aspects of collegiate life as well.

Could the book become evidence? Might the aged Byers testify? (He is now 89.) Was that part of the plaintiffs' strategy for the O'Bannon trial? Hausfeld smiled faintly. "I'd rather the NCAA lawyers not fully understand the strategy," he said.

He put the spiny book away and previewed what lies ahead. The court soon would qualify his clients as a class. Then the Sherman Antitrust Act would provide for thorough discovery to break down exactly what the NCAA receives on everything from video clips to jerseys, contract by contract. "And we want to know what they're carrying on their books as the value of their archival footage," he concluded. "They say it's a lot of money. We agree. How much?"

The work will be hard, but Hausfeld said he will win in the courts, unless the NCAA folds first. "Why?" Hausfeld asked rhetorically. "We know our clients are foreclosed: neither the NCAA nor its members will permit them to participate in any

of that licensing revenue. Under the law, it's up to them [the defendants] to give a pro-competitive justification. They can't. End of story."

IN 2010 THE third Knight Commission, complementing a previous commission's recommendation for published reports on academic progress, called for the finances of college sports to be made transparent and public—television contracts, conference budgets, shoe deals, coaches' salaries, stadium bonds, everything. The recommendation was based on the worthy truism that sunlight is a proven disinfectant. But in practice, it has not been applied at all. Conferences, coaches, and other stakeholders resisted disclosure; college players still have no way of determining their value to the university.

"Money surrounds college sports," says Domonique Foxworth, who is a cornerback for the NFL's Baltimore Ravens and an executive-committee member for the NFL Players Association, and played for the University of Maryland. "And every player knows those millions are floating around only because of the 18-to-22-year-olds." Yes, he told me, even the second-string punter believes a miracle might lift him into the NFL, and why not? In all the many pages of the three voluminous Knight Commission reports, there is but one paragraph that addresses the real-life choices for college athletes. "Approximately 1 percent of NCAA men's basketball players and 2 percent of NCAA football players are drafted by NBA or NFL teams," stated the 2001 report, basing its figures on a review of the previous 10 years, "and just being drafted is no assurance of a successful professional career." Warning that the odds against professional athletic success are "astronomically high," the Knight Commission counsels college athletes to avoid a "rude surprise" and to stick to regular studies. This is sound advice as far as it goes, but it's a bromide that pinches off discussion. Nothing in the typical college curriculum teaches a sweat-stained guard at Clemson or Purdue what his monetary value to the university is. Nothing prods students to think independently about amateurism—because the universities themselves have too much invested in its preservation. Stifling thought, the universities, in league with the NCAA, have failed their own primary mission by providing an empty, cynical education on college sports.

The most basic reform would treat the students as what they are—adults, with rights and reason of their own—and grant them a meaningful voice in NCAA deliberations. A restoration of full citizenship to "student-athletes" would facilitate open governance, making it possible to enforce pledges of transparency in both academic standards and athletic finances. Without that, the NCAA has no effective checks and balances, no way for the students to provide informed consent regarding the way they are governed. A thousand questions lie willfully silenced because the NCAA is naturally afraid of giving "student-athletes" a true voice. Would college players be content with the augmented scholarship or allowance now requested by the National College Players Association? If a player's worth to the university is greater than the value of his scholarship (as it clearly is in some cases), should he be paid a salary? If so, would teammates in revenue sports want to be paid equally, or in salaries stratified according to talent or value on the field? What would the athletes want in Division III, where athletic budgets keep rising without scholarships or substantial sports revenue? Would athletes seek more or less variance in admissions standards? Should non-athletes also have a voice, especially where involuntary student fees support more and more of college sports? Might some schools choose to specialize, paying players only in elite leagues for football, or lacrosse? In athletic councils, how much would high-revenue athletes value a simple thank you from the tennis or field-hockey players for the newly specified subsidies to their facilities?

University administrators, already besieged from all sides, do not want to even think about such questions. Most cringe at the thought of bargaining with athletes as a general manager does in professional sports, with untold effects on the budgets for coaches and every other sports item. "I would not want to be part of it," North Carolina Athletic Director Dick Baddour told me flatly. After 44 years at UNC, he could scarcely contemplate a world without amateur rules. "We would have to think long and hard," Baddour added gravely, "about whether this university would continue those sports at all."

I, too, once reflexively recoiled at the idea of paying college athletes and treating them like employees or professionals. It feels abhorrent—but for reasons having to do more with sentiment than with practicality or law. Not just fans and university presidents but judges have often found cursory, non-statutory excuses to leave amateur traditions intact. "Even in the increasingly commercial modern world," said a federal-court judge in *Gaines v. NCAA* in 1990, "this Court believes there is still validity to the Athenian concept of a complete education derived from fostering the full growth of both mind and body." The fact that "the NCAA has not distilled amateurism to its purest form," said the Fifth Circuit Court of Appeals in 1988, "does not mean its attempts to maintain a mixture containing some amateur elements are unreasonable."

But one way or another, the smokescreen of amateurism may soon be swept away. For one thing, a victory by the plaintiffs in O'Bannon's case would radically transform college sports. Colleges would likely have to either stop profiting from students or start paying them. The NCAA could also be forced to pay tens, if not hundreds, of millions of dollars in damages.

If O'Bannon and Vaccaro and company win, "it will turn college sports on its ear," said Richard Lapchick, the president of the National Consortium for Academics and Sports, in a recent interview with *The New York Times*.

Though the O'Bannon case may take several years yet to reach resolution, developments on other fronts are chipping away at amateurism, and at the NCAA. This past summer, *Sports Illustrated* editorialized in favor of allowing college athletes to be paid by non-university sources without jeopardizing their eligibility. At a press conference last June, Steve Spurrier, the coach of the South Carolina Gamecocks football team (and the winner of the 1966 Heisman Trophy as a Florida Gator), proposed that coaches start paying players $300 a game out of their own pockets. The coaches at six other SEC schools (Alabama, Florida, Ole Miss, Mississippi State, LSU, and Tennessee) all endorsed Spurrier's proposal. And Mark Emmert, the NCAA president, recently conceded that big changes must come. "The integrity of collegiate athletics is seriously challenged today by rapidly growing pressures coming from many directions," Emmert said in July. "We have reached a point where incremental change is not sufficient to meet these challenges. I want us to act more aggressively and in a more comprehensive way than we have in the past. A few new tweaks of the rules won't get the job done."

Threats to NCAA dominion also percolate in Congress. Aggrieved legislators have sponsored numerous bills. Senator Orrin Hatch, citing mistreatment of his Utah Utes, has called witnesses to discuss possible antitrust remedies for the Bowl Championship Series. Congressional committees have already held hearings critical of the NCAA's refusal to follow due process in disciplinary matters; other committees have explored a rise in football concussions. Last January, calls went up to investigate "informal" football workouts at the University of Iowa just after the season-ending bowl games—workouts so grueling that 41 of the 56 amateur student-athletes collapsed, and 13 were hospitalized with rhabdomyolysis, a life-threatening kidney condition often caused by excessive exercise.

The greatest threat to the viability of the NCAA may come from its member universities. Many experts believe that the churning instability within college football will drive the next major change. President Obama himself has endorsed the drumbeat cry for a national playoff in college football. This past spring, the Justice Department questioned the BCS about its adherence to antitrust standards. Jim Delany, the commissioner of the Big Ten, has estimated that a national playoff system could produce three or four times as much money as the existing bowl system does. If a significant band of football schools were to demonstrate that they could orchestrate a true national playoff, without the NCAA's assistance, the association would be terrified—and with good reason. Because if the big sports colleges don't need the NCAA to administer a national playoff in football, then they don't need it to do so in basketball. In which case, they could cut out the middleman in March Madness and run the tournament themselves. Which would deprive the NCAA of close to $1 billion a year, more than 95 percent of its revenue. The organization would be reduced to a rule book without money—an organization aspiring to enforce its rules but without the financial authority to enforce anything.

Thus the playoff dreamed of and hankered for by millions of football fans haunts the NCAA. "There will be some kind of playoff in college football, and it will not be run by the NCAA," says Todd Turner, a former athletic director in four conferences (Big East, ACC, SEC, and Pac-10). "If I'm at the NCAA, I have to worry that the playoff group can get basketball to break away, too."

This danger helps explain why the NCAA steps gingerly in enforcements against powerful colleges. To alienate member colleges would be to jeopardize its own existence. Long gone are television bans and the "death penalty" sentences (commanding season-long shutdowns of offending teams) once meted out to Kentucky (1952), Southwestern Louisiana (1973), and Southern Methodist University (1987). Institutions receive mostly symbolic slaps nowadays. Real punishments fall heavily on players and on scapegoats like literacy tutors.

A deeper reason explains why, in its predicament, the NCAA has no recourse to any principle or law that can justify amateurism. There is no such thing. Scholars and sportswriters yearn for grand juries to ferret out every forbidden bauble that reaches a college athlete, but the NCAA's ersatz courts can only masquerade as public authority. How could any statute impose amateur status on college athletes, or on anyone else? No legal definition of amateur exists, and any attempt to create one in enforceable law would expose its repulsive and unconstitutional nature—a bill of attainder, stripping from college athletes the rights of American citizenship.

FOR ALL OUR queasiness about what would happen if some athletes were to get paid, there is a successful precedent for the professionalization of an amateur sports system: the Olympics. For years, Walter Byers waged war with the NCAA's older and more powerful nemesis, the Amateur Athletic Union, which since 1894 had overseen U.S. Olympic athletes. Run in high-handed fashion, the AAU had infamously banned Jesse Owens for life in 1936—weeks after his four heroic gold

medals punctured the Nazi claim of Aryan supremacy—because instead of using his sudden fame to tour and make money for the AAU at track meets across Europe, he came home early. In the early 1960s, the fights between the NCAA and the AAU over who should manage Olympic athletes become so bitter that President Kennedy called in General Douglas MacArthur to try to mediate a truce before the Tokyo Olympic Games.

Ultimately, Byers prevailed and effectively neutered the AAU. In November 1978, President Jimmy Carter signed the bipartisan Amateur Sports Act. Amateurism in the Olympics soon dissolved—and the world did not end. Athletes, granted a 20 percent voting stake on every Olympic sport's governing body, tipped balances in the United States and then inexorably around the world. First in marathon races, then in tennis tournaments, players soon were allowed to accept prize money and keep their Olympic eligibility. Athletes profited from sponsorships and endorsements. The International Olympic Committee expunged the word *amateur* from its charter in 1986. Olympic officials, who had once disdained the NCAA for offering scholarships in exchange for athletic performance, came to welcome millionaire athletes from every quarter, while the NCAA still refused to let the pro Olympian Michael Phelps swim for his college team at Michigan.

This sweeping shift left the Olympic reputation intact, and perhaps improved. Only hardened romantics mourned the amateur code. "Hey, come on," said Anne Audain, a track-and-field star who once held the world record for the 5,000 meters. "It's like losing your virginity. You're a little misty for awhile, but then you realize, Wow, there's a whole new world out there!"

Without logic or practicality or fairness to support amateurism, the NCAA's final retreat is to sentiment. The Knight Commission endorsed its heartfelt cry that to pay college athletes would be "an unacceptable surrender to despair." Many of the people I spoke with while reporting this article felt the same way. "I don't want to pay college players," said Wade Smith, a tough criminal lawyer and former star running back at North Carolina. "I just don't want to do it. We'd lose something precious."

"Scholarship athletes are already paid," declared the Knight Commission members, "in the most meaningful way poss-ible: with a free education." This evasion by prominent educators severed my last reluctant, emotional tie with imposed amateurism. I found it worse than self-serving. It echoes masters who once claimed that heavenly salvation would outweigh earthly injustice to slaves. In the era when our college sports first arose, colonial powers were turning the whole world upside down to define their own interests as all-inclusive and benevolent. Just so, the NCAA calls it heinous exploitation to pay college athletes a fair portion of what they earn.

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