A G E N D A

National Collegiate Athletic Association

Division I Awards, Benefits, Expenses and Financial Aid Cabinet

NCAA National Office
Indianapolis, Indiana

February 23, 2010

1. Opening remarks and review of schedule. (Grace Calhoun) [**No action anticipated**.]

2. Approval of minutes from September 17-18 meeting. (Calhoun) **[Action anticipated**.**]**

   Background: *The NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet will need to approve the minutes from its last meeting as distributed via e-mail following the meeting*.

3. Discussion on cabinet's priorities. (Calhoun) **[No action anticipated until June**.**]**

   a. Review of feedback from discussion document. [Supplement No. 1 to be posted prior to the meeting.]

      Background: *The cabinet will discuss feedback received as a result of the dissemination of the cabinet's discussion document*.

   b. Discuss feedback from the NCAA Division I Recruiting and Athletics Personnel Issues Cabinet on the definition of "recruited."

      Background: *The cabinet will receive an update on the Recruiting and Athletics Personnel Issues Cabinet discussion related to the definition of "recruited" and determine how it impacts the discussion on the financial aid model.*

   c. Discuss next steps on study of financial aid models

      Background: *The cabinet will discuss whether it is ready to develop more defined legislative concepts to be distributed to the membership for feedback at spring conference meetings.*

4. Update on legislative proposals in the 2009-10 legislative cycle. [Supplement No. 2] (Kris Richardson and Vanessa Fuchs) **[No action anticipated**.**]**

Background: *NCAA staff will provide a brief update on the status of proposals reviewed by the cabinet in September 2009. The cabinet may choose to provide additional comment on proposals that remain out for comment following the January NCAA Division I Legislative Council meeting.*

5. Discussion of items submitted by cabinet members. **[Action possible.]**

   a. Eligibility for financial aid for student-athletes who have exhausted eligibility. [Supplement No. 3] (Bev Lewis)

      Background: *This item will be a follow up discussion from the cabinet's September meeting.*

   b. Full grant-in-aid limit for student-athletes who live at home. [Supplement No. 4] (Betsy Mosher)

      Background: *This item will be a follow up discussion from the cabinet's September meeting.*

   c. New Chapter 33 VA Benefit and Yellow Ribbon Program. (Mike Scott)

      Background: *This item will be a discussion on how eligibility is determined for this program and how it impacts student-athlete and team financial aid limits. The program was changed dramatically due to a change in federal law that took effect in August.*

   d. NCAA Bylaw 15.2.6.1 – Definition of "naturally or legally dependent." [Supplement No. 5] (Nathan Fry)

      Background: *This item will be a discussion on the history of the rule and rationale for not permitting anyone other than an individual upon whom a student-athlete is naturally or legally dependent to pay for a student-athlete's educational costs.*

6. Referral from NCAA Division I Basketball Academic Enhancement Group (BAEG) related to Bylaw 15.01.5 (eligibility of student-athlete for institutional financial aid). [Supplement No. 6] (Fuchs) **[Action possible.]**

Background: *The BAEG discussed the legislative barriers that exist for former student-athletes to return to their institution and earn their degree and would like the cabinet to explore whether there is a willingness to remove these barriers through legislation.*

7. Update on legislative items submitted based on the cabinet's review of NCAA Division I bylaws. (Richardson) **[No action anticipated.]**

   Background: *NCAA staff will provide an update on this initiative and the concepts forwarded by the cabinet following its September meeting.*

8. Report from NCAA Division I Student-Athlete Advisory Committee (SAAC). (Anne Morrison) **[No action anticipated.]**

   Background: *Anne will provide an update on recent and upcoming SAAC activities.*

9. Report from the October 2009/January 2010 governance meetings. (Jackie Campbell/ Calhoun) [**No action anticipated**.]

   Background: *NCAA staff will provide an update on the activities from the October 2009/January 2010 governance meetings and Grace will discuss the latest work of the NCAA Division I Communications and Coordination Committee.*

10. Summary of key items discussed and next steps. (Calhoun) [**No action anticipated**.]

11. Future meeting dates and sites.

    - June 1-2, 2010; Indianapolis, Indiana.

12. Other business.

13. Adjournment.

Feedback on Discussion Document on NCAA Division I Financial Aid Issues

Background

During its initial meeting in September 2008, the NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet identified several key priority items to guide its work. One of those key priority items is the examination of grant-in-aid limitations related to NCAA Bylaw 15. The cabinet engaged in preliminary discussion of this broad issue during its past three meetings and identified several areas of concern. However, the cabinet agreed feedback from the membership and relevant constituent groups is vital before any specific legislative action is potentially initiated in June 2010.

In December 2009, the cabinet distributed a discussion document outlining the legislative history of Bylaw 15 and describing possible legislative concepts for future consideration. The discussion document was posted on the cabinet's page of ncaa.org; was distributed to the NCAA Division I directors of athletics, NCAA Division I conference commissioners, the chair of the NCAA Division I Student-Athlete Advisory Committee, the chair of the Conference Commissioners Association Compliance Administrators, the executive director of the National Association of Collegiate Directors of Athletics, the executive director of the National Association of Collegiate Women Athletic Administrators, the president of the National Association for Athletics Compliance, the chair of the National Association of Financial Aid Administrators and the executive directors of selected coaches associations and was intended to stimulate meaningful discussion across the membership to provide feedback to the cabinet.

Overview of Feedback

Twenty-nine responses, ranging from individual coaches and institutions to conference offices and coaches associations, were received. Each respondent was assigned a letter ("A" through "CC") to provide anonymity while maintaining the ability to identify each respondent's feedback. Overall, the respondents were supportive of the cabinet's decision to undertake a review of Bylaw 15, and of the cabinet's willingness to seek feedback from a variety of entities as part of its review. Concept Nos. 1, 2, 4, 5 and 6 were supported by more than half of the respondents. And, although Concept No. 9 was the only concept with over half of the respondents responding they were opposed to the concept, only six respondents replied that they supported Concept No. 8, and only nine respondents replied that they supported Concept No. 10. Feedback on Concept Nos. 3 and 7 did not demonstrate either clear support or clear opposition to those concepts.

Below, the content-specific feedback section includes the number of comments for each concept and summaries of the comments received. Following the concept-specific feedback section is a general feedback section, which contains feedback not specifically applicable to one of the other concepts.

Concept-Specific Feedback

Concept No. 1: Exempt all federal need-based aid from counting towards a team's maximum financial aid limits (team limit) and an individual's cost of attendance limit (individual limit).

This concept was strongly endorsed by the cabinet.

Responses: Support - 21; Oppose - 1; No Position - 7.

Support:

1. (B) Federal methodology minimizes the potential for abuse by the financial aid office. Grants awarded using federal methodology should not be counted against a student-athlete's equivalency. Not only would this concept aid the neediest student-athletes, it would reduce bureaucracy in the Financial Aid Office.

2. (C) We support this concept of exempting all federal need-based aid such as the SEOG but believe the student-athletes cost of attendance limit should be included like all other students.

3. (D) In general the group agreed that there should be an exemption for all federal need-based aid from counting towards a team's maximum financial aid limits. However, current Federal guidelines restrict ALL STUDENTS from exceeding the cost of attendance limits. It would not be fair for a student-athlete to exceed cost of attendance limits with Federal financial aid because it would not be consistent with the Federal regulations for the general population student. This would require a restructuring of the entire financial aid awarding system.

4. (F) I think federal and state need-based financial aid, as well as outside scholarships should not count towards a team's limits. There are enough regulations in place for awarding federal and state need-based aid to keep the process fair. I think this helps those students who do need financial assistance to attend college.

5. (J) We feel that any type of need-based aid should be exempted from counting in team limits in all cases.

6. (K) University Financial Aid staff feel there it is such a small and limited amount of money that it would be difficult to abuse. Our Financial Aid Director believes that all schools are using a 'high need' definition to award these funds. So it could truly help the neediest students receive better funding. But, the funds are limited; therefore you will have SAs who receive the funds and SAs with the same level of need who wouldn't. This can upset both students and coaches.

7. (M) The group felt it would be good for SA welfare, more students would qualify, the funds are well-controlled and there is an audit system in place. Thus, the funds would fall within proscribed federal limits. Additionally, SEOG funds are stable at this time and the Pell Grant funds have actually been increased as of late.

8. (N) We support exempting all forms of need-based aid from counting towards a team's maximum financial aid limit. The area of financial aid is heavily regulated and audited. Therefore, there is minimal exposure for the unequal awarding of need-based aid based on athletics participation. There was a concern expressed that no institution would be allowed to award aid over an individual's cost of attendance limit per federal and state regulations. Therefore there was some confusion about exempting need-based aid from an individual's limit – as no student is allowed to receive more than the established cost of attendance.

   In addition to exempting need-based aid, we encourage the NCAA to review aid provided through federal veterans/GI programs. These programs change regularly and the restrictive wording of the current NCAA bylaws poses a challenge for awarding these funds in conjunction with need-based or athletic aid options.

9. (O) We already award without regard to athletics. The financial aid office packaging is done based on the information provided by FAFSA, CSS Profile and other required documents that is the same for all students.

10. (T) Existing award criteria are sufficient to prevent abuse. Eliminates administrative burden of reconciliation, though the institution would still need to fund that need amount with its own resources if it has a commitment to meet need. FSEOG awarded to athletes in 2009-10 is $6,000. There are federal regulations to determine who receives that aid so there is not a need to further regulate the use of the fund.

11. (W) Aid that is need-based and federally administered on a consistent basis regardless of the institution or athletic status of the recipient should be a non-issue in terms of deregulation. Currently, some of our student athletes who are Pell eligible miss out on FSEOG, which is a federal grant fund. However, we believe that such aid should count towards the cost of attendance limit.

12. (X) Support, but only if the financial aid model concept proposed by the institution is not supported. The student-athletes (scholarship or non-scholarship) should not have to sacrifice need-based aid in order to receive athletics aid or be required to choose to between participation in intercollegiate athletics or acceptance of federal need-based aid. Student-athletes should be afforded opportunity to accept assistance in accordance with federal guidelines as a normal student. Exempting federal need-based aid is a right step in the direction of addressing student-athlete well-being concerns. Since every institution

must use federal methodology to determine financial need for the student-athlete, every student should be treated the same in their ability to receive federal need-based aid and it not count against the team's or individual's limit.

13. (BB) Currently aid is counting against athletes in which the criteria is decided by the federal government and athletics participation has no consideration in the selection process. This type of aid should NOT be counting towards the team limits and COA.

Oppose:

- (H) Oppose. We think some additional thought needs to be put into this one. We are really only talking about SEOG. The ACG and SMART Grant have not been funded beyond 2010-11 and the Obama administration has already committed that money to increase Pell Grants. So, what about SEOG. The white paper talks about safeguards such as defined awarding criteria and predetermined methodology. But, without getting into a long discussion here, the methodology can be manipulated and, therefore, SEOG eligibility can be manipulated.

No Position:

- (A) There is a wide variation in amounts of SEOG funds received by institutions. Whether that would create any inequities under this concept may need further study.

Concept No. 2: Exempt all state need-based financial aid from counting towards team limits.

This concept was strongly endorsed by the cabinet.

Responses: Support - 18; Oppose - 5; No Position - 6.

Support:

1. (D) The group was in favor of this concept. Currently, for those students who are in-state residents and can demonstrate need, if they complete their FAFSA by the priority deadline of March 1st, receive state funded need-based aid, and are on athletics aid, they must typically decline the state funded need-based aid because it affects team limits. This change in policy would allow them to keep these sources of non-athletically related need-based aid without adversely affecting team limits.

2. (F) I think federal and state need-based financial aid, as well as outside scholarships should not count towards a team's limits. There are enough regulations in place for

awarding federal and state need-based aid to keep the process fair. I think this helps those students who do need financial assistance to attend college.

3. (H) Under item 2-c they assert that current legislation "prevents financial aid administrators from exercising professional judgment…". This is a completely inaccurate statement. Professional judgment is a defined term in the financial aid business and has to do with the data used in the evaluation of the student's eligibility for federal aid. In other words, FAFSA data elements. NCAA regulations have no impact whatsoever on that process. If they mean that financial aid offices are limited in making decisions about which types of aid to award SAs, then that is the issue.

4. (M) Few states have scholarships/grants where the school is actually in control of deciding the recipients and the amounts to award. Our state does not have these scholarships/grants at this time. Our state grants are state awards where the State determines the amount of award and the recipients.

5. (N) We support exempting all forms of need-based aid from counting towards team limits. The industry regulations and auditing ensure the necessary safeguards from abuse.

6. (O) I believe our state grant is administered by the State and just reported to our institution. I believe our institution just monitors the limit of aid that the state grant is measured against.

7. (T) Support, provided concept 8 also is adopted. Existing award criteria are sufficient to prevent abuse. State aid for 2009-10 would be used by the institution to meet need and toward the cost of education even if it's not counted for team limits. Would ease administrative burden of reconciliation. There are federal regulations to determine who receives that aid so there is not a need to further regulate the use of the fund.

8. (V) Some of our student-athletes qualify for State University Grants (SUGs), which are administered by the institution and therefore count if the student-athlete is a counter. These monies come from the state in pools at various times during the year. What ends up happening is the student-athletes who qualify during the first pool (often prior to the academic year) end up getting to accept the SUG because the team hasn't yet reached its limit. But when the second and later pools of money come to us, the student-athletes who qualify are unable to accept because the team has reached its limit. So it ends up being somewhat unfair to the student-athletes who don't get selected for the first pool of money.

9. (W) Our state offers a state need based program that student athletes that have an EFC of less than 4000 miss out on. Currently the state grant is worth $6080.00 and has increased every year.

The discussion document states that this proposal would not change the current application of 15.5.1.2. It should. That and other Bylaws that restrict basketball and football student-athletes' access to financial aid in a manner inconsistent with other student-athletes should be eliminated. The proponents of such draconian rules should have to offer proof to justify these limitations' continued application. Baseless fear and paranoia is not reason.

10. (X) Support, but only if the financial aid model concept proposed by the institution is not supported. Despite the fact that our state offers only one state need-based grant, the concern for student-athlete well-being is greater than the concern for competitive equity when need-based aid is a factor. We prefer a proposal that benefits a student-athlete's well-being, but want to ensure appropriate safeguards against competitive inequities exist.

    Concerns exist though in that every institution has different "gift-aid" parameters that restrict the amount that may be issued to a student so some institutions may have more of an advantage than others based on that standard. An additional concern is that some state-based need aid may have varying methods for determining "need". A possible amendment to this concept could be that state need-based aid must use the federal methodology in determining need in order to be exempt. This would allow for more consistency in the methodology used and reduce the potential for abuse or inequity in what aid is exempt.

11. (BB) If the criteria has nothing to do with athletics participation, even if the institution selects the student based on the state criteria, that aid should not count against the team.

<u>Oppose</u>:

1. (B) We would support a version of this legislation that exempted state-based financial aid only if that aid was awarded consistent with federal methodology. Using the federal methodology would minimize the potential for institutional abuse. Our state does not currently have any state need-based grants that are countable.

2. (K) The University Financial Aid Director informed us that state funding varies by state and this could cause a disadvantage for states the do not receive the same levels of funding. Our state has a smaller state grant funded program then many other states. This proposal because it would likely put us at a disadvantage in recruiting.

3. (L) State need based aid varies significantly and it would put states that do not have strong programs at a significant disadvantage.

4. (Q) Generally, I am not sure where or if this fits in with the current discussion, but we have an on-going issue with state-based grants and scholarships, such as the HOPE scholarship in Georgia. Many of these scholarships are funded by state lotteries. Our state does not have any such programs and does not have a lottery. All but one of the states in our conference have some variation of these types of scholarships. This has caused difficulties for some of our athletics teams, especially in equivalency sports, as we cannot compete on a level playing field for out-of-state student-athletes over their in-state institutions. On the conference level, we are outnumbered 8-4, and are thus stuck with our current situation. We are in the minority nationally, as well, and we are more than likely stuck with the detriments of our state government. That being said, it is still an issue that we track on and are very aware of.

5. (R) I believe Concept No. 2: "Exempt all state need-based financial aid from counting towards team limits," would give baseball programs in some states a huge advantage over programs in other states. Presently, the schools in states that have such state need-based financial aid (e.g., Louisiana, Georgia, Florida) already have a significant advantage. I believe Concept No. 2 would allow those schools even greater advantages and create even more competitive inequities than presently exist. This concept is of great concern to baseball.

Concept No. 3-a: Exempt all outside scholarships from counting towards team limits provided:

a. The choice of institutions is not restricted by the donor of the aid;

b. There is no direct connection to institution (e.g., donor of the aid shall not be representatives of the athletics interests or an athletics booster group of a member institution); and

c. One of the following additional thresholds:

(1) A maximum award value for the outside scholarship that may be exempted (e.g., outside awards valued at $1,000 or below); or

(2) Specify that the exemption is only available for student-athletes receiving a specified equivalency amount (e.g., only student-athletes receiving no more than 25 percent of a full grant-in-aid).

[NOTE: The cabinet is interested in feedback specific to the additional thresholds outlined in part c of this concept. In addition, the cabinet requests feedback related to other thresholds that the membership may want to have considered under this concept.]

[NOTE: In connection with this concept, the cabinet is interested in feedback regarding whether review of financial aid should be more defined in the required athletics certification compliance review.]

This concept was strongly endorsed by the cabinet.

Responses: Support - 11; Oppose - 11; No Position - 7.

Support:

1. (B) Many student-athletes cannot receive benign scholarships due to the outside scholarship legislation. We support the replacement of the "outside scholarships with athletics major criteria" legislation with this legislation. This legislation gets at the heart of the concerns that student-athletes might receive money from illegitimate sources. We would support a limit of $4000 on this type of scholarship, which would minimize the harm of any unidentified impermissible scholarship (for example, one where the booster has hidden behind an organization and cannot be identified by the institution).

   Per our financial aid office, any reduction in bureaucracy and clarification oin the certification of external scholarships would be welcomed by our financial aid office. Many student-athletes lose scholarship dollars that they have earned because of outstanding academic achievements because the funds are awarded by a booster club of their sport.

2. (D) 3-a and 3-b have justification issues. The definition of "direct connection" is vague and would be difficult to track with or without interpretation. We support the concept if better defined and support the $1000.00 maximum as the threshold for exemption.

3. (F) I think federal and state need-based financial aid, as well as outside scholarships should not count towards a team's limits. As far as outside scholarships are concerned, as long as the award does not specify what institution the recipient may attend, I am in agreement. Students have worked hard to earn these outside scholarships and deserve to benefit from them.

4. (I) Agree with the maximum award value threshold, but could accept use of the equivalency value threshold. And, we support including financial aid in the athletics certification process.

5. (N) However, we are concerned about a few aspects. There needs to be a much clearer understanding of what "direct connection to the institution" means. For example, if one member of a board of directors at a company is a booster, does that mean that the aid cannot be exempted should a student-athlete receive the scholarship? There is too much

room for interpretation that would require significant scrutiny of outside scholarships by compliance staffs.

We oppose the items listed in item 3-1, part c. The additional thresholds are unnecessary. Outside scholarship values vary and therefore establishing a maximum value is difficult. We are also unclear about whether the proposed value would be a per scholarship value or a per individual value. Either way, if the goal is to allow student-athletes the most access to financial support, setting a maximum award value is unnecessary.

Similarly, we are uncomfortable establishing a threshold equivalency amount under which a student-athlete's outside scholarship can be exempted. For head count sport student-athletes, it would be wonderful to allow them to accept outside scholarships up to the individual cost of attendance, but the language noted in item 3-a, part c would prohibit that. We are also uncomfortable with setting an equivalency value that seems somewhat arbitrary. In many cases, coaches are awarding athletic scholarship without significant regard to a family's financial need. Two student-athletes may each get 27 percent athletic scholarships, however their family financial situations may be vastly different. In that case, it seems unfair to say to both that neither can accept outside scholarships – despite vastly differing need.

6. (V) Preferred over 3-b. We would rather see a maximum award value for the outside award (e.g., $1,000 or $2,000) instead of only allowing the exemption for those at less than a certain equivalency amount (e.g., 25%). If there isn't a maximum value, I could see there being some abuse. Setting a minimum equivalency amount would seem to cause coaches to play games and keep the prospect at 25% until they find out if the prospect received any outside awards. Another issue is that some of these outside awards are provided directly to the prospect prior to enrollment and are not reported to the institution, so it would not end up being included in the cost of attendance.

7. (X) Support, but only if the financial aid model concept proposed by the institution is not supported. And, prefers 3-b to 3-a. We offer the following comments relative to the thresholds in 3-a, part c. We are not supportive of the exemption being contingent on the student-athlete receiving a certain amount of GIA. We are comfortable with the limit on the award value. Some possible alternative thresholds in this regard are to limit the amount to a certain percentage of a full GIA. For instance, the award value may not be more than 25% of a full GIA at that institution; or limit the amount to a dollar limit greater than $1,000 such as $5,000; and/or limit the number of outside scholarships an individual or student-athlete may receive from the same organization. We have concerns that donors of specific institutions may find ways to not technically be connected to a scholarship, but still have some involvement in ensuring a student-athlete is receiving a particular scholarship. By limiting the number that may come from the same entity this may help reduce the abuse of outside scholarships. It is also possible the language in

provision-(b) may be strengthened to also state no indirect tie, or specify that if any booster had any direct or indirect involvement in the decision to award the aid it is not exempt; or limit the number of outside scholarships one student-athlete may receive and be exempted or put a cap on the total value of outside aid one individual may receive that is exempted.

8. (Z) While our coaches are in support of exempting outside scholarships, they believe the additional limitations introduced in 3-a are warranted. And, they believe threshold 1 (with the maximum $ amount of the outside scholarship) should be a requirement for all outside awards, as opposed to permitting the award to meet either of the 2 proposed thresholds. They would, however, be in support of increasing the dollar amount to higher than $1,000, if appropriate (maybe $2,000?).

9. (CC) We definitely are in support of this based on the limitations under (c) in the proposal, specifically with the $1,000 limit. With the cost of attending college, no institution wants to tell a non-scholarship student-athlete that he/she has to give back money because recruited status was triggered. To try and look at any potential abuse by boosters or organization trying to funnel some student to a particular institution, we can't imagine that $1,000 would be enough to cause a student to change a decision about where to attend college.

<u>Oppose</u>:

1. (C) We do not support any thresholds. And, we prefer 3-b.

2. (G) There is no reason to establish a limit on the amount of aid for two reasons. First and foremost, the NCAA has established an individual limit for all student athletes, and the amount of this aid along with other athletic or financial aid would not be permitted to exceed this amount. Secondly, as costs continue to rise for higher education it would only be a matter of years before the dollar amount established would need to be changed to reflect inflation of educational costs overall.

   There is also no reason to allow the exemption for only a certain population of student athletes who are receiving a given equivalency level. Why would we want to go through all this work to fix a problem, but only help a portion of our student athletes while continuing to disadvantage another population of our student athletes?

3. (H) Prefer 3-b. For 3-a, part c, we feel there would have to be a national registry for these outside scholarships. The $1,000 limit is a good idea to avoid the concern about a booster providing a large gift to a high school booster organization to gift to a specific athlete. The 25% may not be fair for those who might get 50%, but this is better than nothing.

We support financial aid being included in certification – it always should have been included – but beware this will be a very complicated addition to the process and finding campus peer reviewers who can actually assist will be hard to do.

4. (J) We believe any type of aid that has an athletic criteria should count to prevent abuse through the creation of new scholarship sources by institutions with more money or bigger donor bases.

5. (K) Outside scholarships that are not directly related to the school (i.e., donor is a booster etc.) should be exempt. Do not put a dollar limit or equivalency limit on outside scholarships. Currently if a recruited student receives a hometown athletic award the funds must count against the team. If the donor is not restricting where the student attends there is not a competitive advantage.

6. (L) We do not feel that 3-a, part c is helpful, rather it makes these awards continue to be cumbersome and would not really eliminate any potential abuse.

7. (M) We did not believe that a dollar figure or scholarship max. would be necessitated. Most awards of that would fall into this category are nominal. If 3-a were to be enacted, however, a more realistic dollar figure would be $3K - $5K (instead of $1000) and an athletic scholarship limit of 50% or less. All participants felt that the language "from a continuing and established program" be incorporated into either concept.

8. (O) Prefer 3-b. I don't like that this would be limited to students with 25% aid or less. Also - this would help reduce the financial aid office's work. As long at the COA (cost of attendance) is stipulated at the max which I didn't see as a criteria.

9. (P) We think the constraints about choice and no connections make good sense and protect against abuse. The additional guidelines seemed excessive.

10. (U) With the additional restrictions, it defeats the purpose of deregulation. Do not add a dollar amount restriction or equivalency percentage restriction. It is unnecessary and then still a nightmare to administer. The deregulation of outside awards is an absolute must for the equivalencies and walk on student athletes well being. In these economic hard times, the students desperately need the money and many of the Universities could use the help as well, as there would be one less student to try and fund.

11. (W) Oppose, provided the change is intended to alter the application of all outside financial aid. The Current Legislation section specifically addresses Bylaw 15.2.6.4, so is this concept intended to apply only to this Bylaw or to all forms of outside aid? If this concept is intended to alter all outside aid legislation to this standard, it would allow some student-athletes to receive aid they previously had to reject, but it would also

require some previously permissible aid to become countable or have to be rejected. Aid for which athletics is a major criterion merits consideration that booster-provided outside aid be rejected or countable but to require all outside aid to also be held to this same standard places a level of scrutiny on student-athletes that is unwarranted. If the concern is outside aid that is booster-provided because of athletics, then make this concept applicable only to outside aid for which athletics is a major criterion but offer an alternative to the membership that would include all major athletically related aid to be countable and eliminate the booster provision. If this concept is intended for all outside aid, does the NCAA's data related to secondary infractions justify these restrictions? If this concept is intended for all outside aid regardless of whether athletics is considered at all or as a major criterion, we offer this practical alternative in which responses of yes result in aid that is not countable and responses of no result in aid that is countable in team and individual limits:

> a. The choice of institutions is not restricted by the donor of the aid; ~~b. There is no direct connection to institution (e.g., donor of the aid shall not be representatives of the athletics interests or an athletics booster group of a member institution);~~ b. the recipient was not selected primarily on the basis of athletics reasons; and c. athletics participation or interests are not a requirement~~; and One of the following additional thresholds: (1) A maximum award value for the outside scholarship that may be exempted (e.g., outside awards valued at $1,000 or below); or (2) Specify that the exemption is only available for student-athletes receiving a specified equivalency amount (e.g., only student-athletes receiving no more than 25 percent of a full grant-in-aid)~~.

12. (BB) We strongly oppose Concept No. 3-a, part c. If 3-a, parts a and b provide safeguards, there is no reason to limit the amount. Further, it would a logistical nightmare if an award was more than $1,000 since a check would be sent to the institution for the awarded amount but only a portion of it could be used....what would be done then...send the remaining amount back? Further, most student-athlete who are receiving aid are receiving more than a .25 equivalency.

<u>No Position</u>:

- (T) We suggest a limit of $2,000 rather than $1,000. This is more flexible than the current legislation, but would prefer that all outside scholarships are exempt. Our institution is in favor of 3-a, part c1. Often, students are given awards that are of a prestigious nature thus being of a much higher value than $1000. This higher limit would allow students to fully receive these awards, especially if they are not on a significant athletic scholarship, while allowing the spirit of this concept to still be achieved.

However, our institution would not be in favor of any student-athlete receiving anything beyond the cost of attendance. We are not in favor of 3-a, part c2.

Further, this concept would be difficult to monitor and enforce the involvement of boosters. This would create undue administrative burden on compliance officers and especially on financial aid offices to track amounts and determine which scholarships are countable and which are not. I would suggest that it also opens the door for donors to provide funding within the "allowable" limits so as to have the funding be excluded; the potential for abuse could be there.

Concept No. 3-b: Exempt all outside scholarships from counting towards team limits provided:

a. The choice of institutions is not restricted by the donor of the aid; and

b. There is no direct connection to institution.

This concept was strongly endorsed by the cabinet.

Responses: Support - 13; Oppose - 8; No Position - 8.

Support:

1. (F) I think federal and state need-based financial aid, as well as outside scholarships should not count towards a team's limits. As far as outside scholarships are concerned, as long as the award does not specify what institution the recipient may attend, I am in agreement. Students have worked hard to earn these outside scholarships and deserve to benefit from them.

2. (G) This option is the only way to go in regards to solving the issues with outside aid.

3. (H) Preferable to 3-a. The white paper under 3b stipulates that there be no direct connection to the institution. "Direct connection to the institution" will need defined. What is to prevent a football booster from providing a large gift to the high school booster organization to gift to a specific athlete? There is nothing in the rule that would prevent that. If that were the case and the limit was 25% of a full GIA then the full football scholarship recipient would get 124% of a full GIA. At the very least it needs to be limited to COA.

4. (K) Outside scholarships that are not directly related to the school (i.e., donor is a booster etc.) should be exempt. Do not put a dollar limit or equivalency limit on outside scholarships. Currently if a recruited student receives a hometown athletic award the funds must count against the team. If the donor is not restricting where the student attends there is not a competitive advantage.

5. (L) Simplification in this area is welcomed by both athletic and financial aid departments and we feel it is fairer to the students to allow them to receive these awards.

6. (M) We did not believe that a dollar figure or scholarship max. would be necessitated. Most awards of that would fall into this category are nominal. If 3-a were to be enacted, however, a more realistic dollar figure would be $3K - $5K (instead of $1000) and an athletic scholarship limit of 50% or less. All participants felt that the language "from a continuing and established program" be incorporated into either concept.

7. (N) However, we are still concerned about the ambiguous understanding of what "no direct connection to institution" means.

8. (O) Preferred over 3-a. This would help reduce the financial aid office's work. As long at the COA (cost of attendance) is stipulated as the max, which I didn't see as a criteria.

9. (Q) We would favor exemption of any and all outside aid, provided it was merit or need-based, not connected to the institution, and having no restriction on choice of institution. We're not in support of the thresholds. Would the thresholds not have the unintended effect of coaches only offering someone, for example, 25% aid instead of 30% or 40%, with the hope that other aid would be forthcoming and to maintain the student-athlete's eligibility for other aid? There really should not be a nexus between the aid a coach determines a student-athlete deserves and what other aid that student-athlete is eligible to accept.

10. (T) We would like the addition of a maximum award limit (e.g., $1,000 or below). This is the better proposal for our institution. I would much prefer to see all outside scholarships exempt than base it on a dollar value. This concept would provide the most headway in regards to eliminating unnecessary compliance requirements, and financial aid office requirements, while putting the welfare of the student-athletes first. The issues that Bylaw 15.2.6.4 looks to regulate are already heavily monitored by safeguards already put in place. Further, we believe that no student-athlete should be able to receive more than the cost of attendance to an institution. Finally, we prefer having a limit on the outside grant's amount.

11. (U) If a student can receive the award at any institution, then they should be able to accept the award without it counting against team limits. The deregulation of outside

awards is an absolute must for the equivalencies and walk on student athletes well being. In these economic hard times, the students desperately need the money and many of the Universities could use the help as well, as there would be one less student to try and fund.

12. (X) Support, but only if the financial aid model concept proposed by the institution is not supported. We prefer 3-b to 3-a. We are supportive of deregulation in the area of outside scholarships as many student-athletes (scholarship and especially non-scholarship) are required to surrender outside scholarships in order to participate in intercollegiate athletics. This is a well-being concern as many of them are in desperate need of any additional educational funds to reduce the amount of loans they acquire. However, in order to address competitive inequity concerns the only way we can see to do this is to allow all sources of permissible aid to be awarded up to cost of attendance.

    We have concerns related to abuse and institutional inequities in how each institution verifies that the parameters are met to exempt the award. Currently, it is not a legislated requirement although many institutions do have mechanisms in place. Ensuring that NCAA legislation stipulates requirements that you verify the provisions are met in writing may help limit the potential for abuse. This premise is consistent with other financial aid regulations, more administrative standards and guidelines will help deter inaccurate application across the board.

    We also ask that there be further explanation for what constitutes a "direct connection to the institution." For instance, if a student-athlete receives an outside scholarship from one of our institution's sponsors, will that result in the scholarship as being countable because there is a direct connection to the institution? If so, we would suggest that scholarships from institution's sponsors be exempt as long as it can be demonstrated that the institution had no involvement in the identification of the recipient. There are several prominent sponsors for more than one institution that may have legitimate scholarship programs and we would like to permit our student-athletes to receive them as long as appropriate parameters are in place that it is not abused.

<u>Oppose</u>:

1. (E) We see too much potential for abuse.

2. (J) We believe any type of aid that has an athletic criteria should count to prevent abuse through the creation of new scholarship sources by institutions with more money or bigger donor bases.

3. (W) Oppose, provided the change is intended to alter the application of all outside financial aid. The Current Legislation section specifically addresses Bylaw 15.2.6.4, so is this concept intended to apply only to this Bylaw or to all forms of outside aid? If this

concept is intended to alter all outside aid legislation to this standard, it would allow some student-athletes to receive aid they previously had to reject, but it would also require some previously permissible aid to become countable or be rejected. If intended to capture all outside aid, we would prefer an option that would allow for the aid to be permissible but countable aid such as the alternative offered in comments on 3-a.

Concept No. 4: Allow student-athlete to replace his or her athletics financial aid agreement (on student-athlete's own initiative) with a more favorable institutional financial aid package before becoming a counter for the academic year.

This concept was strongly endorsed by the cabinet.

Responses: Support - 18; Oppose - 0; No Position - 11.

Support:

1. (B) Every year we have student-athletes who sign an NLI in November for a book or other nominal award only to find when they receive their university award in April that they could have received more from the university. Under current legislation, they cannot turn down the book award to receive the large university award. This would go a long way to improving student-athlete welfare. We would like to see legislation that does not mandate the team be at its limit in order for the student-athlete to exercise this choice.

   Our financial aid office also favors this concept because they do not aware student-athletes at a time where they can make an informed decision regarding athletic aid versus institutional aid. This concept would alleviate the guessing game for student-athletes.

2. (C) However, we are concerned about the pressure from coaches to relinquish athletics aid to receive the more favorable package.

3. (N) However, There needs to be language that addresses change of circumstances after the academic year begins. Often students' families have life-changing events that occur unexpectedly (e.g., death of a parent, loss of a job, natural disaster, etc.) which dramatically and suddenly change the financial pictures. We strongly encourage the committee to examine a way to allow for a student-athlete to replace his or her athletics agreement with an institutional financial aid package based on a change of circumstance. This may mean an institutional committee or such that reviews these types of requests. But for the families who experience such unexpected financial woes, forcing them to make a choice between staying in school or participating in sports in unfair.

We also encourage the cabinet to consider reviewing the NLI implications of a student-athlete choosing to replace his or her athletics aid with institutional aid. Currently if a student signs an NLI with an institution, as soon as he or she decides to take a more favorable institutional financial aid package, the institution must rule the NLI null and void – thereby releasing the student from the ties of the NLI. It is an unnecessary administrative burden to void the NLI, as well as allowing the student to enroll at any institution without penalty.

4. (O) We actually already wrote this into our financial aid agreement because in a previous situation where someone on books could not receive a more favorable financial aid package, a student was negatively impacted. I do like that this would be written into the bylaw.

5. (V) Due to our state providing pools of grant funds at various times throughout the academic year, we would rather see a rule that allowed a student-athlete to replace his/her athletic agreement with a more favorable institutional package before or after becoming a counter. If Concepts #1 and #2 are adopted, it appears this concept would not be needed.

6. (X) Support, but only in connection with the financial aid model concept proposed by the institution.

7. (Z) The simple addition of a condition written into the athletics scholarship agreement should not be a requirement when it comes to something that assists both the institution and the student-athlete. This is a student-athlete welfare issue that should be legislated as quickly as possible.

8. (BB) It would provide flexibility but we would guess that the nonathletics aid would have to be substantially larger than the athletic amount as students enjoy the "prestige" of being on an athletic scholarship. Further, athletics aid in generally appears to be easier to renew than some nonathletic aid criteria.

No Position:

1. (D) Our institution currently has a statement within the language of the grant-in-aid agreement that specifies the authorization of declining athletic financial aid in order to keep the institutional aid. However, we recognize that other institutions may not follow the same policies and may abuse this type of a system in order to ensure that more athletic aid is available, which could ultimately lead to stockpiling.

2. (F) I would hope that changing what is countable aid would remove the need for this proposal.

3. (T) Institutions that award need-based aid only, which eliminates any undue influence that the athletic department could have on the institutional aid package, support this and agree the student-athlete should have this option. However, others noted that this would allow teams to exceed limits with need-based aid and that this concept is unnecessary if institutions calculate projected need before awarding athletic aid.

Concept No. 5: Revise NCAA legislation related to academic merit awards/scholarships to specify a 3.000 grade-point average as opposed to a 3.300 grade-point average (see Bylaws 15.5.1.2.2 and 15.5.3.2.2.2).

This concept was strongly endorsed by the cabinet.

Responses: Support - 16; Oppose - 4; No Position - 9.

Support:

1. (D) Our institutional standards of academic merit based awards / scholarships are more restrictive. As a result, our institutional standards supersede NCAA policy.

2. (F) A 3.3 is too strict. A 3.0 is more consistent with non-athletic academic scholarship standards.

3. (J) We believe that these types of awards/scholarships should be dealt with in the same way as academic honor awards.

4. (P) However, there was considerable concern that this would make it easier to give financial aid at a number of less selective schools and this could hurt selective schools. On the other hand, some felt that any student-athlete who earned a 3.0 given the demands place on them should qualify.

5. (W) We would prefer that such aid not count in team limits or against the individual cost of attendance limit provided the aid is not athletically based.

6. (X) Support, but only if the financial aid model concept proposed by the institution is not supported. We are supportive of this concept from a student-athlete well-being standpoint, but it has concerns from a competitive equity standpoint. Institutions that have a large amount of academic scholarships would have an advantage. Again, theoretically this is the right student-athlete initiative, but to balance competitive equity we think our financial aid model addresses both student-athlete well-being and competitive equity.

Oppose:

1. (L) We feel 3.00 is too low. We would be comfortable with a 3.25.

2. (N) We do not offer academic merit awards/scholarships, but lowering the threshold for the GPA is of concern.

3. (T) The higher GPA requirement supports that the award is actually based on academic merit. Criteria for most of these kinds of scholarships is higher than 3.0. Some institutions do not award academic merit awards after a student is enrolled so this would not apply to them – placing them at a competitive disadvantage. Each institution should be able to mandate the criteria necessary for academic merit to be received.

Concept No. 6: Exempt state merit-based aid that is administered by an institution provided the awarding criteria satisfy the academic honor award or institutional academic scholarship legislative requirements (see Bylaws 15.5.1.2.2, 15.5.3.2.2.1 and 15.5.3.2.2.2).

[NOTE: The cabinet also discussed exempting state merit-based aid that is administered by an institution regardless of the awarding criteria; however, this concept was not supported by the cabinet. The cabinet would, however, like feedback from the membership regarding whether there is support for such state merit-based awards being exempted from counting against team limits regardless of the awarding criteria.]

This concept was strongly endorsed by the cabinet.

Responses: Support - 15; Oppose - 2; No Position - 12.

Support:

1. (D) Merit based aid has specific qualifications that need to be met in order to receive the aid. As a result, the aid is awarded without regard to athletics. In our view, any aid that is awarded without regard to athletics should be restricted by cost-of-attendance but not by team limits.

2. (F) I think if you exempt state merit-based aid that is administered by the institution, students will not have to choose between accepting their athletic aid versus the merit-based or need-based aid from their institution.

3. (H) But, we would like a comparison of what is available as our funding is low.

4. (M) Not applicable at our institution, but we would recommend a 3.0 continuing GPA to be consistent with other financial aid requirements.

5. (O) Not sure what state awards our institution administers except for the guidelines set forth for a specified state grant.

6. (X) Support, but only if the financial aid model concept proposed by the institution is not supported. And, only if there are provisions surrounding the awarding criteria of state merit-based aid.

7. (BB) No federal or state aid at our institution uses institutional criteria, so we never understood why this counted in the first place.

Oppose:

1. (L) State based aid varies significantly and it would put states that do not have strong programs at a significant disadvantage.

2. (P) We do not believe this provides sufficient protection against abuse, and this benefits a certain group of schools over selective state institutions. We also believe that this proposal needs significantly more data about the expected range and extent of these awards.

No Position:

1. (C) Our state does not offer state merit-based aid.

2. (I) No institutional impact.

3. (T) This type of aid is not a common source of financial aid at our institution.

Concept No. 7: Allow institutional standards applicable to all students in general to govern institutional academic merit awards/scholarships.

The cabinet was divided over this concept.

Responses: Support - 11; Oppose - 7; No Position - 11.

Support:

1. (D) We already have standards in place that are higher than the NCAA regulations. However, we do have a concern that institutions with lower standards may create a recruiting advantage.

2. (E) It would support institutional autonomy, and reduce confusion for not only compliance, admissions, and financial aid professionals, but most importantly student-athletes and parents. A continual battle every year is explaining the difference between countable and non-countable academic aid. The current model creates confusion during signing periods, renewal periods, and general recruiting. This would be the biggest step toward treating student-athletes as part of the general student population.

   Additionally, this would reduce enough bureaucracy to make a real impact on the campus from a financial standpoint. Like many institutions, we have financial aid officers whose full time job is to work on only student-athletes' accounts and spend a great amount of money training these individuals, sending them to Regional Rules Seminars, etc. If passed, this concept would likely reduce the necessity of athletics specific financial aid personnel and training costs.

3. (F) This is the issue that I feel strongest about. As a coach at an urban private institution, tuition and housing is very expensive. For many student-athletes, a 50%-75% athletic scholarship offer is still not financially affordable in this trying economy. There is a huge need for merit and need-based aid from the institution in addition to athletic scholarship money. I believe it is in the student-athlete's best interest to have this aid not count against an institution's scholarship limit. Many programs are awarding athletic aid, and not allowing their student-athletes to accept other merit and need-based aid awarded by the institution, since that would put the team over their scholarship limit. This is very troublesome. If a student has need, playing sports should not inhibit them from receiving other needed or earned aid from their chosen institution.

4. (H) What about those awards that include additional criteria?

5. (J) Since these types of awards/scholarships would be administered by the institution, we see little possibility of abuse.

6. (M) Participants felt this will treat all students on campus equitably, good for SA welfare. The overriding factor was consistency with the regular student population – a certain institutional scholarship requires a 2.5 GPA (as opposed to a 3.0 GPA) to be renewed. Given current NCAA regulations, student-athletes who have between a 2.5 and 3.0 have to turn down this award, but the regular student would not have to.

Oppose:

1. (B) The potential for institutional abuse is too high. It would essentially create a free-for-all when it comes to institutionally-awarded scholarships.

2. (L) Too much variance from institution to institution.

3. (P) We believe this does not have sufficient safeguards against abuse and would significantly disadvantage several classifications of schools.

4. (V) We would rather see uniform standards for all NCAA institutions (e.g., 3.0 GPA requirement) instead of allowing each institution to follow institutional policy.

5. (W) Due to the disparity in the amount of financial aid available from one institution to the next and the awarding criterion for such aid.

6. (X) Prefer the financial aid model concept proposed by the institution. We have considerable concern regarding this concept inasmuch as it places us more at a disadvantage than we already are in this category. Due to the University's status as a research institution, funding that could potentially be used to offer larger and more numerous academic awards to incoming and continuing students is instead often applied to the pursuit of academic endeavors within individual departments. Since many other universities offer their students more academic merit scholarships/awards this will provide more incentive for recruits to attend other Universities that can offer them more institutional scholarship opportunities, especially for our equivalency sport recruits. This is already used against us in the recruiting process and will be more so if this is opened up to this degree, especially with the cost of tuition increasing in the current state of our economy. Recruit's parents are going to encourage their son/daughter to go where they can get the most scholarship dollars even if that institution may not be the best fit for them academically and athletically.

7. (BB) This concept is prime for abuse. Allowing institutions to establish the benchmark for "merit" is extremely risky. The merit benchmarks need to be the same for all schools, not by institution criteria. This concept provides the "haves" a significant advantage over the "have-nots".

No Position:

1. (I) No institutional impact.

2. (T) This is currently the practice at some institutions, but the academic merit criteria has a higher GPA standard. Athletic academic standards at this time appear to be more lenient

than the federal and/or institutional standards (1.80 vs 2.00) and the standards should be consistent for all students. Also, this concept may cause inequity amongst schools and/or states. And, it could negatively impact higher-end academic institutions.

Concept No. 8: For sports other than basketball and football, exempt all institutional need-based aid from counting towards team limits.

The cabinet did not endorse this concept.

Responses: Support - 6; Oppose - 14; No Position - 9.

Support:

1. (B) Institutional need based aid based on Pell Grant eligibility as determined by Federal Methodology should be allowed to student-athlete, and should not count toward individual or sport limitations. We believe bylaws could be written in such a way as to help the neediest student-athletes.

2. (D) Overall, we agree that institutional aid that is awarded without regard to athletics should only count against the cost of attendance limit and not team limit and the rule should apply for all sports.

3. (J) We feel that any type of need-based aid should be exempted from counting in team limits in all cases.

4. (M) The one fear was the "influence that athletics could have" when determining overall aid packages. On our campus, this would not necessarily be the case, but some private schools may have greater flexibility. It was currently pointed out that the schools that already have greater resources (and/or flexibility) relative to academic awards can already provide greater packages to students who already meet the NCAA academic requirements to exempt aid from team totals.

5. (N) The regulations of the financial aid industry, along with the significant audit requirements, should minimize any concerns over improper awarding of need-based aid. The cabinet expressed a concern over the ability of a private versus a public institution to provide more aid. Currently, students are not making these decisions by comparing an apples-to-apples financial aid offer. A public institution may be able to offer the student a greater amount of academic aid and combine it with athletic scholarship, while a private institution would only be offering athletic scholarship because the student cannot accept additional aid based on their family's financial need. Why should institutions who only offer aid based on a family's financial need be disadvantaged? Students should be

allowed to make an educated decision about where to attend college by comparing a true apples-to-apples offer, which may include all forms of aid.

6. (AA) Do not exclude football and basketball from this concept.

Oppose:

1. (H) We do not like having a separate rule for football and basketball.

2. (K) It is open for abuse. Coaches will try to get aid office to award the best packages to their students. Why is that a problem? The rule can only be effective when the aid office signs off that the aid was given without regard to athletic ability. Having coaches pressuring aid office for better packages violates the intent of the rule.

3. (P) We believe this is a standing invitation to massive abuse and undermining competitive equity.

4. (W) We do not support any new rules that single out football or basketball student-athletes for enhanced scrutiny, especially this one, which does not eliminate the potential for financial aid malfeasance but merely drives it into areas where no one from the institution is likely to discover it. Basketball and football student-athletes are often the student-athletes with the most need and also the ones with the most individuals wanting to help them inappropriately because of the inability for institutions to award additional aid. Allowing institutions to award all student-athletes aid available to all students and on a basis solely on need, serves the mission of the NCAA and could potentially alleviate NCAA infractions.

5. (X) Oppose, and prefer the financial aid model concept proposed by the institution. We have a concern with abuse of this concept. We recognize this is a student-athlete well-being issue and is the appropriate thing to do for that reason so support in that regard. However, there are some significant competitive inequities across institutions that drive our opposition. Specifically, there are some states that have legislated aid that fits this category and it is used in the recruiting process to lure recruits from their state rather than going out of state. We might be more supportive if there were provisions that required legislated state grants to count against the team and individual limits. This may help encourage student-athletes to go out of state should they so desire and not feel obligated to stay in-state because they might be able to get more scholarship dollars.

   Moreover, there are universities with more flexible "special admissions" who get student-athletes they might normally want to offer aid to but do not have enough in their team limits admitted and they secure them by offering/guarantying the student-athlete quite a bit of need-based aid as a supplement for not offering them athletics aid. This is not even

an option at our institution due to our admissions criteria and extremely limited institutional need-based aid.

Additionally, there are concerns with the discrepancies used in the determination of "need" from one institution to the next. It would be reasonable if a consistent standard for determination of "need" was used across the board (e.g., Federal Methodology).

6. (Z) Would give a distinct advantage to institutions who have large amounts of need-based aid available for students.

7. (BB) Institutional definitions of need-based aid can vary significantly. There are no safeguards in this concept as presented.

No Position:

1. (O) I understand that there may be some institutions that may have the potential to be positively affected if this were to be passed. Additionally, if passed would create a lot of paperwork and increase work of the financial aid office in determining all recruited student-athletes financial aid situation. Not sure is this implies mixing of athletic aid and need-based institutional aid.

2. (T) This concept will ease the administrative burden of tracking students and certifying they are non-counters. And, aid should be exempt if athletics is not a major criteria. But, there is a potential for abuse. Although it would be a benefit for student-athletes, this concept would significantly add to an already uneven playing field among institutions and the level to which they distribute need-based aid.

Concept No. 9: Permit athletics scholarships to be awarded up to the value of cost of attendance.

The cabinet did not endorse this concept.

Responses: Support - 3; Oppose - 17; No position - 9.

Support:

1. (B) We support athletic scholarships to cost of attendance in concept, since the cost of attendance is the true expense of college, not merely tuition and room and board. We do, however, understand the fiscal ramifications might override student-athlete welfare in this case. For an institution like ours, this change could cost a million dollars a year.

2. (H) But, only "wealthy" schools could afford this. Would schools start using SAOF for this? Plus, saying "Current NCAA rules do not prevent those who demonstrate financial need from receiving the full cost of attendance through other means" really only means up to COA through other exempt aid.

3. (X) Partial support, but only if the financial aid model concept proposed by the institution is not supported. We are theoretically supportive of this concept, due to the benefits for student-athlete well-being. However, we have concerns as it relates to the negotiations that will ensue in the equivalency area and in the fact that this allows for greater manipulation of facts in the recruiting process.

Oppose:

1. (D) First of all, schools that do not have a large endowment base for athletic scholarships would not be able to compete with those that do. Second, schools that have different cost of attendance budgets could manipulate the numbers more readily without consequence.

2. (J) We see an issue of not all institutions being able to do this which could create recruiting advantages for the schools that could do this.

3. (K) It is too expensive. Additionally, by allowing each school the authority to increase students COA, making the amount of the scholarship variable based upon each student's circumstances. The ability for abuse is large. All students have access to low interest loans if they need them. Not having ALL your cost covered by your athletic scholarship should not be a problem. SAs have access to alternative funding.

4. (M) The idea was that the students with need already have options such as Pell Grants or other grants to get the money that they would need. This was seen as unnecessary by the participants. In addition, the costs to athletics programs would be substantial.

5. (O) This would create and enormous strain on most Athletic Department's budget. This would be about a $2500 per student amount that the budget would have to pay for. For about 120 student-athletes this would be $300,000. This is less than what we would actually end up having to pay but is an example of what the budget would have to include.

6. (P) We believe this is an aspiration but financially unattainable at this time.

7. (T) May cause inequity amongst schools and/or states. This concept would increase the budget for athletic aid and institutional aid overall. This would have an additional financial impact for the miscellaneous or non-billed costs, but it would be standardized and subject to the same costs of attendance used for all students.

8. (W) It would be far better to stop irrational distrust of non-athletic institutional aid and cheaper for the institution's athletics department.

9. (BB) Institutions are struggling across the country with financial resources. This would an irresponsible approach to reigning in the costs of athletics on college campuses. Significant advantage of "haves" over "have-nots".

Concept No. 10: Allow recruited basketball and football student-athletes to receive institutional financial aid granted without regard in any degree to athletics ability and compete without becoming a counter.

The cabinet did not endorse this concept.

Responses: Support - 9; Oppose - 8; No Position - 12.

Support:

1. (B) We support this concept because currently academically high achieving basketball and football student-athletes who are not athletically gifted enough to warrant an athletic scholarship cannot be recruited. If they are recruited, then they cannot participate without costing the program a scholarship. This leads to the manipulation of the recruited status of student-athletes and prevents programs from truly recruiting top tier academic/second tier athletic student-athletes. An alternative solution would be to define "recruited" more narrowly (i.e., student-athletes receiving athletics aid in their first year, or prospects who took official visits).

2. (H) Too many kids have suffered due to this rule and it does not have the impact that it was intended to have. A data review needs to be done to see just how many student-athletes qualify.

3. (J) If the aid/award is not based on athletics ability, we do not feel that the sport should be "penalized" for adding this type of student-athlete to the roster.

4. (M) This is consistent with the other proposed concepts and in-line with regulations for other sports. A coach can currently "recruit a student-athlete" without necessarily making him/her by NCAA definition a "recruited student-athlete" if the coaching staff is savvy. Rules are already in place limiting official visits and rules currently allow for unlimited e-mails (thus replacing the need for phone calls). So this rule is somewhat outdated.

5. (Q) Every rule in the NCAA manual is subject to abuse. If a student-athlete is eligible to receive non-athletics aid, she should be able to accept it. It's a credit to her, her family,

support structure that she has qualified for such aid and she should not be penalized just because she is an athlete. If the aid is certified as having no athletics nexus by the financial aid office and the FAR, that should be sufficient for the NCAA's purposes.

6. (U) There is absolutely no reason to treat football and basketball players differently from other student athletes. You either have a reputable athletic program or you don't. My understanding is that since caps have been put on teams the stockpiling that this was set up to stop is no longer a concern.

7. (W) Where is the evidence to support "the potential for abuse?" Is the abuse not the same for all sports? This is only paranoia identical to the paranoia provided prior to other financial aid changes that have proven to be unfounded paranoia.

8. (X) Partial support, but only if the financial aid model concept proposed by the institution is not supported. We are theoretically supportive of this concept, due to the benefits for student-athlete well-being. However, we have concerns as it relates to the competitive equity issue.

9. (BB) Safeguards that are in place to protect Olympic Sport student-athletes are certainly strong enough to protect football and basketball student-athletes. This would stop "punishing" kids simply for the sport they play.

Oppose:

- (D) The rules should be consistent for all sports. In addition, recruiting status should be irrelevant and independent of the institutional financial aid process.

No Position:

1. (N) Our institution requests that the cabinet further examine this issue. Student-athletes should be allowed to participate, without regard to their family's financial situation. Particularly if concept no. 4 moves along further in the process, there may be more students who are able to accept a more favorable institutional financial aid offer, but then be forced to sit on the sidelines as a result of his or her family's financial situation. Currently, we have a student-athlete in just this situation. He is a dual sport student-athlete (football is one of the sports) receiving only need based aid. Currently, he isn't good enough to start for the football team, but he may have the opportunity to get in a game late in a game in the future. As his family has significant need he is accepting a need-based scholarship awarded by the University without regard to his athletic ability. In that rare moment on the sidelines of a football game, the coach may have to look at this student and say, I know you are able to go in and play, but I can't let you because your family is too poor. This is unacceptable.

2. (O) This would work at our institution, however, we would have to assume that all institutions award aid as ours does and we don't know for sure that they maintain the same standards that we do.

3. (T) It would ease the administrative burden of tracking financial aid and playing time if all sports were counted the same. We note that our institution may not have as many concerns about abuses as others based on our financial aid policies and our recruiting policies. But, there is the potential for abuse.

   We would support this once the legislation that defines a recruited student-athlete has been addressed. We believe this concept could result in the exploitation of the current definition; however, the concept would positively impact the well-being of student-athletes and significantly decrease compliance monitoring.

Other concept to be explored:

The cabinet is awaiting feedback from the NCAA Division I Recruiting and Athletics Personnel Issues Cabinet on whether it has concerns about a potential change to the definition of recruitment for the purpose of evaluating financial aid. The current definition impacts how counter status is determined and the Awards, Benefits, Expenses and Financial Aid Cabinet is considering suggesting a definition of "recruited" for financial aid purposes that may be different than the current definition in Bylaw 13. The Recruiting and Athletics Personnel Issues Cabinet will continue their discussion on this item at its February meeting.

Feedback:

1. (F) I think the cabinet should closely examine the time-line of recruiting for a typical athlete. Often athletes are receiving and accepting athletic aid offers in their sophomore and junior years of high school, well in advance of when academic, state, federal or institutional aid can be estimated or offered. Therefore, due to the accelerated climate of athletic recruiting, parents and student-athletes are forced to make major financial decisions, prior to having all pertinent information from multiple sources. They may not know what kind of state, federal and institutional aid they could qualify for. They are being told they must turn this countable aid down, or not even pursue this countable aid due to current regulations.

2. (N) We are concerned about creating too many different definitions of "recruited." Recently action has been taken to create a different definition in the sport of men's basketball. We are extremely concerned about creating multiple definitions of "recruited" such that it will confuse matters more than help clarify situations.

3. (V) Regarding the definition of "recruited," I would like part (c) of 13.02.12.1 to be rewritten. I think there is confusion amongst the membership as to what "for the purpose of recruitment" means. I always have thought that if you make two calls to a prospect, regardless of the reason for the call, it makes the prospect "recruited." But I know some schools interpret it to mean that if you make calls to a prospect who has committed to walk-on at your institution and you only talk about administrative things such as admissions applications, housing applications, etc., it does not trigger "recruited" status. Maybe the rule could state that if you make more than one call to the prospect prior to being admitted, you are "recruited." It is also difficult to monitor, of course, and it is somewhat disconcerting to rely on what the student-athlete and the coach report on various forms.

4. (W) Adding a change to the definition of recruited for Bylaw 15 is a bad idea, adds fuel to those who would ridicule NCAA Bylaws for needless complexity, and is just one more example of the bad legislation that occurs when its rationale is suspicion and fear that has no basis in fact. Recruited for purposes of one section of the bylaws should be the same for all sections. Having multiple definitions for the same term only creates confusion and ultimate institutional error and more work for the institution and the Association due to the increased number of waivers likely to be filed because of institutional error, resulting in a detrimental outcome for the innocent student-athlete.

5. (X) Institutional questions and comments on creating a separate definition of "recruited".

   a. With the increased use of unofficial visits for recruiting purposes (e.g., Junior Days), should unofficial visits be considered as a potential trigger?

      Comments: As unofficial visits are presently defined, no. Unofficial visits have become a major factor of the recruiting process where many prospects experience an atmosphere similar to an official visit; however, there are still unofficial visits where prospects have minimal interaction with the coaches (e.g. attending a home athletics event and leaving without ever talking to a coach, showing up on campus on their own volition, etc.). If an unofficial visit involved a significant recruiting effort on behalf of the institution it should trigger recruited status, but it is not realistic to include every unofficial visit as currently defined as that would essentially make most prospects "recruited" although they truly are not in most regards. A possible way to approach the inclusion of unofficial visits as a trigger for being a recruited prospect, is to redefine an unofficial visit. Then place a limit on the number of unofficial visits (e.g., 2) and/or make the provision that if an unofficial visit occurs in conjunction with other prospects on "official" visits be a trigger for a prospect being considered recruited. Possible avenues for further redefining what constitutes an unofficial visit might be the fact that it is a pre-arranged visit, the PSA meets directly with a coach or athletics staff member in

excess of a greeting, the PSA participates in permissible entertainment activities regardless of if paid at his/her own expense, etc.

b. Is the trigger based on the initiation or arrangement of a telephone call on more than one occasion in subpart (c) still appropriate given that prospective student-athletes may call a coach an unlimited number of times and given the increased use of e-mail to communicate?

Comments: Initiating more than one phone call to a prospect should be a trigger of recruitment, although in practice it can be difficult to determine. In theory, if a prospect was not recruited the coaches would not have their phone numbers listed in their call logs. Therefore, in order to verify whether or not a prospect has been called more than once rather than simply take the word of the coaches and PSA, the compliance staff must obtain all numbers associated with the prospect and run them through all phone records to find a match. Although the determination can be an undue burden at times, multiple phone calls should continue to trigger recruited status. E-mails should remain out of the equation since they are impossible to monitor and easy to delete.

c. With an increasing number of prospective student-athletes receiving athletically related financial aid to attend a summer session prior to initial full-time enrollment, should the provision of this aid trigger recruitment? And

Comments: Yes – the provision of summer athletics aid should trigger recruitment of a prospect.

d. What other actions should be considered as a trigger of recruited status?
Comments: Possibly a combination of unofficial visits and comp admission as a trigger and not just the unofficial itself. Another could be an overnight stay or meal during an unofficial rather than just an unofficial visit.

e. Given the impact any modification would have on other areas of legislation (e.g., eligibility, transfer status), the cabinet could recommend that the Awards, Benefits, Expenses and Financial Aid Cabinet propose an alternative definition of a counter so that it is no longer based on the definition of a recruited student-athlete within Bylaw 13.

Comments: We should avoid creating separate definitions for purposes of applying rules in Bylaw 13 and Bylaw 15. We would support one definition that applies to both Bylaw 13 and 15 equally. At a minimum, the definition of a counter should be simplified to ensure the legislation is applied consistently across all member institutions.

Miscellaneous Feedback

1. (A) While generally supportive of the effort, a few concerns were expressed. First, our membership felt that any new model must not change the types of aid that can be counted toward Division I membership minimums under Bylaw 20.9.1.2. In other words, institutional aid that may be exempted under a new model should still be able to be counted by an institution to meet its Division I membership minimums.

   Secondly, members expressed some concern that exempting certain types of aid would limit an institution's ability to "package" aid for student-athletes and could end up increasing scholarship costs for institutions. In this time of economic uncertainty any proposal that would increase expenses significantly would face an uphill battle.

2. (D) In general, two overarching perspectives emerged during our discussion. First, we support the cabinet and their consideration to add financial aid as a topic of review for the NCAA certification cycle. Currently, there is no direct review of financial aid in its application on campus which leads to the perception that all universities are applying the rules differently. Second, it was suggested that a standard definition of recruiting should be established for all sports to eliminate inconsistencies that may lead to discriminatory practices in specific sports (e.g., basketball and football).

3. (E) In general, we support any change to the current financial aid model which treats student-athletes as a part of the general student population.

4. (F) I am no expert in these fields, but as a coach, I appreciate being sent these documents. I am seeing more student-athletes and families facing trying economic times right now. It is heart-breaking as a coach to find talented student-athletes that love your program and institution, but cannot afford to attend. Thank you for soliciting feedback.

   I am proud of my athletes when they earn external scholarship awards. I empathize with those who have a great financial need. Our private university tries to make the education accessible for those from all socio-economic backgrounds. I think from a social justice standpoint, we need to make all Universities; state, public and private accessible. The current format deters those from lower economic backgrounds from having the ability to attend expensive universities as student-athletes when only partial athletic aid is offered. I want to be able to recruit lower socio-economic athletes.

5. (G) Legislative change in this area is long overdue and I encourage the cabinet to take action on one of the most misunderstood and controversial Bylaws in the manual.

6. (N) We would also ask the cabinet to review the language regarding textbooks that may be included in the athletic scholarship. Technology advancements now are such that

many textbooks are offered only as cd's. Additionally faculty are exploring the use of a variety of media sources in their classrooms (e.g., DVD's, electronic participation tracking, etc.). The wording in the NCAA bylaws is too limiting to keep up with the advancements in the classroom teaching tools. We would also ask that the definition be expanded to allow the purchase of recommended/suggested textbooks through the athletic scholarship. If a student-athlete feels his/her education will be enhanced by the purchase of a recommended textbook, why should we hold him/her back? A student-athlete without need may be able to purchase these books on his/her own, however those with financial need (but receiving athletic aid) may not. This creates an unnecessary have/have not's situation in the classroom.

We commend the effort by this cabinet to examine all aspects of the financial aid model in athletics. This is an important and personal subject for so many student-athletes, and the committee's work represents thoughtful debate about these matters.

7. (P) We discussed these ideas with all the Senior Athletic Administrators as well as the Director and Assistant Director of Financial Aid. The overall level of discussions strongly supported revising the guidelines on aid in the need based categories especially where state and federal aid existed. I think the group trusted the transparency and clarity of these guidelines. There was tremendous hesitation to relax guidelines extensively around "merit." I think that many of the group deeply distrusted the ability of some schools, well off private schools and state schools with wide and extensive merit access programs, to misuse these funds to provide competitive advantage. This distrust was focused mainly at the first year level and using these funds for purposes of admission awards.

   Less concern existed about relaxing the standards for merit aid for student athletes after the first year or for a year after admission for transfer students. The group wished it had more data about the range of "merit" scholarships available at schools and the pots of money available. There was a strong sense the highly selective state schools would be significantly disadvantaged by relaxing merit requirements with significant limitations upon numbers or aid limits.

8. (S) The interest in providing additional aid to student-athletes is very commendable. So many student-athletes would benefit from additional aid. From my perspective, the challenge for the cabinet members in men's basketball is how to balance providing additional aid for student-athletes versus creating exceptions to the present head count limit of 13 scholarships.

   In reviewing the concepts listed in the materials, some do in fact create exceptions to the head count limit, which, as stated earlier, could lead to stockpiling of student-athletes, increased number of transfers and negative APR consequences. It also appears to me that

in some instances an institution from one state could be offering more financial aid to a prospect than that in another. How do we address the potential disparity of financial aid offers to men's basketball prospects? Also, if we permit individuals, foundations and others to award scholarships in men's basketball, do we open the door to recruiting violations, speculation and conjecture on how the prospect qualified for the aid he received and how did it influence his choice of institution he attends?

9. (T) Overall, we are in favor of creating a more "user-friendly" financial aid system for the benefit of student-athletes, financial aid officers and senior compliance administrators. However, due to the fact that most of our conference relies on a combination of need-based aid and athletically related grants-in-aid, we would like further clarification with regard to the impact that each of these potential exemptions would have on countable aid and the minimum institutional financial assistance that is required for Division I membership per NCAA bylaw 20.9.1.2 "Minimum Awards."

10. (X) Institution's comments and financial aid model concept.

Our institution appreciates the efforts of the committee and opportunity to present our comments on its work.

In our review the institution feels conflicted on its theoretical position to do what is best in the interest of student-athlete well-being and the reality that this position places our institution and others at a significant competitive disadvantage.

Our conflict is attributed to the fact that student-athlete well-being is paramount to our daily work and this sentiment is shared for our student-athletes and those across the country. It is apparent many of the concepts forwarded share this logic. However, reducing restrictions on the definition of countable aid and individual limits presents competitive equity concerns, when institutions do not encounter or have very limited aid sources in these outlined proposals, such as ours.

The institution is sensitive to the state of the economy and aware of the growing financial challenges for intercollegiate athletics. However, we do not see a way to address student-athlete well-being and competitive equity in tandem, unless you open up aid sources so institutions equally have opportunity to find funding to supplement its student-athletes.

We believe student-athlete most fundamental benefit is the education they receive both through academics and athletics. It is hard with escalating costs to defend that we hold student-athlete well-being in the highest regard when our funds are going everywhere, but to prioritizing student-athlete aid to be to the full cost-of-attendance.

a. **Financial aid model addressing student-athlete well-being and competitive equity:** The student-athlete limit should be cost-of attendance, as this is consistent with all college students under federal financial aid guidelines. (Concept #9)

Allow institutions to fund the cost-of-attendance through any form of permissible aid, provided it is processed through the financial aid office. This prevents institutions who have more scholarship funds available, to have an advantage if other institutions do not have the same opportunity. However, all institutions now have the opportunity to fulfill any gap presented, which does not penalize student-athletes at these institutions either.

All aid is countable except for federally-funded need-based grants. It is our belief since federal need-base grants are audited and monitored in accordance with federal guidelines and are afforded to all this is the only exception that maintains competitive equity and student-athlete well-being. It does not mean student-athletes cannot accept the aid just that it has to count.

b. **Modification of equivalency aid structure:** Currently, the equivalencies vary across institution especially for tuition/fees costs. It would be much cleaner to explore an alternative that is more straightforward. We believe you can do this with minimal budgeting impact (approximately .4 overall scholarship increase), but there are many inequities in equivalency sports in how they are calculated, and communicated to prospects in recruiting prospects, which is not in their best interest.

Streamlining the equivalency calculations would help put institutions on more of a level playing field with regard to financial aid, and service the well-being of student-athletes. Thus, we propose that equivalency sports should become a hybrid of the head-count model, similar to the concept adopted in baseball. Conduct a sport-specific review to determine the amount of full scholarships that can be awarded and the amount of scholarships to be awarded in increments no less than 25%.

It is also worth exploring whether current head count sports should be provided the same option.

c. **Require admission in regard to athletics ability trigger counter status:** Require certification by the admissions officer that a student's admission was granted without regard in any degree to athletics ability in order for a recruited or non-recruited student-athlete to not trigger counter status (Bylaw 15.5.1.1). This provision is a requirement for football or basketball (Bylaw 15.5.1.2), but all other

sports only have the requirement that the FAR and director of financial aid verify that the financial aid was not granted with any regard to athletics ability. This is currently being used to some institutions advantages especially for those that have a lot of institutional aid to offer. They may have a recruited or non-recruited (who is really recruited but did not trigger the NCAA definition of such – intentionally) student-athlete that is admitted "specially" only because of their athletics recruitment and receives institutional financial aid that is exempt because the aid was not "technically" awarded because of athletics ability. As such, a sport is able to essentially pad their roster with student-athletes who should be counted against their limits but they found a loophole in 15.5.1.1 so they are not counted. This has put our institution at a significant recruiting disadvantage for years and we believe strongly that it was merely a non-intended consequence in the legislative process that this provision was not included in 15.5.1.1.

d. **Increase of aid during period of award:** Permit an institution to increase the amount of an award for a student-athlete currently on athletics aid for any reason even if for an athletics reason. There are many instances where a coach saves their aid in equivalency sports until the spring in hopes of finding a mid-year enrollee, but later plans change and rather than the aid not be used the coach would like to increase a student-athlete already on their squad and on aid but cannot unless it is for a non-athletics reason. Since the aid is originally awarded based on athletics, it makes sense that an increase can also be made for an athletics reason. Decreases due to athletics reasons during the period of the award should remain prohibited.

11. (Y) Our institution defines need by federal methodology and does not differentiate between student-athletes and non-athletes. Our financial aid office requires different treatment of student-athletes only to the extent of additional time for the Processor to verify compliance with NCAA rules on an individual basis.

We believe that any type of need-based financial aid that requires Pell Grant eligibility as a prerequisite (SEOG, ACG, SMART) should not be subject to equivalency limitations. These awards are given without regard to the student's athletics ability and are based solely on demonstrated federal need. The institution would even be willing to have our Financial Aid Administrator attest to this in a written form, similar to the way the Faculty Athletic Representative has to sign off on non-counter verification.

The most difficult aspects of handling financial aid is explaining to students and guardians the reduction of a student-athlete's aid due to team limits.

We would also like to agree with those who claimed that it is burdensome for financial aid officers to balance the NCAA regulations and the Federal Financial Aid regulations.

Sometimes the NCAA regulations are more restrictive and we can do less for student-athletes than we could for non-athlete students with the same demonstrated federal need. It's very frustrating particularly when you know a student really needs the money!

Legislative Proposals for Review by NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2009-12-A	PERSONNEL -- DEFINITIONS AND APPLICATIONS -- UNDERGRADUATE STUDENT-ASSISTANT COACH	NCAA Division I Recruiting and Athletics Personnel Issues Cabinet	August 1, 2010	To permit a student-athlete to serve as an undergraduate student-assistant coach at the institution at which the student-athlete most recently participated in intercollegiate athletics, provided the student-athlete is currently enrolled at the institution as a full-time undergraduate student who has exhausted his or her eligibility in the sport or has become injured to the point that he or she is unable to practice or compete ever again; further, to specify that the limit of undergraduate student-assistant coaches in each sport shall be the same as the limit of countable coaches permitted in the sport.	Forwarded for membership review and comment.
2009-12-B	PERSONNEL -- DEFINITIONS AND APPLICATIONS -- STUDENT-ASSISTANT COACH -- ELIMINATION OF FIVE-YEAR ELIGIBILITY PERIOD	NCAA Division I Awards, Benefits and Expenses and Financial Aid Cabinet	August 1, 2010	To eliminate the requirement that a student-athlete, who has exhausted his or her eligibility in the sport or has become injured to the point that he or she is unable to practice or compete ever again, may only participate as a student-assistant coach within his or her five-year eligibility period.	Defeated.
2009-28-A	RECRUITING -- CONTACTS AND EVALUATIONS -- TELEPHONE CALLS -- OFFICIAL AND UNOFFICIAL VISITS -- OFFERS OF FINANCIAL AID -- TRYOUTS -- WOMEN'S SOCCER	Southeastern Conference	August 1, 2010	In women's soccer, to revise or establish restrictions related to contacts, telephone calls official and unofficial visits, offers of financial aid and involvement in nonscholastic-based soccer programs, as specified.	Defeated.
2009-28-B	RECRUITING -- CONTACTS AND EVALUATIONS -- TELEPHONE CALLS -- OFFICIAL AND UNOFFICIAL VISITS -- OFFERS OF FINANCIAL AID	Ivy Group	August 1, 2010	To revise or establish restrictions related to contacts, telephone calls official and unofficial visits and offers of financial aid, as specified.	Section B FBS: Defeated. Section B FCS: Referred to the NCAA Division I Recruiting and Athletics Personnel Issues Cabinet. Remainder of proposal:

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
					Defeated. Note: This proposal was defeated out of deference to the current review by the NCAA Division I Recruiting and Athletics Personnel Issues Cabinet of issues related to early recruitment. The council anticipates reviewing proposals developed by the cabinet in the 2010-11 legislative cycle.
2009-29	RECRUITING AND ELIGIBILITY -- FOUR-YEAR PROSPECTIVE STUDENT-ATHLETES -- PERMISSION TO CONTACT AND TRANSFER RELEASE -- RESPONSE TO REQUEST AND HEARING OPPORTUNITY	Big South Conference	August 1, 2010	To specify that if an institution receives a written request from a student-athlete to permit another institution to contact a student-athlete about transferring or a request for a release in conjunction with the application of the one-time transfer exception, the institution shall grant or deny a request within seven business days of receipt of the request; further, to specify that if the request is denied, the institution shall conduct a hearing and provide written results within 15 business days of receipt of the student-athlete's written request and that the student-athlete shall be provided the opportunity to appear in-person or via telephone and actively participate in the hearing. To also specify that if the institution fails to respond to the student-athlete's written request or fails to conduct the hearing or provide written results within the specified time period, permission to contact or	Forwarded for membership review and comment.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
				the transfer release shall be granted by default and the institution shall provide the written permission or release to the student-athlete.	
2009-47-A	RECRUITING -- LETTER OF INTENT PROGRAMS, FINANCIAL AID AGREEMENTS -- WRITTEN OFFER OF AID BEFORE SIGNING DATE -- FOOTBALL	Big East Conference	August 1, 2010	In football, to specify that prior to August 1 of a prospective student-athlete's senior year in high school, an institution shall not provide a written offer of athletically related financial aid or indicate in writing to the prospective student-athlete that an athletically related grant-in-aid will be offered by the institution.	FBS: Defeated. FCS: Forwarded for membership review and comment.
2009-47-B	RECRUITING -- LETTER OF INTENT PROGRAMS, FINANCIAL AID AGREEMENTS -- WRITTEN OFFER OF AID BEFORE SIGNING DATE	Ivy Group	August 1, 2010	To specify that prior to August 1 of a prospective student-athlete's senior year in high school, an institution shall not provide a written offer of athletically related financial aid or indicate in writing to the prospective student-athlete that an athletically related grant-in-aid will be offered by the institution.	Forwarded for membership review and comment.
2009-48	RECRUITING AND FINANCIAL AID -- LETTER-OF-INTENT PROGRAMS, FINANCIAL AID AGREEMENTS -- LETTER OF INTENT RESTRICTION -- LIMITATION ON NUMBER OF SIGNINGS -- BOWL SUBDIVISION FOOTBALL	Southeastern Conference	August 1, 2010	In bowl subdivision football, to specify that there shall be an annual limit of 28 on the number of prospective student-athletes who may sign a National Letter of Intent or an institutional offer of financial aid from the initial signing date of the regular signing period of the National Letter of Intent through May 31.	Defeated an amendment to specify that the annual limit on the number of prospective student-athletes who may sign a National Letter of Intent shall be three more than the maximum number of permissible awards (per Bylaw 15.5). Adopted.
2009-66	ELIGIBILITY -- TRANSFER REGULATIONS -- FOUR-YEAR COLLEGE TRANSFERS	Southeastern Conference	August 1, 2010	In tennis, to specify that a transfer student from a four-year institution who enrolls at the certifying institution as a full-time student after the	Adopted.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
	-- COMPETITION OR RECEIPT OF ATHLETICALLY RELATED FINANCIAL AID IN YEAR OF TRANSFER -- TENNIS			conclusion of the first term of the academic year and qualifies for an exception to the one-year residence requirement shall not be eligible for competition until the following academic year if he or she has competed during the same academic year or received athletically related financial aid during the same academic year from the previous four-year institution.	
2009-68	FINANCIAL AID -- MIDYEAR REPLACEMENT -- GRADUATION DURING PREVIOUS YEAR -- WOMEN'S VOLLEYBALL	Atlantic Coast Conference	August 1, 2010	In women's volleyball, to specify that the financial aid of a counter who graduates at midyear or who graduates during the previous academic year (including summer) may be provided to another student-athlete without making the second student-athlete a counter for the remainder of that academic year.	Adopted.
2009-69	FINANCIAL AID -- MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT -- EQUIVALENCY COMPUTATIONS -- EXCEPTIONS -- ACADEMIC HONOR AWARDS -- TRANSFER STUDENTS	Mountain West Conference	August 1, 2010	To specify that institutional academic honor awards that are part of an institution's normal arrangements for academic scholarships, either based solely on the recipient's cumulative academic record from all collegiate institutions previously attended or based on the recipient's high school record and cumulative academic record from all collegiate institutions previously attended, awarded independently of athletics interests and in amounts consistent with the pattern of all such awards made by the institution, may be exempted from a team's equivalency computation, provided the recipient achieved a cumulative transferable grade-point average of at least 3.300 (based on a maximum of 4.000).	Adopted.

Proposal Number	Title	Source	Effective Date	Intent	Legislative Council Action
2009-72	AWARDS, BENEFITS AND EXPENSES -- EXPENSES FOR STUDENT-ATHLETE'S RELATIVES -- REASONABLE REFRESHMENTS	Big 12 Conference	Immediate	To specify that an institution may provide the family (e.g., parents or legal guardians, relatives) of a student-athlete with reasonable refreshments (e.g., soft drink, snacks) in conjunction with educational meetings or celebratory events (e.g., senior night) and on an occasional basis for other reasons.	Adopted.
2009-74	AWARDS, BENEFITS AND EXPENSES -- BENEFITS, GIFTS AND SERVICES -- OCCASIONAL MEALS -- LOCATION OF MEAL PROVIDED BY REPRESENTATIVE OF ATHLETICS INTERESTS	Horizon League	Immediate	To permit a representative of the institution's athletics interests to provide an occasional meal to a student-athlete or the entire team in a sport on campus or in a facility that is regularly used for home competition.	Forwarded for membership review and comment.

Eligibility for Financial Aid for Student-Athletes Who Have Exhausted Eligibility

Legislation.

Note: NCAA Bylaw 15.01.5 specifies that student-athletes must enroll initially in a minimum full-time program of studies based on the philosophy of treating student-athletes similarly as students in general. Typically, students must be enrolled full time during a particular academic term to be eligible for institutional aid (e.g., need-based, academic).

Bylaw 15.01.5 - Eligibility of Student-Athletes for Institutional Financial Aid. A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance [was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term (see Bylaw 14.1.8.2.1.3 for final term exception and Bylaw 15.2.8 for summer term exception)] under the following circumstances:

Bylaw 15.3.3.1.1 – (b and d) – One-Year Period: Exceptions. An institution may award athletically related financial aid to a student-athlete for a period of less than one academic year only under the following circumstances:

(b) Final Semester/Quarter. A student-athlete may receive athletically related financial aid for less than one academic year, provided the student is in the final semester or final two quarters of his or her degree program and the institution certifies that the student is carrying (for credit) the courses necessary to complete the degree requirements.

(d) Eligibility Exausted/Medical Noncounter. A student-athlete who has exhausted eligibility and is exempt from counting (per Bylaw 15.5.1.6) in the institution's financial aid limit, or a student-athlete who is exempt from counting (per Bylaw 15.5.1.3) due to an injury or illness may receive athletically related financial aid for less than one academic year. If an institution awards aid under this provision, the institutional financial aid agreement shall include specific nonathletically related conditions (e.g., academic requirements) the student-athlete must satisfy in order for the aid to be renewed for the next academic term or terms. If the student-athlete satisfies the specified conditions, the institution shall award financial aid at the same amount for the next term or terms of the academic year. If the student-athlete does not satisfy the specified conditions, he or she must be provided a hearing opportunity per Bylaw 15.3.2.4.

Bylaw 15.5.1.6 – Eligibility Exhausted. A student-athlete receiving institutional financial aid after having exhausted his or her eligibility in a sport is not a counter in that sport in later academic years following completion of eligibility in the sport. For this provision to be applicable, the student-athlete is otherwise eligible for the aid and is not permitted to take part in organized, institutional practice sessions in that sport unless the individual has eligibility remaining under the five-year rule. (See Bylaw 15.3.1 for eligibility for financial aid).

Interpretations.

Title: Institution Providing Financial Aid to Student-Athlete Enrolled in Less Than Minimum Full-Time Program of Studies During Final Term (I).

Date Issued: November 17, 1998
Date Published: November 17, 1998
Type: Official Interpretation
Item Ref: 2

It is permissible for an institution to award financial aid to a student-athlete who has exhausted intercollegiate eligibility and is enrolled in less than a minimum full-time program of studies, provided the student-athlete is carrying for credit the courses necessary to complete degree requirements. [Reference 15.01.5 (eligibility for student-athletes for institutional financial aid)]

Legislative References

Div.	Number	Title
I	15.01.5	Eligibility of Student-Athletes for Institutional Financial Aid.

Title: Senior Student Enrolled in Less Than Full-Time Program During Final Year of College.

Date Issued: October 12, 1989
Date Published: October 12, 1989
Type: Official Interpretation
Item Ref: 2

2. Senior student enrolled in less than full-time program during final year of college. Reviewed the application of Bylaws 14.1.5.1.2 and 14.1.5.2.2.1(a) to the eligibility of a senior student-athlete who needs only six hours to graduate, but whose enrollment in the two three-hour courses required for the student-athlete's major must extend over two semesters (rather than starting and ending in the "final" semester); determined that there is no authority to extend the application of Bylaws 14.1.5.1.2 and 14.1.5.2.2.1(a) to permit eligibility (while the student-athlete is enrolled for less than a full-time program of studies) for more than one "final" term of enrollment.

Legislative References

Div.	Number	Title
I	14.1.8.2	Requirement for Competition.
I	14.1.8.2.1	Exceptions.

Title: Equal Amounts of Aid Not Required for Academic Year that Includes Final Semester/Quarter Exception (I).

Date Issued: December 12, 2006
Date Published: December 12, 2006
Type: Official Interpretation
Item Ref: 10

The committee determined that in situations in which a student-athlete will be enrolled in less than a full-time program of studies and; thus, eligible for competition pursuant to the final semester/quarter exception during the second semester or third quarter of an academic year, the institution is not required to award the student-athlete's athletically related financial aid in equal amounts for each term of the academic year. [References: Bylaws 14.1.8.2.1.3 (final semester/quarter); 15.3.3.1 (one-year period); and 15.3.3.2 (regular academic year versus summer term); and a staff interpretation (reference: 7/19/06, Item 1c), which has been archived.]

Legislative References

Div.	Number	Title
I	15.3.3.1	One-Year Period.
I	15.3.3.2	Regular Academic Year vs. Summer Term.
I	14.1.8.2.1.3	Final Semester/Quarter.

Title: Eligibility for Athletically Related Financial Aid in Excess of Five Years.
Date Issued: April 10, 2002
Date Published: April 10, 2002
Type: Official Interpretation
Item Ref: 1

There is no authority under the current legislation to permit a student-athlete to receive in excess of five calendar years of athletically related financial aid following initial full-time collegiate enrollment. Thus, a student-athlete who exhausts his or her eligibility for athletically related financial aid during the middle of an academic year or academic term may not continue to receive such aid. [Reference: Bylaw 15.01.5 (eligibility of student-athletes for institutional financial aid)]

Legislative References

Div.	Number	Title
I	15.01.5	Eligibility of Student-Athletes for Institutional Financial Aid.

Excerpt from the September 2009 NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet Report.

Eligibility for Financial Aid for Student-Athletes who have Exhausted Eligibility. The cabinet reviewed current NCAA rules on eligibility for institutional financial aid (e.g., athletics financial aid) and how those rules impact a student-athlete who has exhausted eligibility but returned to complete additional credit hours required to receive their degree. Specifically, the cabinet discussed a situation involving an exhausted eligibility student-athlete who needs to complete fewer than 12 credit hours to graduate with his or her degree, but the institution does not offer the necessary credit hours during the fall term; thus, the student-athlete must enroll during both the fall and spring terms in order to graduate. Under the current legislation, it is permissible for an institution to award institutional financial aid to a student-athlete who has exhausted eligibility and is enrolled in less than a minimum full-time program of studies, provided the student-athlete is carrying for credit the courses necessary to complete degree requirements. In the scenario raised by the cabinet member, since the student-athlete will not be carrying for credit the courses necessary for graduation during the fall term, the student-athlete would be required to enroll initially as a full-time student during the fall term in order to receive institutional financial aid. The cabinet agreed to defer further discussion of this issue until its February 2010 meeting.

NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet

Value of Full Grant-in-Aid Used for Student-Athletes Living at Home
Submitted by Betsy Mosher, Fresno State University

Issue:

Whether, as part of a future agenda, the cabinet wishes to examine the effect the full grant-in-aid value used for student-athletes living at home has on student-athletes and team equivalencies.

Alternatively, whether the cabinet wishes to recommend that the NCAA Division I Legislative Review and Interpretations Committee incorporate official interpretation [Reference: 8/2/07, Item No. 2] into the NCAA Division I Manual.

Background:

See attachment.

History:

On August 2, 2007, the Division I Legislative Review and Interpretations Committee confirmed that if a student-athlete resides with his or her parents or legal guardians, the institution may only award the room and/or board figures specifically established for a student who resides with his or her parents or legal guardians as mandated by federal financial aid guidelines or institutional policy. The committee's confirmation is consistent with a staff confirmation [Reference: 3/6/02 Item No. a] that required institutions to award the room figure specifically established for a student residing with his or her parent(s) or legal guardian as mandated by federal financial aid guidelines or institutional policy.

The staff confirmation, which was archived when the committee issued the official interpretation [Reference: 8/2/07, Item No. 2], archived staff interpretation [Reference: 6/2/89 Item No. k] when it was issued. The staff interpretation [Reference: 6/2/89, Item No. k] specified that a member institution that published a separate room and board figure for students who live off campus in their parents' homes may award student-athletes financial aid equal only to that published figure for their living situation and, therefore, could not award student-athletes who lived off-campus with their parents room and board equal to the published on-campus or off-campus (not living with parents) room and board figures. The staff interpretation [Reference: 3/6/02, Item No. a] clarified that if an institution's policies did not establish a room and board figure for students living with their parents, then the institution was expected to use the rate mandated by federal financial aid policy. This clarification remained in place when the official interpretation [Reference: 8/2/07, Item No. 2] was issued.

Legislation and Interpretations:

Bylaw 15.2.2 - Room and Board.
An institution may provide a student-athlete financial aid that includes the cost of room and board, based on the official allowance for a room as listed in the institution's official publication (e.g., catalog) and a board allowance that consists of three meals per day, even if the institution's maximum permissible award allowance for all students represents a lesser cost figure. *(Revised: 10/28/99 effective 8/1/00)*

Bylaw 15.2.2.1 - Off-Campus Room and Board Stipend.
If a student-athlete lives and eats in noninstitutional facilities, the institution may provide the student-athlete an amount equal to the institution's official on-campus room allowance as listed in its catalog, the average of the room costs of all of its students living on campus or the cost of room as calculated based on its policies and procedures for calculating the cost of attendance for all students. The institution also may provide the student-athlete an amount that is equivalent to an on-campus 7-day or 21-meal board plan or the cost of meals as calculated based on its policies and procedures for calculating the cost of attendance for all students, excluding those meals provided as part of the training table. Meals provided on the training table shall be deducted at the regular cost figure from such a student-athlete's board allowance. *(Revised: 1/10/92, 11/12/97, 10/28/99 effective 8/1/00, 4/27/06 effective 8/1/06)*

Bylaw 15.2.2.1.1 - Determination of Off-Campus Room Rates.
An institution with several official on-campus room rates listed in its catalog may use the average of the room cost for all students living on campus (based on a weighted average for all students who reside in on-campus facilities) or the cost of room as calculated based on its policies and procedures for calculating the cost of attendance for all students. *(Revised: 11/12/97, 4/27/06 effective 8/1/06)*

Bylaw 15.2.2.1.2 - Determination of Off-Campus Board Costs.
An institution with several on-campus board plans (e.g., 5-day, 7-day, 14-meal, 17-meal or 21-meal plans) may provide a student-athlete living in noninstitutional facilities with the equivalent of a 7-day or 21-meal plan at that institution or the cost of meals as calculated based on its policies and procedures for calculating the cost of attendance for all students. *(Adopted: 1/10/92, Revised: 11/12/97, 10/28/99 effective 8/1/00, 4/27/06 effective 8/1/06)*

Bylaw 15.2.2.1.3 - Institution with No On-Campus Room and Board Facilities.
If an institution does not provide an official dollar amount for room and board in its catalog and does not have on-campus student room and board facilities, the figure provided to student-athletes for off-campus student room and board shall be the amount determined by the institution's office of financial aid as being commensurate with the average cost a student at that institution normally would incur living and eating in off-campus facilities. *(Adopted: 11/12/97)*

Bylaw 15.5.3.2 - Equivalency Computations.
In equivalency sports, each institutional financial aid award (per Bylaw 15.02.4.1) to a counter shall be computed as follows:

(a) Once a student becomes a counter, the institution shall count all institutional aid (per Bylaw 15.02.4.1) received for room, board, tuition and fees, and books up to the value of a full grant-in-aid. Exempted government grants per Bylaw 15.2.5 and exempted institutional aid per Bylaw 15.02.4.3 specifically are excluded from this computation. *(Revised: 1/9/96 effective 8/1/96, 4/29/04 effective 8/1/04, 10/20/08)*

(b) A fraction shall be created, with the amount received by the student-athlete (up to the value of a full grant-in-aid) as the numerator and the full grant-in-aid value for that student-athlete as the denominator based on the actual cost or average cost of a full grant for all students at that institution. Financial aid unrelated to athletics ability (see Bylaw 15.1) received by the student-athlete in excess of a full grant-in-aid shall not be included in this computation. *(Revised: 1/10/90, 4/29/04 effective 8/1/04)*

(c) The sum of all fractional and maximum awards received by counters shall not exceed the total limit for the sport in question for the academic year as a whole.

Room and Board Stipend for Student-Athlete Residing with Parents or Legal Guardians (I)

Date Published: August 2, 2007
Type: Official Interpretation
Item No. 2

The committee confirmed that if a student-athlete resides with his or her parents or legal guardians, the institution may only award the room and/or board figures specifically established for a student who resides with his or her parents or legal guardians as mandated by federal financial aid guidelines or institutional policy.

[References: NCAA Bylaws 15.2.2 (room and board) and 15.2.2.1 (off-campus room and board stipend)]

Room Stipend for Student-Athlete Residing with Parents (I/II)

Date Published: March 6, 2002
Type: Staff Interpretation
Item No. a

Archived Interpretation
Archive Info: Due to official interpretation [Reference: 8/2/07, Item No. 2]

The membership services staff confirmed that when a student-athlete resides with his or her parent (or legal guardian) the institution may only award the room figure specifically established for a student residing with his or her parent(s) (or legal guardian) as mandated by federal financial aid guidelines or institutional policy.

[References: Bylaws 15.2.2 (room and board) and 15.2.2.1 (off-campus room and board stipend)] [Please note that this interpretation replaces staff interpretation (06/02/89, Item No. k), which has been archived]

Room and board stipend equal to official room and board allowance for living situation

Date Published: June 2, 1989
Type: Staff Interpretation
Item Ref: k
Archived Interpretation
Archive Info: Due to staff interpretation [Reference: 3/6/02, Item a]

Reviewed Bylaw 15.2.2.1 (off-campus room and board stipend) in regard to a member institution that publishes in its catalog a separate room and board figure for students who live off campus in their parents' homes; confirmed that the institution may award student-athletes financial aid equal only to the published figure for their living situation; thus, the institution may not award student-athletes living off campus with their parents room and board equal to the published on-campus or off-campus (not living with parents) room and board figures.

Excerpt from the September 2009 NCAA Division I Awards, Benefits, Expenses and Financial Aid Report:

(1) Full Grant-in-Aid Limit for Student-Athletes Who Live at Home. The cabinet reviewed the current application of financial aid rules and interpretations as they relate to student-athletes who live at home during the academic year. Specifically, the cabinet reviewed a situation involving a student-athlete who resides with his or her parents or legal guardians and, per institutional policy, is assigned a room and board figure that is less than that used for students who reside off campus, but do not reside with their parents of legal guardians. Some cabinet members expressed concern that coaches of equivalency sports may decide to award such student-athletes less athletics aid, or not award such student-athletes any athletics aid, because the student-athlete's lower room and board figure results in the student-athlete's equivalency being higher than that of another student-

athlete who resides off campus, even if the two student-athletes are provided identical awards of athletics aid (e.g., tuition). The cabinet agreed to defer further discussion of this issue until its February 2010 meeting.

NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet

NCAA Bylaw 15.2.6.1 – Definition of "Naturally or Legally Dependent"
Submitted by Nathan Fry, Harvard University

Issue:

Whether anyone upon whom the student-athlete is "naturally or legally dependent" is an appropriate standard when determining who may permissibly provide financial aid to a student-athlete.

Background:

See attachment.

History:

With the exception of 1951, the NCAA constitution has contained a principle addressing financial aid to student-athletes since 1939. And, the principle of allowing financial aid to be provided by someone upon whom a student-athlete is naturally or legally dependent has always been part of that principle. In 1939, Constitution 3.4-(g) specified:

> In the case of an athlete who receives financial aid from any source other than (a) persons on whom he may be naturally dependent for support, or (b) the regularly constituted sources of student aid within his institution, the source of such aid shall be approved or disapproved by the proper college authorities.

By 1950, the "naturally or legally dependent" language found in the current NCAA constitution was present in Constitution 3.4's Principles Governing Financial Aids to Athletes, and described a type of financial assistance that a student-athlete could receive without jeopardizing his eligibility:

> Financial aids in the form of scholarships, fellowships or otherwise, even though originating from sources other than persons on whom the recipient may be naturally or legally dependent for support, shall be permitted without loss of eligibility if . . . .

In 1951, amidst concerns related to compliance with the Sanity Code, the membership voted to remove the "Principles Governing Financial Aid to Athletes" section from the NCAA constitution. However, a new "Principle Governing Financial Aid" was adopted in 1952. And, while the original proposal focused on allowing financial aid that was administered or approved by the institution, without consideration for financial assistance received from those upon whom a student-athlete was naturally or legally dependent, Mr. Ralph W. Aigler, the faculty representative from the University of Michigan, successfully lobbied the Convention delegates to adopt amendments to the proposal to limit permissible financial assistance to that which was administered by the institution and exempted financial assistance received "from anyone upon whom the athlete is naturally or legally dependent" from the principle.

Finally, Mr. Aigler's comments during the discussion of the proposed amendment to exempt financial assistance received "from anyone upon whom the athlete is naturally or legally dependent" from the principle provide insight into why "naturally or legally dependent" was supported as an appropriate standard for determining who is permitted to provide financial aid to a student-athlete; a standard reflected in the current NCAA constitution and in current legislation:

> I have a boy who is an athlete. I expect to send him to college, I want him to be eligible or intercollegiate athletics. I fully expect to pay every cent of his expenses. I don't believe there is a person in this room who would not agree that is proper; yet if this amendment is adopted I would have to have my aid to that boy either administered by the institution – I couldn't do it myself – or submit my proposed plan for supporting my own boy to the institution and get approval.
>
> Now I dare say there wouldn't be any institution in the land that would refuse approval but I don't think it is sensible. I don't think it makes any sense at all to require in terms of our Constitution that a parent should have to do that sort of thing . . . .
>
> To those of you who were present in the meeting of the Council when President Hannah and Dr. Adams stated the results of their President's meetings, you will recall they reiterated time and time again there was no intention that their recommendations should have any effect on family support. What I am proposing here is simple and understandable language. I think the proposers of this amendment meant it to be implied; but since this is constitutional language I don't think we should leave things to implication, where it can be doubted. It should be written so that it can be understood. (NCAA 1951 Yearbook, pp 217-218).

Legislation:

See attachment.

Interpretation:

The state is a legal guardian so state aid is an exception
Date Published: September 13, 1984
Type: Official Interpretation
Item Ref: i
Concluded that financial assistance received from a state by a student-athlete at a member institution can be considered to fall within the exceptions set forth in Constitution 3-4-(a)-(1) as assistance received from someone upon whom the student-athlete is legally dependent inasmuch as the student-athlete in question has been determined by court action to be a ward of the state.

ATTACHMENT
SUPPLEMENT NO. 5

NCAA Division I Bylaws Containing the Phrase "Naturally or Legally Dependent"

Constitution 2.13 - THE PRINCIPLE GOVERNING FINANCIAL AID. A student-athlete may receive athletically related financial aid administered by the institution without violating the principle of amateurism, provided the amount does not exceed the cost of education authorized by the Association; however, such aid as defined by the Association shall not exceed the cost of attendance as published by each institution. Any other financial assistance, except that received from one upon whom the student-athlete is naturally or legally dependent, shall be prohibited unless specifically authorized by the Association.

Bylaw 12.1.2.1.4.5 - Expenses from Sponsor Other Than Parents/Legal Guardians or Nonprofessional Sponsor of Event. Actual and necessary expenses or any other form of compensation to participate in athletics competition (while not representing an educational institution) from a sponsor other than an individual upon whom the athlete is naturally or legally dependent or the nonprofessional organization that is sponsoring the competition.

Bylaw 13.14.4.1 - Pooled Resources. The pooling of resources for recruiting purposes by two or more persons shall constitute such a slush fund. However, this provision shall not apply to persons upon whom a prospect may be naturally or legally dependent.

Bylaw 15.01.3 - Financial Aid Not Administered by Institution. Any student who receives financial aid other than that administered by the student-athlete's institution shall not be eligible for intercollegiate athletics competition, unless it is specifically approved under the Association's rules of amateurism (see Bylaw 12) or the aid is:

(a) Received from one upon whom the student-athlete is naturally or legally dependent;

(b) Awarded solely on bases having no relationship to athletics ability;

(c) Awarded through an established and continuing program to aid students, of which athletics participation shall not be the major criterion (e.g., National Merit Scholarship), under the conditions listed in Bylaw 15.2.6.3; or

(d) Awarded through an established and continuing program for recognition of outstanding high school graduates, of which athletics participation may be a major criterion (e.g., honorary high school award), under the conditions listed in Bylaw 15.2.6.4.

Bylaw 15.02.4.2 - Other Permissible Financial Aid. The following sources of financial aid are also permitted:

(a) Financial aid received from anyone upon whom the student-athlete is naturally or legally dependent;

(b) Financial aid awarded solely on bases having no relationship to athletics ability;

(c) Financial aid awarded through an established and continuing outside program (e.g., National Merit Scholar) in which athletics participation is not the major criterion, as outlined in Bylaw 15.2.6.3, and which does not count against an institution's sport-by-sport financial aid limitations; *(Revised: 4/29/04 effective 8/1/04)*

(d) For the student-athlete not recruited by the institution, financial aid awarded through an established and continuing outside program (e.g., National Football Foundation) for the recognition of outstanding high school graduates, in which athletics participation may be a major criterion, as outlined in Bylaw 15.2.6.4. This aid does not count against an institution's sport-by-sport financial aid limitations but does count against the individual's full-grant-in-aid limit; and

(e) Educational expenses awarded by the U.S. Olympic Committee, which count against an institution's sport-by-sport financial aid limitations and against the individual's full-grant-in-aid limit. *(Adopted: 1/10/95 effective 8/1/95)*

Bylaw 15.2.6.1 - Parents and Legal Guardians. A student-athlete may receive financial aid from anyone upon whom the student-athlete is naturally or legally dependent.

Bylaw 15.2.6.1.1 - Prepaid College Tuition Plans. A state sponsored or private prepaid college tuition plan, purchased by a family member and paid to an institution on behalf of a student-athlete, is not considered aid from an outside source. Such aid is considered financial aid from someone upon whom the student-athlete is naturally or legally dependent. *(Revised: 6/10/04)*

Bylaw 16.10.2.4 - Sponsors. An individual who is not representing an educational institution during participation in athletics competition may not accept any expenses, or any other form of compensation, to participate in the competition from any sponsor other than an individual upon whom the athlete is naturally or legally dependent or the organization (other than a professional sports organization) that is sponsoring the competition.

NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet

Referral from NCAA Division I Basketball Academic Enhancement Group (BAEG) related to Student-Athletes Returning to Complete Degree after a Professional Career

Issue:

The NCAA Division I Basketball Academic Enhancement Group (BAEG) discussed the legislative barriers that exist for former student-athletes to return to their institution and earn his or her degree after a professional career. For example, a men's basketball student-athlete has not yet graduated and departs an institution after four years to pursue a professional career in his sport. The student-athlete returns to the institution four years later to finish his undergraduate degree. The current legislation specifies that in order to receive athletically related financial aid, the student-athlete must earn the aid (e.g., work in athletics department). The NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet has been asked to explore whether there is a willingness to remove these barriers through legislation. Flexibility in this area may encourage more former student-athletes to return to complete their degrees.

History and Background:

Current legislation in NCAA Division I Bylaw 15.01.5 allows for five years of unearned athletics aid to be provided within the first six years of initial full-time collegiate enrollment. Athletics aid awarded beyond those parameters must be "earned" aid. This legislation is intended to allow student-athletes to receive unearned athletics aid based on the average amount of time a general college student requires to complete his or her degree. In addition, this legislation is intended to provide a definitive timeframe by which unearned athletics aid can be disbursed to a student-athlete.

In January 2007, NCAA Division I Proposal No. 2006-70 was adopted to permit institutions to supplement (with unearned athletics aid) a student-athlete's NCAA Division I Degree Completion Award, regardless of whether he or she has previously received five years of aid or is outside the six-year period since initial full-time enrollment [Bylaw 15.01.5-(d)]. This legislation was adopted as a result of the new academic incentives in place (e.g., APR graduation points) and to encourage institutions to help student-athletes achieve the goal of completing an undergraduate degree.

To receive an exception to the "earned aid" requirement, institutions may file a waiver with the NCAA Division I Legislative Council Subcommittee for Legislative Relief. Since August 2004, five Subcommittee for Legislative Relief waiver requests have been submitted involving the ability to provide unearned athletics aid to student-athletes returning to graduate after pursuing a professional career. Relief has not been provided if the only assertion for relief relates to the student-athlete's decision to begin a professional career prior to graduation (three cases). Relief has been provided for such cases if extenuating circumstances, in addition to the pursuit of a

professional career, are presented (e.g., misadvisement regarding requirements necessary to graduate; injury that required student-athlete to miss one or more academic terms). [Attachment]

Potential Concept for Discussion and Feedback:

Suggested concepts for discussion and feedback are included below along with points to consider for each concept. The items below are only suggestions and this is certainly not an exhaustive list of possible options.

Concept No. 1: Permit unearned athletics aid to be received by a returning student-athlete for an unlimited period of time after exhausting eligibility.

Current Legislation: Bylaw 15.01.5 allows for five years of unearned athletics aid to be provided within the first six years of initial full-time collegiate enrollment. Athletics aid awarded beyond those parameters must be "earned" aid.

Impact of Concept: This concept would permit a student-athlete who has exhausted eligibility to return to an institution to complete his or her undergraduate degree and receive unearned athletics aid for an unlimited period of time.

Points to Consider:

1. Should this concept only be limited to a returning student-athlete or any student-athlete who is completing his or her undergraduate degree (e.g., student-athlete who has been continuously enrolled but requires six or more years to complete degree)?

2. Should this concept only be limited to a former professional athlete who returns to complete his or her degree or should it apply to any former student-athlete who returns to complete his or her degree, regardless of the reason why the student-athlete never previously completed his or her degree?

3. This concept could result in additional costs for an institution.

4. This concept would provide the most flexibility and institutional discretion to help student-athletes complete their degrees and earn the APR graduation point for the institution.

    - Is it necessary that these student-athletes receive unearned aid? The current legislation permits these student-athletes to receive earned aid to complete their degrees.

Concept No. 2: Permit unearned athletics aid to be received by a returning student-athlete for a maximum of four full-time semesters or six full-time quarters after exhausting athletics eligibility.

Current Legislation: Bylaw 15.01.5 allows for five years of unearned athletics aid to be provided within the first six years of initial full-time collegiate enrollment. Athletics aid awarded beyond those parameters must be "earned" aid.

Impact of Concept: This concept would permit a student-athlete who has exhausted eligibility to return to an institution to complete his or her undergraduate degree and receive up to four full-time semesters or six full-time quarters of unearned athletics aid. Rather than the basis of the legislation be measured based on years since initial full-time enrollment, it would be based on how much unearned aid can be disbursed after a student-athlete exhausts eligibility.

Points to Consider:

1. Should this legislation only be limited to a former professional athlete who returns to complete his or her degree or should it apply to any former student-athlete who returns to complete his or her degree?

2. This concept could result in additional costs for an institution.

    a. Is a restriction on the number of terms of unearned aid after exhausting eligibility necessary?

    b. Are four semesters or six quarters of unearned aid an appropriate/reasonable amount?

3. This concept would promote student-athletes returning to complete their degrees and earning the APR graduation point for the institution while still placing a limit on the amount of time a student-athlete can receive unearned aid.

    - Is it necessary that these student-athletes receive unearned aid? The current legislation permits these student-athletes to receive earned aid to complete their degrees.

Legislation and Interpretations:

Bylaw 15.01.5 - Eligibility of Student-Athletes for Institutional Financial Aid.

A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance [was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term (see Bylaw 14.1.8.2.1.3 for final term exception and Bylaw 15.2.8 for summer-term exception)] under the following circumstances: (Revised: 6/8/99)

(a) The student-athlete is an undergraduate with eligibility remaining under Bylaw 14.2 (five-year rule);

(b) The student-athlete is a graduate student eligible under Bylaw 14.1.9;

(c) Within six years after initial enrollment in a collegiate institution (provided the student does not receive such aid for more than five years during that period); however, after the six-year period expires, this restriction shall apply only to unearned athletics aid for which the athletics department intercedes on behalf of the student-athlete; or

(d) The student-athlete receives a degree-completion award from the NCAA. (Adopted: 1/8/07 effective 8/1/07)

Eligibility for Athletically Related Financial Aid in Excess of Five Years.

Date Issued: April 10, 2002
Date Published: April 10, 2002
Type: Official Interpretation
Item Ref: 1

There is no authority under the current legislation to permit a student-athlete to receive in excess of five calendar years of athletically related financial aid following initial full-time collegiate enrollment. Thus, a student-athlete who exhausts his or her eligibility for athletically related financial aid during the middle of an academic year or academic term may not continue to receive such aid. [Reference: NCAA Bylaw 15.01.5 (eligibility of student-athletes for institutional financial aid)]

[References: Bylaw 15.01.5 (Eligibility of Student-Athletes for Institutional Financial Aid)]

University's Foundation Providing Financial Aid to Student-Athletes Beyond a Five-Year Period.

Date Issued: January 24, 1992
Date Published: January 24, 1992
Type: Staff Interpretation
Item Ref: e

e. University's Foundation Providing Financial Aid to Student-Athletes Beyond a Five-Year Period: Reviewed Bylaw 15.01.5 (eligibility of student-athletes for institutional financial aid) and 88/02/18 Interpretations Committee minutes, Item No. 1, in regard to a situation in which a university's foundation wishes to provide a scholarship only to student-athletes who have previously received five years of financial aid and who meet the prescribed academic criteria for the scholarship; confirmed that such a scholarship would not be permissible, inasmuch as it would be considered unearned athletics aid for purposes of 15.01.5.

[References: Bylaw 15.01.5 (Eligibility of Student-Athletes for Institutional Financial Aid)]

Counting Institutional Financial Aid Any Collegiate Institution Toward the Five Years of Aid Within Six-Year Period.

Date Issued: September 19, 1990
Date Published: September 19, 1990
Type: Staff Interpretation
Item Ref: b

Reviewed Bylaw 15.01.5-(c) [five years of aid within six-year period] and 88/02/18 Interpretations Committee minute, Item No. 1, and confirmed that a student-athlete may receive only five years of institutional financial aid from any collegiate institution (e.g., two-year or four-year college) within a six-year period.

[References: Bylaw 15.01.5 (Eligibility of Student-Athletes for Institutional Financial Aid)]

Legislative Relief Waiver Report

Case Number 10797

Action Staff Granted

Decision Date June 10, 2008

Division I

Sport(s)
Women's Basketball

Bylaw(s)
15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid.

Facts:
Student-athlete (SA) initially enrolled at applicant institution for the 1995-96, 1996-97, 1997-98 and 1998-99 academic years where she competed four seasons in women's basketball and received athletically related financial aid. In April 1999, prior to completing her degree program, SA withdrew from classes during her final term to join a professional women's basketball team. SA returned to applicant institution for the 2001 spring term to complete her degree program. An academic advisor for the athletics department reviewed SA's academic records and advised SA to take specific courses that met the graduation requirements. After submitting the necessary paperwork required for graduation, SA was informed the classes she took during the 2001 spring term were not the courses needed to complete her degree program. SA would like to take the remaining two courses needed to obtain her degree during the 2008 summer term. Applicant institution would like to provide SA with financial aid for the six credits; however, financial aid legislation requires that SAs not receive more than five years of institutional financial aid within the first six years of enrollment.

Request of Institution:
Waive the normal application of the eligibility for institutional financial aid legislation and permit applicant institution to provide SA athletically related financial aid for the 2008 summer term. Applicant institution asserts SA's major required her to declare an area of emphasis in a particular region of the world. Applicant institution asserts SA's emphasis was Africa, and because of the limited number of courses on Africa, SA was authorized by her advisor in 1996 to substitute courses outside her major to fulfill her degree requirements. Applicant institution further asserts SA's advisor retired prior to the 1998-99 academic year; however, his successor was aware of and approved these substitutions. Additionally, applicant institution asserts when SA returned to applicant institution for the 2001 spring term, she was misadvised by an academic advisor and enrolled in two classes that did not meet her specific degree requirements. SA believes the approved course substitutions that were authorized by her two previous academic advisors coupled with the new advisor led to a general confusion about her academic record. Applicant institution asserts these errors lead to SA's misadvisement as well as the SA taking two classes that ultimately did not count toward her degree. Furthermore, applicant institution asserts it was supportive of SA following her dream to play professional athletics and is supportive of this waiver request so SA can receive her degree.

Rationale:
STAFF GRANTED: Based on case precedent and SA's misadvisement of the graduation requirements needed to complete her degree program. The staff noted this waiver is for the 2008 summer term only and is only for the remaining six hours needed to complete her degree.

Legislation:

15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid.

A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance [was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term (see Bylaw 14.1.8.2.1.3 for final term exception and Bylaw 15.2.8 for summer-term exception)] under the following circumstances: *(Revised: 6/8/99)*

(a) The student-athlete is an undergraduate with eligibility remaining under Bylaw 14.2 (five-year rule);

(b) The student-athlete is a graduate student eligible under Bylaw 14.1.9;

Case Number 10074

Action Staff Granted

Decision Date September 18, 2007

Division I

Sport(s)
Baseball

Bylaw(s)
15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid.

Facts:
Student-athlete (SA) initially enrolled at Institution No.1, a two-year institution, for the 2001-02 and 2002-03 academic years, where he competed and received athletics aid. SA transferred to applicant institution, a Division I institution for the 2003-04 academic year, where he competed and received athletics aid. SA also competed and received athletics aid for the 2004-05 academic year. In 2005, SA was drafted by a professional baseball team and agreed to play for the professional team. SA enrolled part time at applicant institution for the 2005 fall term and received athletics aid. SA enrolled part time at applicant institution for the 2006 fall term and was to have received athletics aid, but was forced to withdraw before the beginning of the term due to an injury suffered while playing minor league baseball, and the requirement from his team that he go through rehabilitation at a site specified by the team. Applicant institution would like to provide SA with athletics aid for the 2007 fall term; however, financial aid legislation requires that SAs not receive more than five years of institutional financial aid within the first six years of enrollment.

Request of Institution:
Waive the normal application of the eligibility for institutional financial aid legislation and permit applicant institution to provide SA athletically related financial aid for the 2007 fall term. Applicant institution asserts but for his injury, SA would have returned to applicant institution for the 2006 fall term and completed his degree.

Rationale:
STAFF GRANTED: Based on case precedent, contemporaneous documentation of the requirement that he rehabilitate his injury at a site designated by his employer and SA well-being. The staff noted this waiver is for the 2007 fall term only.

Legislation:

15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid.

A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance [was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term (see Bylaw 14.1.8.2.1.3 for final term exception and Bylaw 15.2.8 for summer-term exception)] under the following circumstances: *(Revised: 6/8/99)*

(a) The student-athlete is an undergraduate with eligibility remaining under Bylaw 14.2 (five-year rule);

(b) The student-athlete is a graduate student eligible under Bylaw 14.1.9;

(c) Within six years after initial enrollment in a collegiate institution (provided the student does not receive such aid for more than five years during that period); however, after the six-year period expires, this restriction shall apply only to unearned athletics aid for which the athletics department intercedes on behalf of the student-athlete; or

(d) The student-athlete receives a degree-completion award from the NCAA. *(Adopted: 1/8/07 effective 8/1/07)*

[Note: See Bylaw 13.1.1.3 for the financial aid implications in the prohibition against contacting student-athletes of another four-year collegiate institution without permission of that institution's athletics director. See Bylaw 14.5.5.4 for financial aid implications related to the academic eligibility of four-year college transfers.] *(Revised: 1/9/06 effective 8/1/07)*

Case Number 8898

Action Staff Denied

Decision Date June 21, 2006

Division I

Sport(s)
Men's Basketball

Bylaw(s)
15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid.
15.3.1 Eligibility of Student-Athletes for Financial Aid.

Facts:
Former men's basketball student-athlete (FSA), initially enrolled and practiced at Institution No. 1, a two-year institution, during the 1994-95 academic year. SA practiced and competed at Institution No. 1 during the 1995-96 and 1996-97 academic years. FSA transferred to applicant institution for the 1997-98 and 1998-99 academic years where he practiced, competed and received athletics aid. After exhausting his eligibility with the 1998-99 academic year and prior to graduation, FSA left applicant institution to play professional basketball. FSA has returned to applicant institution for 2006 summer in order to complete his degree. Applicant institution would like to provide FSA an athletics grant-in-aid valued at $4,632 in order for FSA to complete the six hours he needs to graduate. However, NCAA legislation prohibits awarding institutional financial aid beyond six years following initial enrollment at a collegiate institution.

Request of Institution:
Waive the normal application of the financial aid legislation and permit SA to receive institutional aid beyond the sixth year of initial collegiate enrollment. Applicant institution asserts that FSA was not able to finish his degree due to professional basketball opportunities. Applicant institution asserts that it is important to see their SAs through if SAs are committed to graduate.

Rationale:
STAFF DENIED: Based on case precedent, intent of the legislation and circumstances within the control of the SA.

Legislation:

15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid.

A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance [was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term (see Bylaw 14.1.8.2.1.3 for final term exception and Bylaw 15.2.8 for summer-term exception)] under the following circumstances: *(Revised: 6/8/99)*

(a) The student-athlete is an undergraduate with eligibility remaining under Bylaw 14.2 (five-year rule);

(b) The student-athlete is a graduate student eligible under Bylaw 14.1.9;

(c) Within six years after initial enrollment in a collegiate institution (provided the student does not receive such aid for more than five years during that period); however, after the six-year period expires, this restriction shall apply only to unearned athletics aid for which the athletics department intercedes on behalf of the student-athlete; or

(d) The student-athlete receives a degree-completion award from the NCAA. *(Adopted: 1/8/07 effective 8/1/07)*

[Note: See Bylaw 13.1.1.3 for the financial aid implications in the prohibition against contacting student-athletes of another four-year collegiate institution without permission of that institution's athletics director. See Bylaw 14.5.5.4 for financial aid implications related to the academic eligibility of four-year college transfers.] *(Revised: 1/9/06 effective 8/1/07)*

15.3.1 Eligibility of Student-Athletes for Financial Aid.

Case Number 7494

Action Staff Denied

Decision Date October 7, 2004

Division I

Sport(s)
Baseball

Bylaw(s)
15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid.
15.3.1.3 Retroactive Financial Aid.

Facts:
Student-athlete (SA) enrolled at applicant institution for the 2000-01, 2001-02, 2002-03, and 2003-04 academic years where he utilized four seasons of baseball competition and received athletically related financial aid for two academic years. SA registered for full-time enrollment at the applicant institution for the 2004 summer and fall terms in the spring of 2004. SA was drafted by a professional baseball team in June 2004 and immediately dropped his classes for the summer. SA notified applicant institution's baseball coach on August 7, 2004, that he would be traveling to Florida to participate in an instructional league at the completion of the summer baseball season. SA dropped all of his courses for the 2004 fall semester except for a two-credit education class that did not start until later in the semester. Applicant institution seeks to provide financial aid to SA for the two-credit course, but SA is not enrolled in a minimum full-time program of studies per financial aid legislation.

Request of Institution:
Waive the normal application of the institutional and retroactive financial aid legislation and permit SA to receive athletics aid for his two-credit education course scheduled for the 2004 fall semester. Applicant institution asserts that SA dropped his courses in August 2004 based on his scheduled participation in a fall instructional league which would not be completed until October 22, 2004. SA attempted to make arrangements with his professors for late enrollment on completion of the instructional league, but those arrangements could not be finalized. SA then dropped his courses on August 19, 2004, except for the two-credit course. Applicant institution's first day of classes was August 26, 2004. SA met with applicant institution's academic advisor September 6, 2004, prior to the start of his instructional league to review his academic schedule. On September 11, 2004, SA was informed that the instructional league was canceled because of hurricane weather in Florida. SA attempted to re-register as a full-time student after the league was canceled but could not re-enroll full time. The athletics department was unaware that SA withdrew from these courses until after the first day of the 2004 fall term. On September 22, 2004, applicant institution's compliance office then confirmed that SA could not receive athletics aid because he was not registered as a full-time student on the first day of classes at applicant institution.

Rationale:
STAFF DENIED: Based on circumstances within the control of the SA, and specifically the SA's decision to not remain registered full time for the 2004 fall semester when full-time enrollment is required to remain eligible for institutional athletics financial aid.

Legislation:

15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid.

A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance [was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term (see Bylaw 14.1.8.2.1.3 for final term exception and Bylaw 15.2.8 for summer-term exception)] under the following circumstances: *(Revised: 6/8/99)*

(a) The student-athlete is an undergraduate with eligibility remaining under Bylaw 14.2 (five-year rule);
(b) The student-athlete is a graduate student eligible under Bylaw 14.1.9;
(c) Within six years after initial enrollment in a collegiate institution (provided the student does not receive such aid for more than five years during that period); however, after the six-year period expires, this restriction shall

Case Number 7297

Action Denied

Decision Date August 26, 2004

Division I

Sport(s)
Baseball

Bylaw(s)
15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid.

Facts:
Student-athlete (SA) initially enrolled, practiced, competed and received athletics aid at Institution No. 1, a two-year institution, for the 1998-99 and 1999-2000 academic years. SA transferred to applicant institution for the 2000-01 and 2001-02 academic years where he practiced, competed and received athletics aid ($4328 each year). Applicant institution also awarded SA an out-of-state tuition waiver based on his academic performance at Institution No. 1 ($4131 in 2000-01 and $4390 in 2001-02). SA joined a minor league baseball organization after the conclusion of the 2002 spring semester. SA was not enrolled during the 2002-03 and 2003-04 academic years while he competed with the minor league baseball organization. SA has resigned from professional baseball and would like to return to applicant institution for the 2004-05 academic year to complete his degree. Applicant institution would like to provide SA an athletics grant-in-aid valued at $7718 ($4390 plus $4328). However, since SA has exceeded the six-year period for awarding financial aid, this is prohibited under NCAA financial aid legislation.

Request of Institution:
Waive the normal application of the financial aid legislation and permit SA to receive institutional aid beyond the sixth year. SA asserts that he was informed by his academic counselor before he departed applicant institution that his athletics aid would be available on his return. SA asserts that he contacted his academic counselor again in June 2004 to inquire about the status of his financial aid. SA asserts he was informed by his academic counselor that he would still be eligible for the tuition waiver and athletics aid. SA's academic counselor asserts he informed SA that institutional policy required all SAs to apply for a fifth year of athletics aid and he encouraged SA to apply. However, the counselor noted that he was not aware of the six-year period, and therefore did not provide this information. In addition, SA's academic counselor asserts that based on SA's excellent academic record, he thought the tuition waiver would still be available; however, the counselor noted he never guarantees academic scholarships. SA asserts that approximately one week after the meeting with his academic counselor, he was informed by the bursar's office that he was not eligible to receive the tuition waiver or the fifth year of athletics aid. The bursar's office noted that because SA did not maintain a continuous enrollment at applicant institution and since he did not file a deferment request, the tuition waiver was no longer available. The bursar's office also noted that SA's six-year period for receiving athletics aid had expired at the conclusion of the 2003-04 academic year. SA asserts he was never made aware of these limitations and may have to pay approximately $10,000 to applicant institution for the 2004 fall semester. SA asserts that had he known about the six-year period, he would have returned to campus during the past two off seasons to complete his degree requirements. Applicant institution asserts it failed to inform SA of the financial aid limitations. Applicant institution notes it has implemented a new policy to notify all SAs who leave the institution of the financial aid limitations if the individual still has athletics aid available to them.

Rationale:
STAFF DENIED: Based on the intent of the legislation and a lack of extenuating circumstances.

SUBCOMMITTEE DENIED: Based on the intent of the legislation and a lack of extenuating circumstances.

Legislation:

15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid.

A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance [was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term (see