

**REPORT OF THE
NCAA DIVISION I AMATEURISM CABINET
JUNE 22-23, 2009, MEETING**

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

- None.

KEY ITEMS.

- 1. Proposals Sponsored for the 2009-10 Legislative Cycle.** The cabinet sponsored three legislative proposals for the 2009-10 legislative cycle, including a proposal to change the definition of a professional athletics team and the criteria for determining a season of competition. [See Informational Items 1-a, -b and -c below.]
- 2. Commercial Activity in Division I Intercollegiate Athletics.** The cabinet engaged in a detailed review of the final report of the Task Force on Commercial Activity in Intercollegiate Athletics. The cabinet stressed the need for the legislative changes to strike the appropriate balance between the necessity of commercial involvement in intercollegiate athletics and the principles of amateurism. The cabinet will continue its discussion of the legislative concepts in the report at its September meeting, at which time it may make specific legislative recommendations to the Leadership Council.

INFORMATIONAL ITEMS.

1. Legislative Informational Items.

a. NCAA Bylaw 12.02.4 (Professional Athletics Team).

- (1) Recommendation. The cabinet agreed to sponsor legislation for the 2009-10 legislative cycle to permit an individual prior to initial, full-time collegiate enrollment to engage in outside competition with a professional athletics team without jeopardizing intercollegiate eligibility, provided the individual does not receive more than actual and necessary expenses to compete on the team.

The cabinet noted that as part of the recommendation, the competitive equity issues related to participation in organized competition would be addressed as follows:

(a) In sports other than tennis, swimming and diving and women's volleyball, a prospective student-athlete who does not initially enroll full-time in a collegiate institution within one year (or the next opportunity to enroll after one year has elapsed) following the high school graduation date of the prospective student-athlete's class and participates in organized events after the one-year period shall be charged with a season of intercollegiate competition for each year of participation and shall fulfill an academic year in residence on matriculation at the certifying institution before being eligible to represent the institution in intercollegiate competition.

(b) In tennis, a prospective student-athlete who does not initially enroll full-time in a collegiate institution within six months (or the next opportunity to enroll after the six-month period has expired) following the high school graduation date of the prospective student-athlete's class and participates in organized events after the six-month period shall be charged with a season of intercollegiate competition for each year of participation and shall fulfill an academic year in residence for each year of participation on matriculation at the certifying institution before being eligible to represent the institution in intercollegiate competition.

(2) Effective Date. August 1, 2010.

(3) Rationale. The cabinet agreed that prior to initial collegiate enrollment it is more equitable to determine a prospective student-athlete's eligibility based on the specific circumstances of the prospective student-athlete (as opposed to the prospective student-athlete and any of his or her teammates). Under this approach, a prospective student-athlete would also be permitted to sign a contract with a professional sports team, provided the terms of the contract do not allow for the receipt of more than actual and necessary expenses. With this possible legislative change, an institution would no longer be required to determine whether or not a team is considered professional. Instead, an institution would focus its review on an individual's specific circumstances and eligibility would be assessed for the individual using the threshold of receipt of more than actual and necessary expenses from the sports team.

- (4) Estimated Budget Impact. Potential cost savings as a result of no longer dedicating resources to determine whether any of a prospective student-athlete's teammates received more than actual and necessary expenses.
- (5) Student-Athlete Impact. None.

b. Amateurism – Involvement with Professional Teams – Tryout After Enrollment - Men's Ice Hockey.

- (1) Recommendation. The cabinet agreed to sponsor legislation for the 2009-10 legislative cycle to specify that in men's ice hockey, a prospective or enrolled student-athlete may accept actual and necessary travel, and room and board expenses from a professional sports organization that is a member of the National Hockey League (NHL) in order to attend the NHL Scouting Combine, regardless of the duration of the combine.
- (2) Effective Date. Immediate.
- (3) Rationale. This proposal provides the same benefit to men's ice hockey prospective and enrolled student-athletes that currently is provided in the sport of basketball. Currently, men's ice hockey prospective and enrolled student-athletes must limit their tryout activities to a 48-hour period to avoid jeopardizing their eligibility if they receive any expenses for the tryout from a professional sports organization. As a result, individuals taking part in the combine (which does not include any on-ice activities) have attempted to conduct as many interviews as possible during the 48-hour time period, during which medical screenings and a physical fitness evaluation also take place. This compression of activities can be detrimental to the performance of the participants during an activity that can have significant consequences on their future career.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. Expanded opportunities for men's ice hockey student-athletes to tryout with professional teams.

c. Amateurism – Amateur Status – Exception for Insurance against Disabling Injury Insurance and Awards, Benefits and Expenses for Enrolled Student-Athletes – Benefits, Gifts and Services – Disabling-Injury Insurance.

- (1) Recommendation. The cabinet agreed to sponsor legislation for the 2009-10 legislative cycle to specify that an institution's president or chancellor

may designate an institutional staff member(s) to assist student-athletes in making arrangements for securing disabling-injury insurance.

- (2) Effective Date. Immediate.
- (3) Rationale. Currently, there appears to be a growing trend within the agent and financial advisor community to arrange disability insurance policies and loans for student-athletes for purposes of recruiting. The cabinet believes that allowing institutional staff members to assist student-athletes with these arrangements would eliminate improper third-party involvement and also alleviate the pressures on student-athletes to seek out this assistance from third parties. It would continue to be impermissible for a representative of athletics interest to provide such assistance.
- (4) Estimated Budget Impact. Minimal.
- (5) Student-Athlete Impact. Potential significant impact on alleviating pressures on student-athletes to seek out assistance from third parties (e.g., agents) in order to secure loans to purchase disabling-injury insurance.

2. Nonlegislative Informational Items.

- a. **Commercial Activity in Division I Intercollegiate Athletics.** The cabinet engaged in a detailed review of the final report of the Task Force on Commercial Activity in Intercollegiate Athletics. The Leadership Council requested the cabinet review the Statement of Principles in order to make recommendations regarding the necessary implementation details relative to the principles pertaining to the amateurism rules. The cabinet stressed the need for the legislative changes to strike the appropriate balance between the necessity of commercial involvement in intercollegiate athletics and the principles of amateurism. The cabinet identified several issues for further discussion at its September meeting and requested that staff provide examples of various new media concepts involving the use of student-athletes' images or names in order to facilitate the discussion.
- b. **Bylaw and Practices Review.** At the request of the Board of Directors, the cabinet engaged in a review of Bylaw 12. The cabinet agreed to continue its examination of the legislation at its September meeting to identify bylaws that could be modified in order to provide possible financial relief to institutions. The cabinet also requested staff solicit the assistance of the National Association of Athletics Compliance (NAAC) for suggestions as to possible legislative change(s).

- c. **Guiding Principles.** The cabinet engaged in a discussion regarding its guiding principles and priorities to be used when considering legislative proposals or other amateurism issues. [Attachment A.]

- d. **Eligibility Center Report.** The Eligibility Center staff provided an overview of data related to the amateurism certification process (e.g., most penalized sports, bylaws most frequently violated and sports most frequently involved). The cabinet also received an update on the Expense Valuation Pilot Program and reaffirmed that the US Census Bureau Web site is the most appropriate source for expense valuation determinations. The Eligibility Center announced that a new registration Web site will be launched June 29, 2009, at www.eligibilitycenter.org. The cabinet also approved the updated NCAA Divisions I and II Amateurism Certification Process Policies and Procedures. The cabinet also engaged in a discussion regarding the challenges faced by the Eligibility Center staff with prospects who are not truthful during the certification process and requested that this be a future cabinet discussion item.

Cabinet Chair: Mike Rogers, Baylor University, Big 12 Conference
Staff Liaison(s): Rachel Newman Baker, Agent, Gambling and Amateurism Activities
Angie Cretors, Agent, Gambling and Amateurism Activities
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**GUIDING PRINCIPLES
FOR THE AMATEURISM CABINET**

1. Student-athletes shall be an integral part of the student-body and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived.
2. Ensure that legislation reinforces that student participation in intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation.
3. Minimize missed class time; maximize time spent pursuing educational opportunities
4. All commercial activities shall support intercollegiate athletics and be consistent with the values of higher education.
5. Ensure legislation is written in a simple, clear and enforceable manner.
6. Consider the amount of time legislation has been in effect before supporting a legislative change.
7. Consider the impact of proposals on institutional, conference, NCAA and Eligibility Center resources and staff members.
8. Ensure feedback has been solicited from stakeholders.
9. Consider if sport-specific legislation is warranted or if proposed legislation can/should be expanded to other sports.
10. Examine potential unintended consequences when reviewing legislation.