UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

NORTHWESTERN UNIVERSITY,	)	
	)	
Employer,	)	
	)	
and	)	No. 13-RC-121359
	)	
COLLEGE ATHLETES PLAYERS ASSOCIATION (CAPA),	)	
	)	
Petitioner.	)	

AMICUS CURIAE BRIEF OF HAUSFELD LLP

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INTEREST OF *AMICUS*

Hausfeld LLP ("Hausfeld" or "Amicus") respectfully submits this brief *amicus curiae* in support of Petitioner College Athletes Players Association ("CAPA") to address factual inaccuracies in the Request for Review ("RFR") submitted by Northwestern University ("Northwestern" or "the university").[1]

Amicus is lead counsel in an antitrust class action against the National Collegiate Athletic Association ("NCAA") brought on behalf of current and former student athletes who compete on, or competed on, an NCAA Division I college or university men's basketball team or on an NCAA Football Bowl Subdivision men's football team and whose images, likenesses and/or names may be or have been, included or could have been included in game footage or in videogames licensed or sold by the NCAA or its licensees. *See In re NCAA Student-Athlete Name & Likeness Licensing Litigation*, Case No. 09-01967 (CW) (N.D. Cal.) (Docket No. 832). The Honorable Claudia Wilken subsequently certified a class to pursue injunctive relief (*see id.,* Docket No. 893) and the bench trial in that lawsuit was completed on June 27, 2014. *See O'Bannon v. NCAA*, Case No. 09-03329-CW (Docket No. 263). As lead counsel in the *O'Bannon* litigation, *amicus* is well-positioned to comment upon the factual statements made by Northwestern University in support of its Request for Review.

ARGUMENT

I. INTRODUCTION

In its RFR, Northwestern mischaracterizes and omits essential facts regarding Division I and Big Ten Conference football and the NCAA in order to convince the Board that the Regional Director's decision rests upon a shaky factual foundation and thus should be reversed. *See* RFR

[1] *Amicus* takes no position on the ultimate legal issue in this case—whether Northwestern's football scholarship student-athletes are employees within the meaning of the National Labor Relations Act.

at 6 ("The Regional Director's decision is replete with factual errors and mischaracterizations warranting reversal"); *id.* at 15 ("The Regional Director also completely ignored evidence and critical facts that did not support his pre-determined outcome"). To the contrary, a review of Northwestern's Request for Review reveals several deliberately misleading characterizations of Division I sports and the role of the NCAA and the Big Ten. Specifically, Northwestern attempts to deflect blame for certain of its actions by falsely asserting that it is merely following the dictates of the NCAA and the Big Ten and overemphasizes the notion of amateurism in an effort to paint Northwestern football (and by extension Division I football) as a non-commercial enterprise whose players are students first and athletes second. Both assertions are false—the NCAA and Big Ten are controlled by their members (including Northwestern) and Northwestern football players (like all Division I football players) are athletes first and foremost.

II. THE NCAA AND THE BIG TEN ARE BOTTOM-UP ORGANIZATIONS, NOT TOP-DOWN AS NORTHWESTERN CHARACTERIZES THEM.

In support of its argument that the imposition of rules and discipline on Northwestern scholarship football athletes does not render those athletes employees, Northwestern disingenuously argues that it is the NCAA and the Big Ten conference that are responsible for rules imposed on Northwestern football players. Northwestern asserts that "[m]any of the 'special rules' with which the Regional Director takes issue fall under the authority of the NCAA and the Big Ten—not Northwestern." RFR at 16. Similarly, when discussing the student-athlete scholarship tender offer, Northwestern claims that the school has little to no control over the content of the tender: "The content of the tender is dictated by the Big Ten—not the University—and sets forth the rights and responsibilities the student-athlete has under Big Ten and NCAA regulations related to aid." RFR at 26. Later in its brief, the university challenges the rules that the NLRB Regional Director cited to in his decision. Northwestern claims that the

"vast majority" of these rules are imposed by the Big Ten and the NCAA, thus negating Northwestern's control over its student athletes. *Id.* at 30.

This is a dishonest proposition. As discussed below, the Big Ten and the NCAA are both controlled by their members, including Northwestern, and both organization's rules are agreed upon by their members, including Northwestern.

The NCAA bylaws clearly demonstrate that Northwestern controls its athletic program. The NCAA executive committee is responsible for the strategic planning of the NCAA and its board of directors is responsible for the policy and direction of each NCAA division. Both of these bodies are comprised of member institution presidents and chancellors. NCAA, CONSTITUTION, OPERATING BYLAWS, ADMINISTRATIVE BYLAWS ("NCAA MANUAL"), §§ 4.1.1, 4.2.1 (Aug. 1, 2009) (attached as Exhibit A). Each school picks a delegate to attend the NCAA Annual Convention, an event at which much of the rule-making for the NCAA and its divisions is done. *Id.* at § 5.1.1 et seq. The NCAA rules also explicitly state that member institutions and college presidents have control. Rule 6.0.1 states, "The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control." Rule 6.1.1 additionally states, "A member institution's president or chancellor has ultimate responsibility and final authority for the conduct of the intercollegiate athletics program and the actions of any board in control of that program." With these rules, it is clear that the member institutions and their presidents control decisions regarding intercollegiate athletics. Accordingly, Northwestern cannot avoid responsibility for the treatment of its athletes by shifting the blame to the Big Ten and the NCAA.

Statements from NCAA and Big Ten officials reinforce the fact that the NCAA and the Big Ten are controlled by their member-institutions. For example, Wallace Renfro, NCAA Vice

President and Senior Advisor to the President, while participating in a Knight Commission on Intercollegiate Athletics ("Knight Commission")[2] meeting on October 27, 2008, stated that the NCAA is "nothing more than an association of universities and that it has absolutely not one iota of authority to take the first step without direction by the universities themselves…" *Commercialism in Sports and Athletes' Rights in the 21st Century: How the new media landscape and fan interactivity is impacting traditional amateurism principle*s ("*Commercialism in Sports*"), The Knight Commission Podcast (Oct. 27, 2008), http://www.knightcommissionmedia.org/audio/20081027-commercialism1.mp3 (transcript attached as Exhibit B). In an email to NCAA personnel, Bill Saum, the NCAA's Director of Agent, Gambling and Amateurism Activities echoed Renfro's sentiment. Saum discussed a decision regarding student-athletes' rights and affirmed that without approval from member-institutions' presidents, the decision would not be implemented. "If we receive momentum from the presidents," he said, "we will pursue a reduction or elimination of using the student athlete likeness for profit. If we do not receive presidential support we will analyze options on what is done with the money." Email from Saum to various NCAA personnel (Apr. 21, 2004) (attached as Exhibit C). Similarly, James Delany, Commissioner for the Big Ten Conference[3] testified in the *O'Bannon* trial that he reports to the Presidents and Chancellors of each Big Ten member-institution and that the Big Ten achieves "institutional control of intercollegiate athletics . . . through presidential leadership." *See* June 20, 2014 Trial Testimony of James Delany at 2035:19—2036:14; 2097:13-17 (attached as Exhibit D).

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[2] The Knight Commission was formed by the John S. and James L. Knight Foundation in October 1989 in response to more than a decade of highly visible scandals in college sports. *See* http://knightcommission.org/about-background (last visited June 23, 2014). Harry S. Bieman, President Emeritus, Northwestern University, is among the Knight Commission's members. *See* http://knightcommission.org/about/members-bios (last visited June 23, 2014).

[3] Delaney has been the Commissioner of the Big Ten Conference for the past 25 years. (Exhibit D at 2034:22—2035:7).

Finally, the Knight Commission advocates for college presidential control of the NCAA. The commission's annual reports demonstrate that its advocacy is working. According to the commission, the NCAA addressed the issue of presidential control in 1992, 1993, and 1996. In 1992, the NCAA added a bylaw that required presidential approval of conference-sponsored legislation. THE KNIGHT COMMISSION, KEEPING THE FAITH WITH THE STUDENT ATHLETE ("KEEPING THE FAITH") 10 (1991) (attached as Exhibit E). In 1993, the NCAA formalized the college presidents' role with a Joint Policy Board of NCAA officers and college presidents. *Id.* Then in 1996, one of the Knight Commission's "most significant" recommendations was adopted when the NCAA changed its governance to put college presidents in charge of "all planning and policy activities, including the budget." THE KNIGHT COMMISSION, A CALL TO ACTION—RECONNECTING COLLEGE SPORTS AND HIGHER EDUCATION ("A CALL TO ACTION") 10-11 (2001) (attached as Exhibit F). The commission noted in its 2001 report, "Institutions, not the NCAA, decide what's best for themselves…" *Id.* at 17.

Taken together, these sources belie Northwestern's assertion that it is a helpless actor merely carrying out rules and regulations promulgated by the NCAA and the Big Ten. In reality, the university plays an integral role in the rule-making of the Big Ten conference and the NCAA and ultimately has control over its own athletic programs and the treatment of its athletes.

III. NORTHWESTERN DELIBERATELY MISCHARACTERIZES DIVISION I FOOTBALL, THE NCAA AND "AMATEURISM."

Northwestern also argues that the Regional Director's decision "ignored the evidence of Northwestern's primary commitment to the education of all of its student-athletes, evidence that fully supports that its student-athletes are primarily students, and not employees." RFR at 1. However, Northwestern's argument is based upon a deliberate misrepresentation of the facts regarding Northwestern and other Division I football programs. Rather, the evidence demonstrates that: (1) Northwestern football players, like other Big Ten and Division I football

players, are athletes first and foremost, (2) the NCAA is a fully commercial enterprise, and (3) the much-vaunted concept of amateurism is an unclear and antiquated concept. Accordingly, it is Northwestern itself that ignores and misrepresents the "facts" regarding Division I football.

A. Student-Athletes Are Athletes First and Foremost.

Northwestern claims that its football players are primarily students, not athletes. However, a review of internal NCAA and Big Ten communications supports the Regional Director's findings regarding the commercial nature of Division I football and the status of Northwestern football players. While Northwestern touts its commitment to its "student-athletes," it is clear that at least with respect to Division I football, players are athletes first. In fact, the Regional Director noted the many ways that Northwestern ensures that football is its athletes' first priority. *See* R&R at 11 (finding that players were discouraged from taking classes that conflicted with football obligations and that scholarship students were not permitted to miss football practice in the event of a class conflict).

Internal NCAA communications and public statements made by famous figures in college football reinforce the importance of football over academics. For example, Renfro,[4] then Senior Advisor to the NCAA's President, Mark Emmert, acknowledged in an email to Emmert that the fiction of the student-athlete was created merely to "counter the criticism that we are paying college athletes when we began providing grants-in-aid." Email from Renfro to Emmert at 2 (Oct. 17, 2010) (attached as Exhibit G). In the same email, Renfro described amateurism as, "a fairness issue, and along with the notion that athletes are students is the great hypocrisy of intercollegiate athletics." *Id.*

[4] Renfro worked for over 40 years at the NCAA and was Vice President and Policy Advisor to the President from 2002 until departing in 2012. *See* http://www.renfroconsult.com/#!wallace-renfro (last visited June 23, 2014).

The time commitment imposed upon student-athletes shows further that universities value student-athletes as athletes first, not students. Paul "Bear" Bryant,[5] the legendary Alabama football coach recognized this time commitment and in his 1974 memoir wrote:

> I used to go along with the idea that football players on scholarship were student athletes, which is what the NCAA calls them, meaning student first and athlete second. We were kidding ourselves, trying to make it more palatable to the academicians. We don't have to say that, and we shouldn't. At the level we play, the boy is really an athlete first and a student second.

PAUL "BEAR" BRYANT WITH JOHN UNDERWOOD, *Bear: The Hard Life and Good Times of Alabama's Coach Bryant* 325 (Triumph Books, 1974). Similarly, Renfro, in internal NCAA emails, doubted the ability of an athlete to have a real academic experience. He stated:

> We know from a couple of surveys we have done ... that student-athletes spend as much as 45 hours a week on their sport – more they say, in some cases, than their academics ... Can they have a full student experience under those conditions? What do we want to say about that? I'm torn. We have a 20-hour rule for structured activity. We have a wink-and-a-nod approach to voluntary activity.

Exhibit G at 2. A NCAA official's characterizing the organization's approach to voluntary activity as a "wink-and-a-nod" approach reinforces the fact that so-called "student-athletes" are athletes first and foremost.

The Knight Commission discusses the academics-athletics balance in its annual reports. These reports demonstrate the evidence of athletics' dominance over academics from admission to graduation (if an athlete is even able to graduate). Regarding admission, the 2001 Knight Commission states, "Athletes are often admitted to institutions where they do not have a reasonable chance to graduate. They are athlete-students, brought into the collegiate mix more as performers than aspiring undergraduates." A CALL TO ACTION, *supra* at 16. The priorities do not

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[5] Bryant played football for the University of Alabama. His coaching career spanned over forty years including head coaching stints at University Maryland (1945), University of Kentucky (1946-53), Texas A&M (1954-57), and Alabama (1958-82). *See* http://www.footballfoundation.org/Programs/CollegeFootballHallofFame/SearchDetail.aspx?id=70009 (last visited June 23, 2014).

shift after school begins. That report continues, "Their ambiguous academic credentials lead to chronic classroom failures or chronic cover-ups of their academic deficiencies. As soon as they arrive on campus, they are immersed in the demands of their sports." *Id.* The commission's first report detailed a 1980s study regarding time that athletes spent practicing their sports versus studying and found that "football and basketball players at Division I-A institutions spent approximately 30 hours a week on their sports in season, more time than they spent attending or preparing for class." KEEPING THE FAITH, *supra* at 28-29.

In the commission's 1999 report, Creed Black, the commission's former president and CEO, described the impetus for the commission's founding. After describing the generally bleak college athletics atmosphere, the commission's president says, "At times, it seemed that hardly a day passed without another story about recruiting violations, under the table payoffs, players who didn't go to classes, or who took courses like 'recreational leisure' and 'advanced slow-pitch softball.'" THE KNIGHT COMMISSION, 1999 ANNUAL REPORT 4 (1999) (attached as Exhibit H). Citing a *Time Magazine* article, the report says the victims in this atmosphere "were not just athletes who found the promise of an education a sham, but 'the colleges and universities that participate in an educational travesty—a farce that devalues every degree and denigrates the mission of higher education.'" *Id.* (citing Ted Gup, *Foul!*, TIME MAGAZINE, Apr. 3, 1989, available at http://content.time.com/time/magazine/article/0,9171,151524,00.html). The Big Ten itself, and other university conferences, continue to recognize that players' commitment to athletics all too often minimizes their academic experience. *See* June 20, 2014 Trial Testimony of James Delany at 2108:9—2114:16 (testifying regarding the limits on educational opportunities for athletes and the need for reform) (attached as Exhibit D).

Moreover, representatives of the Group of Five Conferences[6] have recently publicized the need for reform of intercollegiate athletics, including with respect to student-athletes' academic opportunities and development. *See* May 14, 2014 Letter from Pac 12 presidents to the Big 12, Big Ten, ACC and SEC presidents (attached as Exhibit I) (setting forth "urgent" need to reform intercollegiate athletic rules to address "the need to increase the funding for student-athlete driven initiatives and the restoration of academic primacy to the mission of intercollegiate athletics"); November 25, 2013 Presentation to NCAA Division 1 Board of Directors Subcommittee on Restructuring the NCAA by President Bernie Machen, University of Florida (SEC) and Chancellor Harvey Perlman, University of Nebraska-Lincoln (Big Ten) (attached as Exhibit J) (offering testimony on behalf of the Presidents/Chancellors, Athletic Directors of the Group of Five Conferences and noting that intercollegiate athletics is the "subject of considerable criticism" including accusations of "exploiting student athletes for our own financial gain" and the belief that "athletics undermines the value of higher education.")

The NCAA, according to the Knight Commission, gives lip service to the idea of prioritizing academics but many of its rules contradict its stated goals. The commission pointed out in its 2010 report that the football postseason structure stretches into the second term, particularly for quarter-systemed schools. This creates further academic conflicts than if the entire season stayed within the bounds of one semester. THE KNIGHT COMMISSION, RESTORING THE BALANCE 16 (2010) (attached as Exhibit K).

After prioritizing athletics over academics throughout the admission process and while the athlete is in school, many "student-athletes" fail to graduate and federally reported graduation rates are starkly different for Division I college football and basketball players compared to other students and athletes. *See* Plaintiff's Opening Post-Trial Brief, *O'Bannon v. NCAA*, Case

[6] The Group of Five includes the Big Ten, Pacific 12 ("Pac 12"), Big 12, Atlantic Coast ("ACC") and Southeastern ("SEC") conferences.

No. 4:09-cv-3329 CW (N.D. Cal.), at 21 (Docket No. 275) (attached as Exhibit N). The NCAA has even adopted a measure of academic success called the Graduation Success Rate ("GSR") which is applied to athletes only, and avoids comparisons to the student body as a whole; the GSR is intended to remove drop outs and transfers from the federal graduation rates—without tracking whether the transfers ever graduate at a later institution. During the *O'Bannon* trial, the NCAA's Diane Dickman testified that the NCAA has adopted another metric not applied to the student body, an "Academic Progress Rate" of 930 which translates to a graduation rate of 50%, and GPAs of 1.8 to 2.0. *Id.* at 21 n.30.

Throughout the athletes' collegiate experience, their academic career is set aside in favor of their athletics careers, thus calling into question the ideal of the "student-athlete."

B. <u>The NCAA And Division I Football Are Commercial Enterprises</u>.

College athletics is big business—from 2005 to 2011 broadcast revenue for Division I football programs alone was over $6 billion. *See* June 20, 2014 Trial Testimony of Daniel Rascher at 834:13—836:24 (attached as Exhibit O). The Big Ten earns hundreds of millions in annual revenues, including between $25 million to $35 million from conference bowl games alone. *See* June 20, 2014 Trial Testimony of James Delany at 2094:10—2097:25 (attached as Exhibit D). The Big Ten distributes its revenue equally between its member institutions—resulting in a distribution last year of approximately $25 million to Northwestern. *Id.* at 2066:5-11. Northwestern football revenue last year was over $30 million. *See* U.S. Dept. of Education's Equity in Athletics Data Analysis ("EADA").[7] The NCAA too, while a non-profit, is a highly commercial enterprise. Its 2013 financial reports list over $700 million in assets and nearly $1 billion in total revenues.[8] NCAA officials do not hesitate to discuss the commercial aspects of

[7] EADA data by institution is available at http://ope.ed.gov/athletics/index.aspx.

[8] National Collegiate Athletic Association and Subsidiaries, Consolidated Financial Statements as of an for the Years Ended August 31, 2013 and 2012, Supplementary Information as of and for the year ended August 31, 2013, and Independent Auditors' Report, NCAA,

the NCAA and have done so multiple times publicly. Renfro stated in a Knight Commission meeting:

> [C]ommercialism is as old as college sports as embedded in the financial structure of intercollegiate athletics as philanthropy is in all of higher education and as critical to the continued sponsorship of athletics as ensuring the education value of participation in college sports is to its very existence on campus. In short, commercialism is here to stay.

Commercialism in Sports at 10. NCAA officials addressed the same issues in three different "State of the Association" addresses. The former NCAA president, Myles Brand stated in 2006, "Commercial activity, meaning for example, the sale of broadcast rights and logo licensing, is not only acceptable, but mandated by the business plan…" Myles Brand, NCAA President, NCAA State of the Association: Principles of Intercollegiate Athletics (Jan. 7, 2006).[9] In 2009, Renfro repeated the sentiment, saying, "Media Presentation of sports is big—very big business. That pertains not only to professional sports, but also to college sports." Wallace Renfro, NCAA vice president and senior advisor to President Myles Brand, The 2009 State of the Association Address (Jan. 15, 2009).[10] Finally, the Knight Commission summed up the NCAA's history with commercialism:

> Within the last decade, big-time athletics programs have taken on all the trappings of a major entertainment enterprise. In the search for television revenues, traditional rivalries have been tossed aside in conference realignments, games have been rescheduled to satisfy broadcast preferences, the number of games has multiplied, student-athletes have been put on the field at all hours of the day and night, and university administrators have fallen to quarreling among themselves over the division of revenues from national broadcasting contracts.

KEEPING THE FAITH, *supra* at 22.

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http://www.ncaa.org/sites/default/files/NCAA_FS_2012-13_V1%20DOC1006715.pdf (last visited June 16, 2014) .

[9] Available at http://fs.ncaa.org/Docs/NCAANewsArchive/2006/Association-wide/brand+charts+course+for+collegiate+model_s+next+century+-+1-16-06+ncaa+news.html.

[10] Transcript available at http://fs.ncaa.org/Docs/NCAANewsArchive/2009/Association-wide/the+2009+ncaa+state+of+the+association+speech+-+1-15-09+-+ncaa+news.html.

It is even more telling what NCAA officials say to each other in private. Steve Mallonee, then the NCAA membership services official, emailed Kevin Lennon and Bo Kerin (both of the NCAA) in August of 2005 regarding the use of student-athletes ("s-a") and their rights to use their own likenesses. He said that his "biggest concern" was "that such a position really does allow for the maximum commercial exploitation of the s-a and if that occurs, will it be long before we can defend not giving them a piece of the profits?" Email from Mallonee to Lennon and Kerin (Aug. 25, 2005) (attached as Exhibit L). Renfro, in a private email to Emmert acknowledged the complete commercialization of the NCAA:

> There is a general sense that intercollegiate athletics is as thoroughly commercialized as professional sports. Some believe that athletic departments study how to emulate the pros on marketing their sports (primarily football and basketball), and sometimes lead the way. And the public would generally agreed [sic] that has all taken place at the expense of the student athlete whose participation is exploited to make another buck for a bigger stadium, the coaches, the administrators or for other teams who can't pay their own way. It is a fairness issue, and along with the notion that athletes are students is the great hypocrisy of intercollegiate athletics.

Exhibit G, at 3. In the same email, Renfro noted that the NCAA's "cradle-to-grave approach to amateurism" is based on outdated romantic notions not found in the NCAA constitution and bylaws. *Id.*

C. "Amateurism" Is Not Evidence Against Finding Northwestern Football Players Are Employees.

Northwestern argues in its brief that an integral part of its athletics success is the "institution's commitment to honoring the highest standards of amateur competition." RFR at 33. This echoes the NCAA's frequent argument that amateurism must be preserved at all costs. The NCAA Constitution states "the Principle of Amateurism" as follows: "[s]tudent athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in

intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation by professional and commercial enterprises." NCAA MANUAL, § 2.9.

In practice, the principle of amateurism is meaningless and has been significantly impaired by college sports' pervasive emphasis on commercialization. In fact, Emmert himself recently recognized that "amateurism" historically has not been an essential element to college athletics. *See* Emmert's State of the Association 2013 NCAA Convention, at 3 (attached as Exhibit P) ("one of the first major rules of the Big Ten conference, the early and youngest of the athletic conferences, was that football teams could only have 3 professionals on them…because they had to decide who could play and who couldn't. There were too many professionals, so just 3, just 3. You can only hire 3 players at a time"); *see also,* Plaintiff's Opening Post-Trial Brief, *O'Bannon v. NCAA*, at 10-12. The NCAA itself reported that "at many institutions, athletics often still appears oriented more toward entertainment, and the educational value of athletics participation and competition plays a secondary role to the win-loss column. …The drift of the collegiate model toward the professional approach—in both fact and fiction—has given credence to the concern." *See* 2006 Presidential Task Force on the Future of Division I Intercollegiate Athletics, at 32.[11] In his 2006 State of the Association speech, NCAA President Myles Brand stated that the NCAA and its members had romanticized the notion of amateurism in connection with the "halcyon ideal that college sports can operate without commercial support and indifference to the realities of a modern business model." (A transcript of Brand's speech is attached as Exhibit M.) As Renfro summed it up in a 2010 email: "our commitment to amateurism (and the commitment of our publics) has often been based on something other than how we define amateurism in our own constitution." Exhibit G at 4. In a public setting (a Knight Commission meeting), Renfro said the definition was frequently skewed by the public. "The

[11] Available at http://www.ncaapublications.com/productdownloads/PTF092.pdf.

problem is that we mistakenly extend the concept of amateurism to the enterprise itself. To be clear student athletes are amateurs. Intercollegiate athletics is not." *Commercialism in Sports*, *supra* at 10.

Given the dubious nature of the concept of amateurism in college sports (most notably in Division I football), the "ideal" of amateurism is not evidence that college football players are not employees.

IV. CONCLUSION

For each of the reasons stated above, the Board should reject Northwestern's deliberate efforts to misconstrue the facts with respect to the power of the NCAA and the Big Ten over the university and with respect to its claim that Northwestern football is a non-commercial enterprise whose players are students first and athletes second.

DATED: July 3, 2014

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CERTIFICATE OF SERVICE

I, Catherine R. Reilly, an attorney, state under oath that I caused a copy of the foregoing brief *amicus curiae* to be electronically filed with the National Labor Relations Board and electronically served upon the following on this 3rd day of July, 2014.

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Exhibit A

2009-10 NCAA® DIVISION I MANUAL

Constitution
Operating Bylaws
Administrative Bylaws
Effective August 1, 2009

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July 2009
[ISSN 1093-3174]

Text Prepared By: NCAA Academic and Membership Affairs Staff.

Production By: NCAA Academic and Membership Affairs Staff.

This publication incorporates final legislative actions taken during the 2008-09 legislative cycle. Legislation adopted after August 1, 2008, interpretations incorporated by the Legislative Review/Interpretations Committee, modifications of wording and editorial revisions are set off by a gray background and also include an adoption or revision date. Readers seeking the legislative history of a given provision (earlier dates of adoption or revision) should consult the appropriate paragraphs in the 1988-89 NCAA Manual or the NCAA academic and membership affairs staff.

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User's Guide

I. MANUAL FORMAT

BLEED TABS
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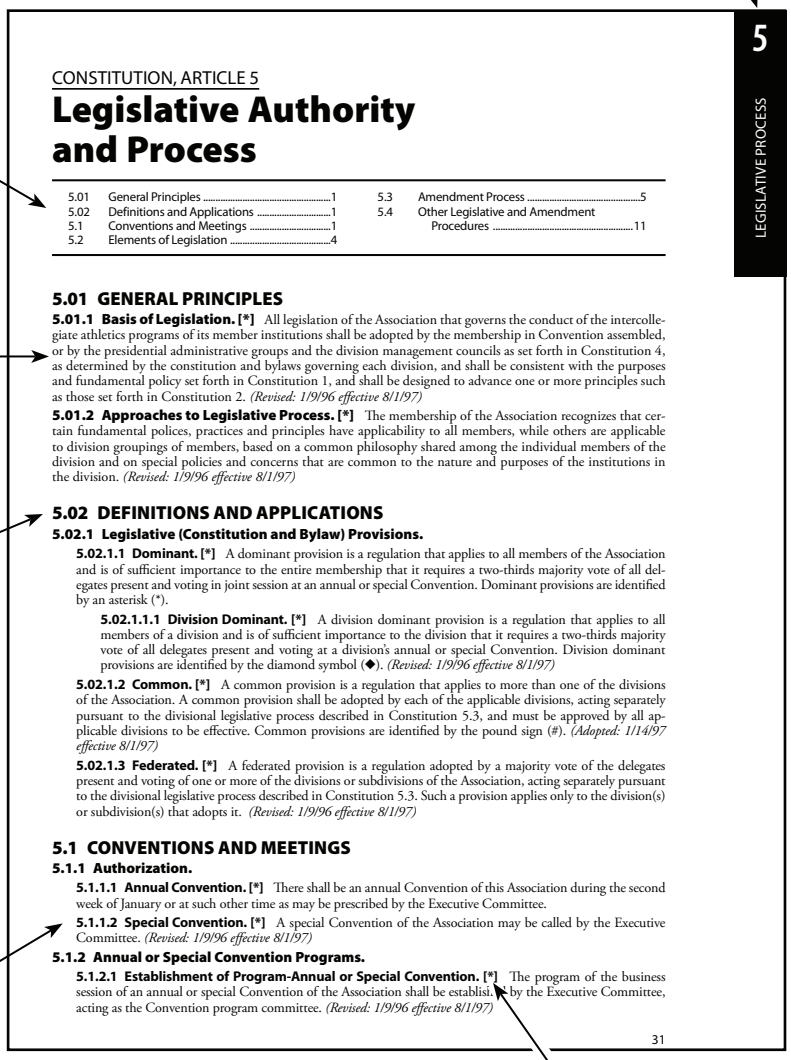
ARTICLE TABLE OF CONTENTS
At the beginning of each article is an abbreviated table of contents to assist the user in locating specific information within the article.

GENERAL PRINCIPLES
General principles that are considered of particular importance in helping the user understand the rationale for the detailed regulations that follow are presented at the beginning of appropriate articles.

DEFINITIONS AND APPLICATIONS
Following the general principles in most articles is a section in which definitions and applications are provided for a number of the more important words or terms used in that article.

DECIMAL NUMBERING WITH TOPIC HEADINGS
The decimal numbering system provides efficiency and flexibility. Section headings, to at least the fourth subsection level, and for further subsections where appropriate, assist the user in identifying the section content, thus facilitating ready access to pertinent regulations. This system also facilitates a "hanging indention" presentation, which helps the reader relate the subsections to the basic section.

VOTING REQUIREMENTS
Symbols for voting requirements appear after the title of the bylaw. See page ix for a complete explanation of all symbols. Each division's Manual contains legislation specific to the applicable division and does not contain legislation pertaining only to one or both of the other divisions.



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LEGISLATIVE PROCESS

CONSTITUTION, ARTICLE 5

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5.2 Elements of Legislation 4
5.3 Amendment Process 5
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5.01 GENERAL PRINCIPLES

5.01.1 Basis of Legislation. [*] All legislation of the Association that governs the conduct of the intercollegiate athletics programs of its member institutions shall be adopted by the membership in Convention assembled, or by the presidential administrative groups and the division management councils as set forth in Constitution 4, as determined by the constitution and bylaws governing each division, and shall be consistent with the purposes and fundamental policy set forth in Constitution 1, and shall be designed to advance one or more principles such as those set forth in Constitution 2. *(Revised: 1/9/96 effective 8/1/97)*

5.01.2 Approaches to Legislative Process. [*] The membership of the Association recognizes that certain fundamental polices, practices and principles have applicability to all members, while others are applicable to division groupings of members, based on a common philosophy shared among the individual members of the division and on special policies and concerns that are common to the nature and purposes of the institutions in the division. *(Revised: 1/9/96 effective 8/1/97)*

5.02 DEFINITIONS AND APPLICATIONS

5.02.1 Legislative (Constitution and Bylaw) Provisions.

5.02.1.1 Dominant. [*] A dominant provision is a regulation that applies to all members of the Association and is of sufficient importance to the entire membership that it requires a two-thirds majority vote of all delegates present and voting in joint session at an annual or special Convention. Dominant provisions are identified by an asterisk (*).

5.02.1.1.1 Division Dominant. [*] A division dominant provision is a regulation that applies to all members of a division and is of sufficient importance to the division that it requires a two-thirds majority vote of all delegates present and voting at a division's annual or special Convention. Division dominant provisions are identified by the diamond symbol (◆). *(Revised: 1/9/96 effective 8/1/97)*

5.02.1.2 Common. [*] A common provision is a regulation that applies to more than one of the divisions of the Association. A common provision shall be adopted by each of the applicable divisions, acting separately pursuant to the divisional legislative process described in Constitution 5.3, and must be approved by all applicable divisions to be effective. Common provisions are identified by the pound sign (#). *(Adopted: 1/14/97 effective 8/1/97)*

5.02.1.3 Federated. [*] A federated provision is a regulation adopted by a majority vote of the delegates present and voting of one or more of the divisions or subdivisions of the Association, acting separately pursuant to the divisional legislative process described in Constitution 5.3. Such a provision applies only to the division(s) or subdivision(s) that adopts it. *(Revised: 1/9/96 effective 8/1/97)*

5.1 CONVENTIONS AND MEETINGS

5.1.1 Authorization.

5.1.1.1 Annual Convention. [*] There shall be an annual Convention of this Association during the second week of January or at such other time as may be prescribed by the Executive Committee.

5.1.1.2 Special Convention. [*] A special Convention of the Association may be called by the Executive Committee. *(Revised: 1/9/96 effective 8/1/97)*

5.1.2 Annual or Special Convention Programs.

5.1.2.1 Establishment of Program-Annual or Special Convention. [*] The program of the business session of an annual or special Convention of the Association shall be establis[illegible] by the Executive Committee, acting as the Convention program committee. *(Revised: 1/9/96 effective 8/1/97)*

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II. ORGANIZATION OF THE NCAA MANUAL

Divisions I, II and III each have a separate Manual that contains legislation specific to the applicable division and does not contain legislation pertaining only to one or both of the other divisions. However, legislation that includes references to one or both of the other divisions will appear in its entirety. In addition, since each division's Manual does not contain legislation specific to the other division(s), some bylaws may have gaps in the numbering sequence.

Constitution

Articles 1 through 6 are the constitution, which consists of information relevant to the purposes of the Association, its structure, its membership and legislative-process information, and the more important principles for the conduct of intercollegiate athletics.

Article 1 Name, Purposes and Fundamental Policy
Article 2 Principles for Conduct of Intercollegiate Athletics
Article 3 NCAA Membership
Article 4 Organization
Article 5 Legislative Authority and Process
Article 6 Institutional Control

Operating Bylaws

Articles 10 through 23 are the operating bylaws, which consist of legislation adopted by the membership to promote the principles enunciated in the constitution and to achieve the Association's purposes.

Article 10 Ethical Conduct
Article 11 Conduct and Employment of Athletics Personnel
Article 12 Amateurism
Article 13 Recruiting
Article 14 Eligibility: Academic and General Requirements
Article 15 Financial Aid
Article 16 Awards, Benefits and Expenses for Enrolled Student-Athletes
Article 17 Playing and Practice Seasons
Article 18 Championships and Postseason Football
Article 19 Enforcement
Article 20 Division Membership
Article 21 Committees
Article 22 Athletics Certification
Article 23 Academic Performance Program

Administrative Bylaws

Articles 30 through 33 are administrative bylaws, which set forth policies and procedures for the implementation of (a) the general legislative actions of the Association, (b) the NCAA championships and the business of the Association, (c) the Association's enforcement program and (d) the Association's athletics certification program. These administrative bylaws may be adopted or modified by the Division I Board of Directors or Legislative Council for the efficient administration of the activities that they govern. These same bylaws also may be amended by the membership through the regular legislative process.

Article 30 Administrative Regulations
Article 31 Executive Regulations
Article 32 Enforcement Policies and Procedures
Article 33 Athletics Certification Policies and Procedures

Note: The authorization for adoption and amendment of each of the administrative bylaws (30, 31, 32 and 33) is set forth in Constitution 5.2.3.1, 5.2.3.2, 5.2.3.3 and 5.2.3.4.

III. VOTING REQUIREMENTS FOR MANUAL

The Manual attempts to present all regulations on a given subject in logical order. As a result, different paragraphs in the same sections may carry different voting requirements. The following terms define voting requirements currently in effect for sections in the Manual:

- **Dominant provision—**Legislation that is derived from the constitution in the 1988-89 Manual (the Manual format that was employed until the membership approved the revised format at the 1989 Convention). All such legislation is identified by an asterisk **(*)** and requires a two-thirds majority vote of the total membership (present and voting) for adoption or amendment.

- **Common provision—**Legislation that is derived from the common bylaws (9, 10, 12 and 13) in the 1988-89 Manual. All such legislation is identified by a pound sign **(#)** and requires a majority vote of each of the three divisions, voting separately, for adoption or amendment.

- **Federated provision—**Legislation that is derived from divided bylaws in the 1988-89 Manual. Such legislation can be adopted or amended by a majority vote of one or more of the subdivisions voting separately.

- **Division dominant—**A division dominant provision is one that applies to all members of a division and is of sufficient importance to the division that it requires a two-thirds majority vote of all delegates present and voting at a division's annual or special Convention. Division dominant provisions are identified by a diamond symbol **(◆)**.

The Executive Committee is authorized to establish the voting requirement for any new section when the content or context does not clearly determine it. The authorization for this is set forth in Constitution 5.3.7.1.

Symbols Designating Voting Requirements and Subdivisions For Which Federated Legislation is Applicable

Provision	Symbol
Dominant	*
Common	#
Federated	
NCAA Football Bowl Subdivision	**FBS**
NCAA Football Championship Subdivision	**FCS**
Bowl Subdivision and Championship Subdivision	**FBS/FCS**
Division dominant	◆

IV. DIAGRAMS AND TABLES

Diagrams and tables are included as supplements to the text to help present the content of certain regulations in a clear and concise manner. They are presented as "Figures" and are listed on page vi. With the exception of Bylaw 17, all diagrams and tables related to a given article of the constitution or a particular bylaw have been placed at the back of the article or bylaw.

V. LEGISLATION THAT IS SHADED/SCREENED

Legislation, incorporations of interpretations, editorial revisions and modifications of wording approved or adopted after August 1, 2008, are set off by a gray background and include an adoption or revision date.

VI. NOTATION OF LEGISLATION WITH DELAYED EFFECTIVE DATE

Legislation with a delayed effective date is enclosed in a box and set off by a gray background. A notation of the action taken by the Board of Directors and the date the amendment becomes effective is included. Because this Manual is effective August 1, 2009, the only legislation that will be shown in this manner is that which is to be effective August 1, 2010, or later.

CONSTITUTION, ARTICLE 1

Name, Purposes and Fundamental Policy

1.1 Name....1
1.2 Purposes....1
1.3 Fundamental Policy....1

1.1 NAME [*]

The name of this organization shall be "The National Collegiate Athletic Association."

1.2 PURPOSES [*]

The purposes of this Association are:

(a) To initiate, stimulate and improve intercollegiate athletics programs for student-athletes and to promote and develop educational leadership, physical fitness, athletics excellence and athletics participation as a recreational pursuit;

(b) To uphold the principle of institutional control of, and responsibility for, all intercollegiate sports in conformity with the constitution and bylaws of this Association;

(c) To encourage its members to adopt eligibility rules to comply with satisfactory standards of scholarship, sportsmanship and amateurism;

(d) To formulate, copyright and publish rules of play governing intercollegiate athletics;

(e) To preserve intercollegiate athletics records;

(f) To supervise the conduct of, and to establish eligibility standards for, regional and national athletics events under the auspices of this Association;

(g) To cooperate with other amateur athletics organizations in promoting and conducting national and international athletics events;

(h) To legislate, through bylaws or by resolutions of a Convention, upon any subject of general concern to the members related to the administration of intercollegiate athletics; and

(i) To study in general all phases of competitive intercollegiate athletics and establish standards whereby the colleges and universities of the United States can maintain their athletics programs on a high level.

1.3 FUNDAMENTAL POLICY [*]

1.3.1 Basic Purpose. [*] The competitive athletics programs of member institutions are designed to be a vital part of the educational system. A basic purpose of this Association is to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body and, by so doing, retain a clear line of demarcation between intercollegiate athletics and professional sports.

1.3.2 Obligations of Member Institutions. [*] Legislation governing the conduct of intercollegiate athletics programs of member institutions shall apply to basic athletics issues such as admissions, financial aid, eligibility and recruiting. Member institutions shall be obligated to apply and enforce this legislation, and the enforcement procedures of the Association shall be applied to an institution when it fails to fulfill this obligation.

Principles for Conduct of Intercollegiate Athletics

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2.15 The Principle Governing Postseason Competition and Contests Sponsored by Noncollegiate Organizations....5
2.16 The Principle Governing the Economy of Athletics Program Operation....5

2.01 GENERAL PRINCIPLE [*]

Legislation enacted by the Association governing the conduct of intercollegiate athletics shall be designed to advance one or more basic principles, including the following, to which the members are committed. In some instances, a delicate balance of these principles is necessary to help achieve the objectives of the Association.

2.1 THE PRINCIPLE OF INSTITUTIONAL CONTROL AND RESPONSIBILITY [*]

2.1.1 Responsibility for Control. [*] It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures. *(Revised: 3/8/06)*

2.1.2 Scope of Responsibility. [*] The institution's responsibility for the conduct of its intercollegiate athletics program includes responsibility for the actions of its staff members and for the actions of any other individual or organization engaged in activities promoting the athletics interests of the institution.

2.2 THE PRINCIPLE OF STUDENT-ATHLETE WELL-BEING [*]

Intercollegiate athletics programs shall be conducted in a manner designed to protect and enhance the physical and educational well-being of student-athletes. *(Revised: 11/21/05)*

2.2.1 Overall Educational Experience. [*] It is the responsibility of each member institution to establish and maintain an environment in which a student-athlete's activities are conducted as an integral part of the student-athlete's educational experience. *(Adopted: 1/10/95)*

2.2.2 Cultural Diversity and Gender Equity. [*] It is the responsibility of each member institution to establish and maintain an environment that values cultural diversity and gender equity among its student-athletes and intercollegiate athletics department staff. *(Adopted: 1/10/95)*

2.2.3 Health and Safety. [*] It is the responsibility of each member institution to protect the health of and provide a safe environment for each of its participating student-athletes. *(Adopted: 1/10/95)*

2.2.4 Student-Athlete/Coach Relationship. [*] It is the responsibility of each member institution to establish and maintain an environment that fosters a positive relationship between the student-athlete and coach. *(Adopted: 1/10/95)*

2.2.5 Fairness, Openness and Honesty. [*] It is the responsibility of each member institution to ensure that coaches and administrators exhibit fairness, openness and honesty in their relationships with student-athletes. *(Adopted: 1/10/95)*

2.2.6 Student-Athlete Involvement. [*] It is the responsibility of each member institution to involve student-athletes in matters that affect their lives. *(Adopted: 1/10/95)*

2.3 THE PRINCIPLE OF GENDER EQUITY [*]

2.3.1 Compliance With Federal and State Legislation. [*] It is the responsibility of each member institution to comply with federal and state laws regarding gender equity. *(Adopted: 1/11/94)*

2.3.2 NCAA Legislation. [*] The Association should not adopt legislation that would prevent member institutions from complying with applicable gender-equity laws, and should adopt legislation to enhance member institutions' compliance with applicable gender-equity laws. *(Adopted: 1/11/94)*

2.3.3 Gender Bias. [*] The activities of the Association should be conducted in a manner free of gender bias. *(Adopted: 1/11/94)*

2.4 THE PRINCIPLE OF SPORTSMANSHIP AND ETHICAL CONDUCT [*]

For intercollegiate athletics to promote the character development of participants, to enhance the integrity of higher education and to promote civility in society, student-athletes, coaches, and all others associated with these athletics programs and events should adhere to such fundamental values as respect, fairness, civility, honesty and responsibility. These values should be manifest not only in athletics participation, but also in the broad spectrum of activities affecting the athletics program. It is the responsibility of each institution to: *(Revised: 1/9/96)*

(a) Establish policies for sportsmanship and ethical conduct in intercollegiate athletics consistent with the educational mission and goals of the institution; and *(Adopted: 1/9/96)*

(b) Educate, on a continuing basis, all constituencies about the policies in Constitution 2.4-(a). *(Adopted: 1/9/96)*

2.5 THE PRINCIPLE OF SOUND ACADEMIC STANDARDS [*]

Intercollegiate athletics programs shall be maintained as a vital component of the educational program, and student-athletes shall be an integral part of the student body. The admission, academic standing and academic progress of student-athletes shall be consistent with the policies and standards adopted by the institution for the student body in general.

2.6 THE PRINCIPLE OF NONDISCRIMINATION [*]

The Association shall promote an atmosphere of respect for and sensitivity to the dignity of every person. It is the policy of the Association to refrain from discrimination with respect to its governance policies, educational programs, activities and employment policies including on the basis of age, color, disability, gender, national origin, race, religion, creed or sexual orientation. It is the responsibility of each member institution to determine independently its own policy regarding nondiscrimination. *(Adopted: 1/16/93, Revised: 1/16/00)*

2.7 THE PRINCIPLE OF DIVERSITY WITHIN GOVERNANCE STRUCTURES [*]

The Association shall promote diversity of representation within its various divisional governance structures and substructures. Each divisional governing body must assure gender and ethnic diversity among the membership of the bodies in the division's administrative structure. *(Adopted: 1/9/96 effective 8/1/97)*

2.8 THE PRINCIPLE OF RULES COMPLIANCE [*]

2.8.1 Responsibility of Institution. [*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

2.8.2 Responsibility of Association. [*] The Association shall assist the institution in its efforts to achieve full compliance with all rules and regulations and shall afford the institution, its staff and student-athletes fair procedures in the consideration of an identified or alleged failure in compliance.

2.8.3 Penalty for Noncompliance. [*] An institution found to have violated the Association's rules shall be subject to such disciplinary and corrective actions as may be determined by the Association.

2.9 THE PRINCIPLE OF AMATEURISM [*]

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

2.10 THE PRINCIPLE OF COMPETITIVE EQUITY [*]

The structure and programs of the Association and the activities of its members shall promote opportunity for equity in competition to assure that individual student-athletes and institutions will not be prevented unfairly from achieving the benefits inherent in participation in intercollegiate athletics.

2.11 THE PRINCIPLE GOVERNING RECRUITING [*]

The recruiting process involves a balancing of the interests of prospective student-athletes, their educational institutions and the Association's member institutions. Recruiting regulations shall be designed to promote equity among member institutions in their recruiting of prospective student-athletes and to shield them from undue pressures that may interfere with the scholastic or athletics interests of the prospective student-athletes or their educational institutions.

2.12 THE PRINCIPLE GOVERNING ELIGIBILITY [*]

Eligibility requirements shall be designed to assure proper emphasis on educational objectives, to promote competitive equity among institutions and to prevent exploitation of student-athletes.

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.

2.14 THE PRINCIPLE GOVERNING PLAYING AND PRACTICE SEASONS [*]

The time required of student-athletes for participation in intercollegiate athletics shall be regulated to minimize interference with their opportunities for acquiring a quality education in a manner consistent with that afforded the general student body.

2.15 THE PRINCIPLE GOVERNING POSTSEASON COMPETITION AND CONTESTS SPONSORED BY NONCOLLEGIATE ORGANIZATIONS [*]

The conditions under which postseason competition occurs shall be controlled to assure that the benefits inherent in such competition flow fairly to all participants, to prevent unjustified intrusion on the time student-athletes devote to their academic programs, and to protect student-athletes from exploitation by professional and commercial enterprises.

2.16 THE PRINCIPLE GOVERNING THE ECONOMY OF ATHLETICS PROGRAM OPERATION [*]

Intercollegiate athletics programs shall be administered in keeping with prudent management and fiscal practices to assure the financial stability necessary for providing student-athletes with adequate opportunities for athletics competition as an integral part of a quality educational experience.

CONSTITUTION, ARTICLE 3

NCAA Membership

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3.01 GENERAL PRINCIPLES

3.01.1 Classes of Membership. The NCAA offers five classes of membership: active, conference, affiliated, corresponding and provisional. Eligibility for and method of election to membership, obligations and conditions for continuing membership, voting rights, and other membership privileges for each class are defined in this article. *(Revised: 1/11/94 effective 9/2/94)*

3.01.2 Division Membership. Active and conference members of the NCAA may be divided into divisions for purposes of legislation and competition in NCAA championships. Criteria for membership in these divisions are defined in Bylaw 20.

3.01.3 Obligation to Meet Division Criteria. Division membership criteria constitute enforceable legislation. Each member institution shall comply with all applicable criteria of its division, and an institution that fails to do so shall be subject to the enforcement procedures, as well as to possible reclassification.

3.01.4 Termination or Suspension of Membership. All rights and privileges of a member shall cease immediately upon termination or suspension of its membership.

3.02 DEFINITIONS AND APPLICATIONS

3.02.1 Competitive Body. A competitive body is an athletics conference that conducts competition among its member institutions and determines a conference champion in one or more sports.

3.02.2 Legislative Body. A legislative body is an athletics conference that develops and maintains rules and regulations governing the athletics programs and activities of its member institutions.

3.02.3 Membership Categories.

3.02.3.1 Active Member. An active member is a four-year college or university or a two-year upper-level collegiate institution that is accredited by the appropriate regional accrediting agency and duly elected to active membership under the provisions of this article (see Constitution 3.2.3). Active members have the right to compete in NCAA championships, to vote on legislation and other issues before the Association, and to enjoy other privileges of membership designated in the constitution and bylaws of the Association.

3.02.3.1.1 Athletics Consortium. An athletics consortium consists of one member institution and neighboring member or nonmember institutions (but not more than one nonmember institution), recognized and approved by a two-thirds vote of the Administration Cabinet. The student-athletes of the combined institutions are permitted to compete on the NCAA member institution's athletics teams, provided they meet the eligibility requirements of the NCAA and the member institution (see Constitution 3.1.2 and Bylaw 30.4). *(Revised: 11/1/07 effective 8/1/08)*

3.02.3.2 Provisional Member. A provisional member is a four-year college or university or a two-year upper-level collegiate institution that is accredited by the appropriate regional accrediting agency and that has applied for active membership in the Association. Provisional membership is a prerequisite for active membership in the Association. The institution shall be elected to provisional membership under the provisions of this article (see Constitution 3.6.3). Provisional members shall receive all publications and mailings received by active members in addition to other privileges designated in the constitution and bylaws of the Association. Provisional membership is limited to a seven-year period. *(Adopted: 1/11/94 effective 9/2/94, Revised: 4/25/02 effective 8/1/02)*

3.02.3.3 Member Conference. A member conference is a group of colleges and/or universities that conducts competition among its members and determines a conference champion in one or more sports (in which the NCAA conducts championships or for which it is responsible for providing playing rules for intercollegiate competition), duly elected to conference membership under the provisions of this article (see Constitution 3.3.3). A member conference is entitled to all of the privileges of active members except the right to compete in

NCAA championships (see Constitution 3.3.2). Only those conferences that meet specific criteria as competitive and legislative bodies (see Constitution 3.02.1 and 3.02.2) and minimum standards related to size and division status are permitted to vote on legislation or other issues before the Association.

3.02.3.4 Affiliated Member. An affiliated member is a nonprofit group or association whose function and purpose are directly related to one or more sports in which the NCAA conducts championships, duly elected to affiliated membership under the provisions of this article (see Constitution 3.4.3). An affiliated member is entitled to be represented by one nonvoting delegate at any NCAA Convention and enjoys other privileges as designated in the bylaws of the Association (see Constitution 3.4.2). *(Revised: 1/11/97)*

3.02.3.5 Corresponding Member. A corresponding member is an institution, a nonprofit organization or a conference that is not eligible for active, provisional, conference or affiliated membership and desires to receive membership publications and mailings. A corresponding member duly elected under the provisions of this article (see Constitution 3.5.3) receives all publications and mailings received by the general NCAA membership and is not otherwise entitled to any membership privileges (see Constitution 3.5.2).

3.1 ELIGIBILITY FOR MEMBERSHIP

3.1.1 General. Membership is available to colleges, universities, athletics conferences or associations and other groups that are related to intercollegiate athletics; that are accredited by one of the six regional accrediting agencies and that are located in the United States, its territories or possessions. Such institutions or organizations must accept and observe the principles set forth in the constitution and bylaws of the Association. For a four-year period beginning August 9, 2007, no institution may begin the Division I provisional or reclassification membership process (including the exploratory process), no institution may begin the multidivisional membership reclassification process, no institution shall be permitted to seek classification or reclassification in the Football Championship Subdivision, and no new single-sport or multisport conference shall be elected to Division I conference membership. *(Revised: 8/9/07, 11/1/07)*

3.1.2 Athletics Consortiums. The Administration Cabinet, by a two-thirds majority of its members present and voting, may approve an athletics consortium involving a member institution and neighboring member or nonmember institutions (but not more than one nonmember institution) to permit the student-athletes of the combined institutions to compete on the member institution's intercollegiate athletics teams, provided the student-athletes satisfy the eligibility requirements of the member institution and the NCAA. (See Bylaw 30.4.) *(Revised: 11/1/07 effective 8/1/08)*

3.2 ACTIVE MEMBERSHIP

3.2.1 Eligibility Requirements.

3.2.1.1 Types of Institutions. Active membership is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency and duly elected to active membership under the provisions of Constitution 3.2.3.

3.2.1.2 Compliance With Association Rules. The institution shall administer its athletics programs in accordance with the constitution, bylaws and other legislation of the Association.

3.2.1.3 Standards. The institution's athletics programs shall reflect the establishment and maintenance of high standards of personal honor, eligibility and fair play.

3.2.1.4 Compliance Requirement. The institution shall be in compliance with Constitution 3.2.1.2, 3.2.1.3 and Bylaw 20.9.3 at the time it makes application for active membership. *(Revised: 5/8/06)*

3.2.2 Privileges.

3.2.2.1 Active Members. Active members shall be entitled to all of the privileges of membership under the constitution and bylaws of the Association and all privileges incidental thereto.

3.2.2.2 Use of Association's Registered Marks. Active members may use the registered marks of the Association (the Association's name, logo or other insignia) only in accordance with guidelines established by the Executive Committee.

3.2.3 Election Procedures.

3.2.3.1 Application. An institution desiring to become an active member of this Association shall complete a seven-year provisional membership period (see Constitution 3.6 and Bylaw 20.3). After the Administration Cabinet has determined that the institution has met the requirements of provisional membership, its request for active membership will be referred to the Leadership Council for election. *(Revised: 1/11/94 effective 9/2/94, 5/8/06, 11/1/07 effective 8/1/08)*

3.2.3.2 Accreditation and Division Classification. After the Administration Cabinet has determined that the institution is accredited by one of the six regional accrediting agencies, the application shall be considered with regard to requested membership division and sport classification in accordance with Bylaw 20. The application then shall be referred to the Leadership Council for consideration. *(Revised: 11/1/07 effective 8/1/08)*

3.2.3.3 Election. A favorable vote by two-thirds of the Leadership Council members present and voting shall elect the applicant to membership effective the following September 1, the beginning of practice in any sport for that fall term or the first day of classes for that fall term, whichever occurs first. When the vote of the Leadership Council has been completed, the applicant shall be notified. *(Revised: 11/1/07 effective 8/1/08)*

3.2.3.4 Resignation and Re-election to Membership. If an institution resigns its membership and subsequently applies to re-establish its membership, the institution shall complete the provisional membership process (see Constitution 3.6 and Bylaw 20.3) before becoming eligible for re-election as an active member. *(Revised: 1/11/94 effective 9/2/94, 1/26/07)*

3.2.4 Conditions and Obligations of Membership.

3.2.4.1 General. The active members of this Association agree to administer their athletics programs in accordance with the constitution, bylaws and other legislation of the Association.

3.2.4.2 Obligation to Meet Division Criteria. Division membership criteria constitute enforceable legislation. Each member institution shall comply with all applicable criteria of its division, and an institution that fails to do so shall be subject to the enforcement procedures, as well as to possible reclassification.

3.2.4.3 Certification of Eligibility/Declaration of Ineligibility. An active member is responsible for certifying the eligibility of student-athletes under the terms of the constitution, bylaws or other legislation of the Association before permitting a student-athlete to represent the institution in intercollegiate competition. Procedures for eligibility certification shall be approved by the president or chancellor, who may designate an individual on the institution's staff to administer proper certification of eligibility. The institution shall be obligated immediately to apply all applicable rules and withhold ineligible student-athletes from all intercollegiate competition (see Bylaw 14.11). See Bylaw 14.12 for procedures regarding restoration of eligibility. *(Revised: 3/8/06)*

3.2.4.4 Academic Performance Program. Each active member is responsible for annually submitting documentation demonstrating its compliance with the academic performance program, including the submission of data for the academic progress rate (APR), the academic performance census (APC) and the graduation success rate (GSR). The specific requirements of the academic performance program are set forth in Bylaw 23. *(Adopted: 4/29/04)*

3.2.4.5 Application of Rules to All Recognized Varsity Sports. The constitution, bylaws and other legislation of this Association, unless otherwise specified therein, shall apply to all teams in sports recognized by the member institution as varsity intercollegiate sports and that involve all-male teams, mixed teams of males and females, and all-female teams. To be recognized as a varsity sport, the following conditions must be met:

(a) The sport shall be one in which the Association conducts championships, except as provided in Bylaw 20.9.4.1.1 or an emerging sport for women per Bylaw 20.02.5 (see timetable in Constitution 3.2.4.5.2 for application of legislation to emerging sports for women); *(Revised: 1/11/89, 1/11/94, 1/10/95)*

(b) The sport officially shall have been accorded varsity status by the institution's president or chancellor or committee responsible for intercollegiate athletics; *(Revised: 3/8/06)*

(c) The sport is administered by the department of intercollegiate athletics;

(d) The eligibility of student-athletes participating in the sport shall be reviewed and certified by a staff member designated by the institution's president or chancellor or committee responsible for intercollegiate athletics policy; and *(Revised: 3/8/06)*

(e) Qualified participants in the sport shall receive the institution's official varsity awards.

3.2.4.5.1 Intent to Sponsor a Varsity Sport. Once an institution evidences an intent or commitment to sponsor a sport on a varsity level (e.g., official announcement that competition will be conducted on a varsity basis, employment of individuals to coach the varsity team), the institution must begin applying NCAA recruiting regulations to the applicable sport. *(Adopted: 1/14/97)*

3.2.4.5.2 Emerging Sports Timetable. The following timetable shall govern the application of legislation to emerging sports for women. The timetable applies beginning with the year the Association identifies a sport as an emerging sport (see Bylaw 20.02.5): *(Adopted: 1/10/95)*

(a) Year One—Recruiting legislation (see Bylaw 13), financial aid (see Bylaw 15.5.3.1) and minimum contests and participants requirements for sports sponsorship (see Bylaw 20.9.4.3) applicable to emerging sports programs. *(Revised: 11/1/01)*

(b) Year Two—Amateurism legislation (see Bylaw 12.01.5), seasons of competition legislation (see Bylaw 14.01.4.1) and awards and benefits legislation (see Bylaw 16) applicable to emerging sports programs. *(Revised: 11/1/01)*

(c) Year Three and thereafter—Institutions must be in full compliance with all remaining NCAA legislation. *(Revised: 11/1/01)*

3.2.4.6 Student-Athlete Statement. An active member shall administer annually, on a form prescribed by the Legislative Council, a signed statement for each student-athlete that provides information prescribed in Bylaws 14.1.3 and 30.12. *(Revised: 4/24/03, 11/1/07 effective 8/1/08)*

3.2.4.7 Drug-Testing Consent Form. An active member shall administer annually, a drug-testing consent form for each student-athlete (per Bylaw 12.02.5) pursuant to Bylaws 14.1.4 and 30.5. *(Adopted: 1/10/92 effective 8/1/92, Revised: 4/24/03, 11/1/07 effective 8/1/08)*

3.2.4.8 Certification of Insurance Coverage. An active member institution must certify insurance coverage for medical expenses resulting from athletically related injuries sustained by the following individuals while participating in a covered event. *(Adopted: 4/28/05 effective 8/1/05)*

(a) A student-athlete participating in a covered event in an intercollegiate sport as recognized by the participating institution;

(b) A prospective student-athlete participating in a covered event who has graduated from high school and signed a National Letter of Intent or an institution's written offer of admission and or financial aid to participate in an intercollegiate sport at a participating institution.

3.2.4.8.1 Amount of Coverage Insurance. Such insurance coverage must be of equal or greater value than the deductible of the NCAA catastrophic injury insurance program and may be provided through the following sources: *(Adopted: 4/28/05 effective 8/1/05)*

(a) Parents' or guardians' insurance coverage;

(b) Participant's personal insurance coverage; or

(c) Institution's insurance program.

3.2.4.8.2 Athletically Related Injuries. For purposes of this bylaw, athletically related injuries are injuries that are a direct result of participation in a covered event. *(Adopted: 4/28/05 effective 8/1/05)*

3.2.4.8.3 Covered Event. A covered event includes the following: *(Adopted: 4/28/05 effective 8/1/05)*

(a) Any intercollegiate sports activity, including team travel, competition, practices and conditioning sessions during the playing season (as defined in Bylaw 17.1.1);

(b) An NCAA-sanctioned competition in which the insured person is an official competitor; or

(c) Practice and conditioning sessions that are authorized, organized or directly supervised by athletics department personnel at the member institution other than during the playing season. Such sessions must occur on campus or at approved off-campus facilities as part of an intercollegiate athletics activity. For insured student-athletes or prospective student-athletes who compete in individual sports, off-campus intercollegiate athletics activities must be authorized by athletics department personnel at the participating school and take place at approved locations.

3.2.4.8.4 Effect of Violations. Violations of Constitution 3.2.4.8 and its subsections shall be considered institutional violations per Constitution 2.8.1 and shall not affect the student-athlete's or the prospective student-athlete's eligibility. *(Adopted: 4/28/05 effective 8/1/05)*

3.2.4.9 Student-Athlete Health Insurance Portability and Accountability Act (HIPAA) Authorization/Buckley Amendment Consent Form—Disclosure of Protected Health Information. The active member institution shall administer annually a statement for each student-athlete to voluntarily sign that provides information prescribed in Bylaws 14.1.6 and 30.11. *(Adopted: 4/24/03 effective 8/1/03, Revised: 8/7/03 effective 8/1/04, 11/1/07 effective 8/1/08)*

3.2.4.10 Athletics Certification. To meet the provisions of the athletics certification program of the Association, member institutions shall complete, at least once every 10 years, an institutional self-study, verified and evaluated through external peer review, in accordance with the Association's constitution and bylaws. A Division II or III institution that sponsors a sport in Division I is not required to participate in the athletics certification program. (See Bylaws 22 and 33.) *(Adopted: 1/16/93 effective 1/1/94, Revised: 1/14/97 effective 8/1/97)*

3.2.4.11 Discipline of Members. Pursuant to directions of the Board of Directors or the annual Convention, active members shall refrain from athletics competition with designated institutions as required under the provisions of the Association's enforcement procedures (see Bylaw 19). *(Revised: 11/1/07 effective 8/1/08)*

3.2.4.12 Standards. Active members agree to establish and maintain high standards of personal honor, eligibility and fair play.

3.2.4.13 Publication of Progress-Toward-Degree Requirements. Active members are obligated to publish their progress-toward-degree requirements for student-athletes (see Bylaw 14.4.1).

3.2.4.14 Missed Class-Time Policies. Active members are obligated to establish policies in all sports concerning student-athletes' missed class time due to participation in intercollegiate athletics and in athletics competition scheduled during final examination periods (see Bylaw 17.1.6.6.1).

3.2.4.15 Compliance-Related Forms. A member institution shall not be eligible to enter a team or individual competitors in an NCAA championship unless its president or chancellor makes an annual institutional eligibility certification [see Bylaw 18.4.2.1-(d)] attesting that the conditions specified have been satisfied. *(Adopted: 1/10/95, Revised: 3/8/06)*

3.2.4.16 Operating and Capital Financial Data Report. An institution shall submit financial data detailing operating revenues, expenses and capital related to its intercollegiate athletics program to the NCAA on an

annual basis in accordance with the financial reporting policies and procedures. The required data shall include, but is not limited to, the following: *(Adopted: 1/17/09 effective 8/1/09)*

(a) All expenses and revenues for or on behalf of an institution's intercollegiate athletics program, including those by any affiliated or outside organization, agency or group of individuals;

(b) Salary and benefits data for all athletics positions. The data shall include base salary, bonuses, endorsements, media fees, camp or clinic income, deferred income and other income contractually guaranteed by the institution;

(c) Capital expenditures (to be reported in aggregate for athletics facilities), including capitalized additions and deletions to facilities during the reporting period, total estimated book value of athletically related plant and equipment net of depreciation, total annual debt service on athletics and university facilities and total debt outstanding on athletics and university facilities;

(d) Value of endowments at fiscal year-end that are dedicated to the sole support of athletics;

(e) Value of all pledges at fiscal year-end that support athletics; and

(f) The athletics department fiscal year-end fund balance.

3.2.4.16.1 Verification and Certification. The report shall be subject to annual agreed-on verification procedures approved by the membership (in addition to any regular financial reporting policies and procedures of the institution) and conducted by a qualified independent accountant who is not a staff member of the institution and who is selected by the institution's chancellor or president or by an institutional administrator from outside the athletics department designated by the chancellor or president. The independent accountant shall verify the accuracy and completeness of the data prior to submission to the institution's chancellor or president and the NCAA. The institution's chancellor or president shall certify the financial report prior to submission to the NCAA. *(Adopted: 1/17/09 effective 8/1/09)*

3.2.5 Loss of Active Membership.

3.2.5.1 Termination or Suspension. The membership of any active member failing to maintain the academic or athletics standards required for such membership or failing to meet the conditions and obligations of membership may be suspended, terminated or otherwise disciplined by a vote of two-thirds of the delegates present and voting at an annual Convention. Membership shall not be suspended or terminated unless:

(a) A notice of intention to suspend or terminate membership, stating the grounds on which such a motion will be based, is given in writing to the chair of the Board of Directors and to the president or chancellor of the member institution on or before the first day of November prior to the Convention; *(Revised: 3/8/06)*

(b) The Board of Directors approves the notification of intention to move for suspension or termination; and

(c) Such notice is included in the Official Notice of the annual Convention.

3.2.5.1.1 Cessation of Rights and Privileges. All rights and privileges of the member shall cease upon any termination or suspension of active membership.

3.2.5.2 Removal of Accreditation. If an active member's accreditation is removed by its regional accrediting agency, it shall be reclassified immediately as a corresponding member.

3.2.5.3 Failure to Pay Dues. If an active member fails to pay its annual dues for one year, its membership shall be automatically terminated.

3.2.5.4 Failure to Satisfy the Academic Performance Program. A member institution may be placed in a restricted or corresponding membership category if the institution or its sports team(s) has failed to comply with the established requirements of the academic performance program. (See Bylaw 23.2.1.2.4.) *(Adopted: 4/29/04 effective 8/1/04)*

3.2.5.5 Failure to Address Athletics Certification Problems. The Committee on Athletics Certification may place a member institution in a restricted or corresponding membership category if it concludes that the institution has not addressed properly the problems identified pursuant to the athletics certification program of the Association. *(Adopted: 1/16/93 effective 1/1/94)*

3.2.5.6 Reinstatement of Terminated Member. Any active member whose membership has been terminated (see Constitution 3.2.5.1) may have it reinstated by a two-thirds vote of the members present and voting at any annual Convention.

3.2.5.7 Reinstatement of Suspended Member. Any active member whose membership has been suspended may be reinstated to good standing in accordance with the terms, if any, of the suspension action, or at any time after six months from the date of such suspension, by vote of a majority of the Board of Directors or by vote of the majority of the members present and voting at any annual Convention.

3.2.6 Discipline of Active Members. Disciplinary or corrective actions other than suspension or termination of membership may be effected during the period between annual Conventions for violation of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)

3.2.6.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of the disciplinary action taken, or may be restored to good standing at any time by a majority vote of the members of the Committee on Infractions present and voting. If fewer than eight members are present, any committee action requires a favorable vote of at least four committee members. Disciplined members also may be restored to good standing at the annual Convention, by vote of a majority of the members present and voting.

3.3 MEMBER CONFERENCE

3.3.1 Eligibility. (See Constitution 3.1.1.)

3.3.1.1 Conference Competition Requirement. Conference membership is available to duly elected athletics conferences of colleges and universities that conduct conference competition and determine a champion in one or more sports in which the Association conducts championships or for which it is responsible for providing playing rules for intercollegiate competition.

3.3.1.2 Composition of Conference. All of the members of the conference shall be active members of this Association, except that a conference with 40 or more members may qualify as a member conference if 90 percent of its member institutions are active members of the Association. A conference may retain its membership even if it includes institutions that have been provisional members of the Association for at least one year. *(Revised: 1/11/94 effective 9/2/94)*

3.3.2 Privileges.

3.3.2.1 Privileges of Member Conferences. Member conferences shall be entitled to all of the privileges of active members except the right to compete as such in NCAA championships.

3.3.2.2 Voting Rights. Only those member conferences that meet the criteria listed below shall be permitted to vote on issues before the Association.

3.3.2.2.1 Competitive and Legislative Body. The member conference shall be both a competitive and a legislative body on the conference level (see Constitution 3.02.1 and 3.02.2).

3.3.2.2.2 Minimum Size and Division Status.

3.3.2.2.2.1 Full Voting Privileges. The member conference shall be composed of at least six members in a single division in order to be eligible for full voting privileges, including voting on federated bylaws (those bylaws that may be amended by one or more divisions acting separately).

3.3.2.2.2.2 Partial Voting Privileges. Those member conferences with at least six members but without a minimum of six members in a single division shall be permitted to vote on all dominant or common provisions (those provisions that apply to all three divisions of the Association). On these common provisions, the conference shall vote in the division in which the majority of its membership is classified. In the event that its membership is divided evenly between two divisions, the Executive Committee shall determine its voting division. Such conferences shall not vote on federated provisions (those provisions that may be amended by one or more divisions acting separately).

3.3.2.2.3 Four-Sport/Three-Season Requirement. The member conference shall conduct conference competition in at least four sports for men, with at least one in each season, for the conference to vote on issues related solely to men's programs and four sports for women, with at least one in each season, for the conference to vote on issues related solely to women's programs. A season-ending tournament or round-robin regular-season play in a sport shall satisfy the conference competition requirement for that sport.

3.3.2.2.4 Football Issues. In addition to meeting the requirements of Constitution 3.3.2.2.3 for men's and/or women's sports, conference championship competition shall be conducted in football in order for the conference to vote on issues pertaining only to football.

3.3.2.3 Use of Association's Registered Marks. Member conferences may use the registered marks of the Association (the Association's name, logo or other insignia) only in accordance with guidelines established by the Executive Committee.

3.3.3 Election Procedures.

3.3.3.1 Application. An athletics conference desiring to become a member conference shall make application on a form available from the national office by June 1 for membership effective September 1 of the following academic year. A check in the appropriate amount for annual dues (see Constitution 3.7.2) shall accompany the application. Should the applicant fail election, the dues paid shall be refunded. *(Revised: 4/25/02)*

3.3.3.2 Election. Athletics conferences may be elected as member conferences by a majority vote of the delegates present and voting at an annual Convention or by a majority vote of the Leadership Council, effective the following September 1. *(Revised: 4/25/02, 11/1/07 effective 8/1/08)*

3.3.4 Conditions and Obligations of Membership.

3.3.4.1 General. The member conferences of this Association agree to administer their athletics programs in accordance with the constitution, bylaws and other legislation of the Association.

3.3.4.2 Athletics Certification Program. Member conferences shall facilitate the athletics certification program of the Association in accordance with the Association's constitution and bylaws. *(Adopted: 1/16/93 effective 1/1/94)*

3.3.4.3 Conference Competition. Member conferences shall conduct conference competition and determine a champion in one or more sports in which the Association conducts championships or for which it is responsible for providing playing rules for intercollegiate competition.

3.3.4.4 Composition of Conference. The member conference shall maintain a membership of institutions that are active members of this Association, except that a conference with 40 or more members may continue to qualify as a member conference if 90 percent of its member institutions are active members of the Association.

3.3.4.5 Conference Student-Athlete Advisory Committee. Each conference shall establish a student-athlete advisory committee for its member institutions' student-athletes. The composition and duties of the committee shall be determined by the conference. *(Adopted: 10/27/98 effective 8/1/99)*

3.3.5 Loss of Member—Conference Status.

3.3.5.1 Termination or Suspension. The membership of any member conference failing to maintain the academic or athletics standards required for membership or failing to meet the conditions and obligations of membership may be suspended or terminated or the member conference otherwise disciplined by a vote of two-thirds of the delegates present and voting at an annual Convention. Membership shall not be suspended or terminated unless:

(a) Notice of intention to suspend or terminate membership, stating the grounds on which such motion will be based, is given in writing to the secretary of this Association and to the president or chancellor of the member conference on or before the first day of November prior to the Convention; *(Revised: 3/8/06)*

(b) The Board of Directors approves the notification of intention to move for suspension or termination; and

(c) Such notice is included in the Official Notice of the annual Convention.

3.3.5.1.1 Cessation of Rights and Privileges. All rights and privileges of the member shall cease upon any termination or suspension of conference membership.

3.3.5.2 Ineligible Conference Member Institution. If any member of an athletics conference is found to be ineligible for active membership in this Association, such conference shall be ineligible for conference membership and its membership terminated, unless the conference has 40 or more members and at least 90 percent of said conference members are active members of the Association.

3.3.5.3 Failure to Pay Dues. If a member conference fails to pay its annual dues for one year, its membership shall be automatically terminated.

3.3.5.4 Reinstatement of Terminated Member. Any member conference whose membership has been terminated (see Constitution 3.3.5.1) may have it reinstated by a two-thirds vote of the members present and voting at any annual Convention.

3.3.5.5 Reinstatement of Suspended Member. Any member conference whose membership has been suspended may be reinstated to good standing in accordance with the terms, if any, of the suspension action, or at any time after six months from the date of such suspension, by vote of a majority of the Board of Directors or by vote of the majority of the members present and voting at any annual Convention.

3.3.6 Discipline of Member Conferences. Disciplinary or corrective actions other than suspension or termination of membership may be effected during the period between annual Conventions for violation of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)

3.3.6.1 Restoration of Good Standing. Disciplined members shall resume good standing under the terms of disciplinary action taken, or may be restored to good standing at any time by a vote of at least three members of the Committee on Infractions present and voting pursuant to Bylaw 19.5.2.8, or, at the annual Convention, by majority vote of the members present and voting.

3.4 AFFILIATED MEMBERSHIP

3.4.1 Eligibility. Affiliated membership is available to a duly elected nonprofit group or association whose function and purpose are directly related to one or more sports in which the Association conducts championships or identifies as an emerging sport. *(Revised: 1/11/97)*

3.4.2 Privileges.

3.4.2.1 Privileges and Voting Rights. An affiliated member shall be entitled to be represented by one nonvoting delegate at any Convention of the Association and shall have such other privileges as may be accorded to affiliated members by the bylaws of the Association.

3.4.2.2 Use of Association's Registered Marks. An affiliated member may use the registered marks of the Association (the Association's name, logo or other insignia) only if such use is approved by the NCAA staff in accordance with guidelines established by the Executive Committee. *(Revised: 1/11/97)*

3.4.3 Election Procedures.

3.4.3.1 Application. A group or association desiring to become an affiliated member shall make application on a form available from the national office. A check in the appropriate amount for annual dues (see Constitution 3.7.2) shall accompany the application. Should the applicant fail election, the dues paid shall be refunded.

3.4.3.2 Election. Groups or associations may be granted affiliated membership by the NCAA president. *(Revised: 11/1/00 effective 8/1/01)*

3.4.4 Conditions and Obligations of Membership.

3.4.4.1 General. An affiliated member is responsible for observing the principles set forth in the constitution and bylaws of the Association.

3.4.4.2 Function and Purpose. The function and purpose of the affiliated member must be directly related to one or more sports in which the Association conducts championships.

3.4.5 Loss of Membership.

3.4.5.1 Termination or Suspension. The membership of any affiliated member failing to meet the conditions and obligations of membership or failing to support and adhere to the purposes and policies of the Association (see Constitution 1) may be suspended or terminated or the affiliated member otherwise disciplined through the following procedure:

(a) The Executive Committee by a two-thirds majority of its members present and voting, may take such action on its own initiative; or *(Adopted: 1/11/89)*

(b) The Committee on Infractions, by majority vote, may recommend such action to the Executive Committee, which may adopt the recommendation by a two-thirds majority of its members present and voting; and

(c) The affiliated member shall be advised of the proposed action at least 30 days prior to any Committee on Infractions or Executive Committee meeting in which such action is considered and shall be provided the opportunity to appear at any such meeting.

3.4.5.1.1 Cessation of Rights and Privileges. All rights and privileges of the affiliated member shall cease upon any termination or suspension of affiliated membership.

3.4.5.2 Failure to Pay Dues. If an affiliated member fails to pay its annual dues for one year, its membership shall be automatically terminated.

3.4.5.3 Reinstatement of Terminated Member. Any affiliated member whose membership has been terminated may have it reinstated by a two-thirds vote of the Executive Committee.

3.4.5.4 Reinstatement of Suspended Member. Any affiliated member whose membership has been suspended may be reinstated to good standing in accordance with the terms, if any, of the suspension action, or at any time after six months from the date of such suspension, by vote of a majority of the Executive Committee or by vote of the majority of the members present and voting at any annual Convention.

3.4.6 Discipline of Affiliated Members. Disciplinary or corrective actions other than suspension or termination of membership may be effected during the period between annual Conventions for violation of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)

3.4.6.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of disciplinary action taken, or may be restored to good standing at any time by a vote of at least three members of the Executive Committee present and voting or, at the annual Convention, by vote of a majority of the members present and voting.

3.5 CORRESPONDING MEMBERSHIP

3.5.1 Eligibility. Corresponding membership is available to duly elected institutions, conferences and nonprofit organizations that are not eligible for active, provisional, conference or affiliated membership but wish to receive the Association's membership publications and mailings. *(Revised: 1/10/90)*

3.5.2 Privileges. Corresponding members shall receive all publications and mailings received by the general membership of the Association but shall not be entitled to any other membership privileges, including the right to use the Association's name, logo or other insignia.

3.5.3 Election Procedures.

3.5.3.1 Application. An entity desiring to become a corresponding member shall make application on a form available from the national office. A check in the appropriate amount for annual dues (see Constitution 3.7.2) shall accompany the application. Should the applicant fail election, the dues paid shall be refunded.

3.5.3.2 Election. Eligible institutions, organizations and conferences may be granted corresponding membership by the NCAA president. *(Revised: 11/1/00 effective 8/1/01)*

3.5.3.3 Resignation and Re-election to Membership. If a corresponding member resigns its membership and subsequently applies to re-establish its membership, the application first shall be approved by the Executive Committee before becoming eligible for re-election as a corresponding member.

3.5.4 Conditions and Obligations of Membership. A corresponding member is responsible for observing the principles set forth in the constitution and bylaws of the Association. The member shall not use the Association's name, logo or other insignia.

3.5.5 Loss of Membership.

3.5.5.1 Termination or Suspension. The membership of any corresponding member failing to meet the conditions and obligations of membership or failing to support and adhere to the purposes and policies of the Association (see Constitution 1) may be suspended or terminated or the corresponding member otherwise disciplined through the following procedure:

(a) The Executive Committee by a two-thirds majority of its members present and voting, may take such action on its own initiative; or *(Adopted: 1/11/89)*

(b) The Committee on Infractions, by majority vote, may recommend such action to the Executive Committee, which may adopt the recommendation by a two-thirds majority of its members present and voting; and

(c) The corresponding member shall be advised of the proposed action at least 30 days prior to any Committee on Infractions or Executive Committee meeting in which such action is considered and shall be provided the opportunity to appear at any such meeting.

3.5.5.1.1 Cessation of Rights and Privileges. All rights and privileges of the corresponding member shall cease upon any termination or suspension of corresponding membership.

3.5.5.2 Failure to Pay Dues. If a corresponding member fails to pay its annual dues for one year, its membership shall be automatically terminated.

3.5.5.3 Reinstatement of Terminated Member. Any corresponding member whose membership has been terminated may have it reinstated by a two-thirds vote of the Executive Committee.

3.5.5.4 Reinstatement of Suspended Member. Any corresponding member whose membership has been suspended may be reinstated to good standing in accordance with the terms, if any, of the suspension action, or at any time after six months from the date of such suspension, by vote of a majority of the Executive Committee or by vote of the majority of the members present and voting at any annual Convention.

3.5.6 Discipline of Corresponding Members. Disciplinary or corrective actions other than suspension or termination of membership may be effected during the period between annual Conventions for violation of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)

3.5.6.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of disciplinary action taken, or may be restored to good standing at any time by a vote of at least three members of the Executive Committee present and voting or, at the annual Convention, by vote of a majority of the members present and voting.

3.6 PROVISIONAL MEMBERSHIP

3.6.1 Eligibility.

3.6.1.1 Types of Institutions. Provisional membership is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency and duly elected to provisional membership under the provisions of Constitution 3.6.3. *(Adopted: 1/11/94 effective 9/2/94)*

3.6.2 Privileges and Voting Rights.

3.6.2.1 Provisional Members. Provisional members shall receive all publications and mailings received by active members of the Association from the time of application, shall be entitled to be represented by one nonvoting delegate at any Convention of the Association and shall have such other privileges as may be accorded by the bylaws of the Association. *(Adopted: 1/11/94 effective 9/2/94, Revised: 4/25/02 effective 8/1/02)*

3.6.2.2 Use of Association's Registered Marks. A provisional member may use the registered marks of the Association (the Association's name, logo or other insignia) only in accordance with guidelines established by the Executive Committee. *(Adopted: 1/11/94 effective 9/2/94)*

3.6.3 Election Procedures.

3.6.3.1 Application. An institution desiring to become a provisional member of this Association shall submit an application available from the national office not later than June 1 prior to the academic year that the institution begins its one-year exploratory period in the provisional membership process. A fee in the amount of $25,000 shall accompany the application. If the applicant fails to qualify for active membership, the fee shall be refunded, less any expenditure for educational costs related to the membership process. In addition, a check in the appropriate amount for annual dues (see the current annual dues for active members per Constitution 3.7.2) also shall accompany the application. Should the applicant fail to qualify academically or fail election, the

dues paid shall be refunded. *(Adopted: 1/11/94 effective 9/2/94, Revised: 4/22/98, 4/25/02 effective 8/1/02, 4/24/03 effective 8/1/03, 3/10/04, 4/28/05, 10/27/05)*

3.6.3.2 Accreditation and Division Classification. After the Administration Cabinet has determined that the institution meets the Association's requirement of acceptable academic standards (the institution is accredited by one of the six regional accrediting agencies), the application shall be considered with regard to the requested membership division in accordance with Bylaw 20. The application then shall be referred to the Leadership Council for consideration. *(Adopted: 1/11/94 effective 9/2/94, Revised: 11/1/07 effective 8/1/08)*

3.6.3.3 Election. A favorable vote by two-thirds of the Leadership Council members present and voting shall elect the applicant to provisional membership effective the following September 1. When the vote of the Leadership Council has been completed, the applicant shall be notified. *(Adopted: 1/11/94 effective 9/2/94, Revised: 11/1/07 effective 8/1/08)*

3.6.4 Conditions and Obligations of Membership. The conditions and obligations applicable to provisional members are set forth in Bylaw 20.3. *(Revised: 5/8/06)*

3.6.5 Loss of Provisional Membership.

3.6.5.1 Termination. The membership of any provisional member failing to maintain the academic or athletics standards required for such membership or failing to meet the conditions and obligations of membership may be terminated by a two-thirds vote of the Leadership Council members present and voting. A notice of intention to terminate membership, stating the grounds on which such a motion will be based, shall be given in writing to the president or chancellor of the member institution. *(Adopted: 1/11/94 effective 9/2/94, Revised: 3/8/06, 11/1/07 effective 8/1/08)*

3.6.5.2 Cessation of Rights and Privileges. All rights and privileges of the provisional member shall cease on any termination of provisional membership. *(Adopted: 1/11/94 effective 9/2/94)*

3.6.5.3 Noncompliance. If a provisional member, during its compliance period, no longer meets the requirements of the constitution, bylaws and other legislation of this Association, it shall be reclassified immediately as a corresponding member. *(Adopted: 1/11/94 effective 9/2/94)*

3.6.5.4 Discipline of Member Conference. During the provisional member's compliance period, disciplinary or corrective actions other than termination of membership may be effected on a member conference that contains provisional members that fail to fulfill conditions and obligations of provisional membership. *(Adopted: 1/11/94 effective 9/2/94)*

3.6.5.5 Reinstatement of Terminated Member. Any provisional member whose membership is terminated may reapply for membership after a period of one year by a two-thirds vote of the Leadership Council members present and voting. *(Adopted: 1/11/94 effective 9/2/94, Revised: 11/1/07 effective 8/1/08)*

3.7 DUES OF MEMBERS

3.7.1 Determination of Dues. The annual dues of the various classes of membership shall be recommended to the membership by the Executive Committee. *(Revised: 1/10/90, 12/5/06)*

3.7.2 Current Annual Dues. The annual dues for various classes of membership shall be: *(Revised: 12/5/06)*

Active Members*	$ 1,800.00
Member Conferences	$ 900.00
Affiliated Members	$ 225.00
Corresponding Members	$ 225.00

*See Constitution 3.6.3.1 for provisional membership.

3.7.3 Payment Deadline. Dues are payable September 1 of each year. A member shall not be permitted to vote at a Convention of the Association if its dues are not paid for that year. To be eligible to compete in NCAA championships, dues shall be paid in accordance with Bylaw 31.2.1.2. Membership is terminated if a member fails to pay dues for one year (see Constitution 3.2.5.3, 3.3.5.3, 3.4.5.2 and 3.5.5.2).

CONSTITUTION, ARTICLE 4

Organization

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4.01 GENERAL PRINCIPLES

4.01.1 Structure. [*] The Association's administrative structure shall include an Executive Committee comprised of institutional presidents or chancellors that oversees Association-wide issues and shall ensure that each division operates consistent with the basic purposes, fundamental policies and general principles of the Association (see Constitution 1 and 2). In addition, the administrative structure of each division shall empower a body of institutional presidents or chancellors to set forth the policies, rules and regulations for operating the division. Further, the administrative structure of each division shall empower a body of athletics administrators and faculty athletics representatives (and in Division III, institutional presidents and chancellors) to make recommendations to the division's body of institutional presidents or chancellors and to handle responsibilities delegated to it. *(Adopted: 1/9/96 effective 8/1/97, Revised: 3/8/06)*

4.01.2 Guarantees. [*] The Association's overall governance structure guarantees its members the following: *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.1 Budget Allocations. [*] Members are guaranteed revenue through allocations made to each division from the Association's general operating revenue. Division II shall receive at least 4.37 percent of the Association's annual general operating revenue. Division III shall receive at least 3.18 percent of the Association's annual general operating revenue. *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.1.1 General Operating Revenue. [*] General operating revenue, as used in this section, shall include at least all sources of revenue existing as of January 9, 1996, including revenue from contracts for these existing sources and revenue from any modified, extended or successor contract for such sources. *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.2 Revenue Guarantee. [◆] All members shall receive revenue from all gross revenue sources received by the Association, unless specifically excluded, through the division's revenue distribution formulas. *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.2.1 Revenue from New Subdivision Championship. [◆] This provision shall not apply to the distribution of revenue produced directly by a new subdivisional championship in a sport that has a subdivisional championship at the time of the adoption of this legislation. Any revenue produced by such a new subdivisional championship shall be distributed as determined by that subdivision. *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.2.2 Revenue Distribution Formula. [◆] As used in this section, the components of the division's revenue distribution formulas as they existed at the time of the adoption of this legislation include the Academic Enhancement, Basketball, Conference Grant, Grant-in-Aid, Special Assistance, and Sports Sponsorship funds, and the supplemental and reserve funds intended for distribution to the membership. *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.2.2.1 Proportion of Revenue. [◆] The revenue distributed through these funds shall be allocated among the funds in the same proportion as existed in the fiscal year 2001-02. *(Adopted: 1/9/96 effective 8/1/97, Revised: 1/14/97)*

4.01.2.2.2.2 Formula for Allocation. [◆] The formula for allocating each such fund among the members shall be as it existed at the time of the adoption of this legislation. *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.2.2.3 Waiver of Proportionality Requirement. The Board of Directors may waive the proportionality requirements of the revenue guarantee to permit uniform increases to all programs in the Academic Enhancement, Conference Grant and Special Assistance funds. *(Adopted: 1/14/97 effective 8/1/97)*

4.01.2.2.3 Joint Ventures. All marketing joint ventures, involving sports (other than bowl subdivision football) in which the NCAA sponsored a championship as of January 15, 1997, between the Association (or the Association's representative or agent) and a member conference or member institution (or the representative or agent of a member institution or conference) shall be reviewed by the Leadership Council. *(Adopted: 1/14/97 effective 8/1/97, Revised: 12/15/06, 11/1/07 effective 8/1/08)*

4.01.2.2.3.1 Definition. A marketing joint venture is any marketing program that uses the Association's marks or logos in conjunction with those of a conference or member institution. *(Adopted: 1/14/97 effective 8/1/97)*

4.01.2.2.3.2 Approval Process. The principles and overall program of any joint venture defined in Constitution 4.01.2.2.3.1 shall require the approval of the Leadership Council and Board of Directors to be enacted as an Association business operation. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

4.01.2.3 Championships. [*] Members are guaranteed access to national championships. *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.3.1 Championships Access. [◆] Members are guaranteed access to national championships (including the play-in structure in certain championships, sizes of championship fields and the number and ratio of automatic qualifying conferences) at least at the level provided as of January 9, 1996. *(Adopted: 1/9/96 effective 8/1/97, Revised: 12/15/06)*

4.01.2.3.2 Championships—Sports Other Than Football. [◆] With the exception of football, not more than one national championship shall be conducted in each men's and women's sport. *(Adopted: 1/14/97 effective 8/1/97)*

4.01.2.4 Membership Services. [*] Members are guaranteed services provided through the Association's national office at least at the level provided as of January 9, 1996 (e.g., membership services, statistics, research). *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.5 Special Programs. [*] Members are guaranteed the continuation of Association programs operating at the time of the adoption of this legislation (e.g., the catastrophic-injury insurance program, the drug-testing program, the Division I athletics-certification program). In addition, members are guaranteed the continuation of Association programs that were considered by the NCAA Council or Presidents Commission by the spring of 1995 and began operating after the adoption of this legislation. *(Adopted: 1/9/96 effective 8/1/97)*

4.02 DEFINITIONS AND APPLICATIONS

4.02.1 Association. [*] The "Association," as used in this Manual, refers to the National Collegiate Athletic Association, a diverse, voluntary, unincorporated Association of four-year colleges and universities, conferences, affiliated associations and other educational institutions. *(Adopted: 1/9/96 effective 8/1/97)*

4.02.2 Faculty Athletics Representative. A faculty athletics representative is a member of an institution's faculty or administrative staff who is designated by the institution's president or chancellor or other appropriate entity to represent the institution and its faculty in the institution's relationships with the NCAA and its conference(s), if any (see also Constitution 6.1.3). *(Revised: 3/8/06)*

4.02.3 On the Staff. On the staff, as it applies to individuals from member institutions or conferences who are eligible to serve on committees or as officers or representatives of the Association, is defined as those individuals who receive a regular salary from a member institution or organization for the performance of a regular staff function representing at least 50 percent of the normal workload for a staff member at that institution or conference. In addition, a conference office staff member must be employed at one of the multisport conferences set forth in Constitution 4. An individual on sabbatical or other temporary leave for a period not exceeding 12 consecutive months may be considered to be "on the staff" of an institution or organization. An individual on terminal leave or on leave in excess of 12 consecutive months shall not be considered to be "on the staff." *(Revised: 10/31/02 effective 8/1/03)*

4.02.4 Senior Woman Administrator.

4.02.4.1 Institutional Senior Woman Administrator. [#] An institutional senior woman administrator is the highest-ranking female involved in the management of an institution's intercollegiate athletics program. An institution with a female director of athletics may designate a different female involved with the management of the member's program as a fifth representative to the NCAA governance structure. *(Adopted: 11/1/01 effective 8/1/02, Revised: 10/27/05)*

4.02.4.2 Conference Senior Woman Administrator. A conference senior woman administrator is the highest-ranking female involved with the conduct and policy processes of a member conference's office. A conference with a female commissioner may designate a different female involved with the management of the conference as a representative to the NCAA governance structure. *(Adopted: 11/1/01 effective 8/1/02, Revised: 10/27/05)*

4.02.5 Gender and Diversity Requirements. The Board of Directors membership shall include at least one person who is an ethnic minority and at least one person of each gender, and a single member shall not be considered to meet both minimums. The combined membership of the Leadership Council, Legislative Council and Championships/Sports Management Cabinet shall include representatives who comprise at least 20 percent of persons who are ethnic minorities and at least 35 percent of persons of each gender. The combined membership of the Academics Cabinet, Administration Cabinet, Agents and Amateurism Cabinet, Awards, Benefits, Expenses and Financial Aid Cabinet, and Recruiting and Athletics Personnel Issues Cabinet shall include representatives that comprise at least 20 percent of persons who are ethnic minorities and at least 35 percent of persons of each gender. *(Adopted: 11/1/07 effective 8/1/08)*

4.02.6 Selection/Term of Office of Board of Directors, Leadership Council and Legislative Council.

4.02.6.1 Selection. Members of the Board of Directors, Leadership Council and Legislative Council shall be selected by the constituencies that they represent. Each membership unit (e.g., conference) that is authorized to select or nominate individuals must have a plan to assure diversity among these individuals. *(Adopted: 11/1/07 effective 8/1/08)*

4.02.6.1.1 Selection Process—Board of Directors. In order to assure that the requirements for diversity of membership (as set forth in Constitution 4.02.5) are met, the following process shall be used: *(Adopted: 11/1/07 effective 8/1/08)*

(a) The conferences represented in each subdivision (as identified in Constitution 4.2.1) shall review the open positions in the subdivision and shall attempt to coordinate the conference selections to assure adequate diversity in the subdivision's representatives.

(b) The Board of Directors shall review the selections from each subdivision to assess the diversity of those selections. If the Board of Directors does not approve the diversity of the selections of a subdivision, it shall ask the subdivision to reconsider the selections and report any changes.

(c) If, after reconsideration, the Board of Directors still does not agree that the selections of any subdivision are adequately diverse, it shall direct each conference that has made a selection in that subdivision to provide a report on the diversity, qualifications and willingness to serve of the chancellors or presidents in the conference. The report shall be forwarded to a subcommittee of the Executive Committee. The subcommittee shall analyze the availability and alter selections as warranted to achieve adequate diversity.

(d) In the event a conference fails to satisfy Football Bowl Subdivision membership criteria, the conference shall lose its designated seat on the Board of Directors and be removed from Football Bowl Subdivision classification in the governance structure. The Board of Directors shall be authorized to determine the manner by which the unallocated Football Bowl Subdivision position is assigned.

4.02.6.1.2 Selection Process—Leadership Council, Legislative Council and Championships/ Sports Management Cabinet. In order to assure that the requirements for diversity of membership (as set forth in Constitution 4.02.5) are met, the following process shall be used: *(Adopted: 11/1/07 effective 8/1/08)*

(a) The conferences represented in the Football Bowl Subdivision shall review together the open positions and shall attempt to coordinate the conference selections to assure adequate diversity in the subdivision's representatives. The conferences represented in the Football Championship Subdivision and Division I Subdivision shall review together the open positions in those subdivisions and shall attempt to coordinate the conference selections to assure adequate diversity in the representatives.

(b) The Board of Directors shall review the selections to assess the diversity of the selections. If the Board of Directors does not approve the diversity of the selections, it shall ask the subdivision(s) to reconsider the selections and report any changes.

(c) If, after reconsideration, the Board of Directors still does not agree that the selections are adequately diverse, it shall direct each conference that has made a selection in the subdivision(s) to select a slate of four individuals qualified to serve on the particular council or cabinet, including at least one woman and one ethnic minority, and the Board of Directors shall make the selection for service.

4.02.6.2 Term of Office.

4.02.6.2.1 Board of Directors. The term of office for the members of the Board of Directors shall be as follows: *(Adopted: 11/1/07 effective 8/1/08)*

(a) Football Bowl Subdivision members shall serve a four-year term. Football Bowl Subdivision members of the Board of Directors are not eligible for immediate re-election;

(b) The Football Championship Subdivision and Division I Subdivision conferences shall be authorized to determine the term of office of their members, not to exceed four consecutive years in length. Further, after completing a term, Football Championship Subdivision and Division I Subdivision members of the Board of Directors may not serve again for two years;

(c) A conference may remove its representative during a term of office;

(d) The terms of service of Board of Directors members shall expire on a staggered basis to provide for continuity. Members may be appointed for less than full terms; and

(e) Board of Directors members who serve more than one-half of a term shall be considered to have served a full term.

4.02.6.2.2 Leadership Council and Legislative Council. The term of office for the Leadership Council and Legislative Council shall be as follows: *(Adopted: 11/1/07 effective 8/1/08)*

(a) Members shall serve a four-year term. Members are not eligible for immediate re-appointment;

(b) A conference may remove its representative during a term;

(c) The terms of office of Football Bowl Subdivision positions and Football Championship Subdivision and Division I Subdivision positions shall expire on a staggered basis to provide for continuity. Members may be appointed for less than full terms; and

(d) Members who serve more than one-half of a term shall be considered to have served a full term.

4.02.6.3 Institution's Membership in Different Subdivsion. An institution's representative to the Board of Directors, Leadership Council and Legislative Council is eligible to serve on behalf of the multisport conference in which the institution holds membership, even if the institution's NCAA membership is in a different subdivision. *(Adopted: 11/1/07 effective 8/1/08)*

4.1 EXECUTIVE COMMITTEE [*]

4.1.1 Composition. [*] The Executive Committee shall consist of 20 members. The NCAA president and the chairs of the Division I Leadership Council and the Division II and Division III Management Councils shall be ex officio nonvoting members, except that the NCAA president is permitted to vote in the case of a tie among the voting members of the Executive Committee present and voting. The other 16 voting members of the Executive Committee shall include: *(Adopted: 1/9/96 effective 8/1/97, Revised: 3/8/06, 11/1/07 effective 8/1/08)*

(a) Eight chancellors or presidents from the Division I Board of Directors from Football Bowl Subdivision institutions; *(Revised: 3/8/06, 12/15/06)*

(b) Two chancellors or presidents from the Division I Board of Directors from Football Championship Subdivision institutions; *(Revised: 3/8/06, 12/15/06)*

(c) Two chancellors or presidents from the Division I Board of Directors from Division I Subdivision institutions; *(Revised: 3/8/06, 12/15/06)*

(d) Two Division II chancellors or presidents from the Division II Presidents Council; and *(Revised: 3/8/06)*

(e) Two Division III chancellors or presidents from the Division III Presidents Council. *(Revised: 3/8/06)*

4.1.2 Duties and Responsibilities. [*] The Executive Committee shall: *(Adopted: 1/9/96 effective 8/1/97)*

(a) Provide final approval and oversight of the Association's budget;

(b) Employ the NCAA president, who shall be administratively responsible to the Executive Committee and who shall be authorized to employ such other persons as may be necessary to conduct efficiently the business of the Association; *(Revised: 3/8/06)*

(c) Provide strategic planning for the Association as a whole;

(d) Identify core issues that affect the Association as a whole;

(e) Act on behalf of the Association by adopting and implementing policies to resolve core issues and other Association-wide matters; *(Revised: 1/12/08)*

(f) Initiate and settle litigation;

(g) Convene at least one combined meeting per year of the three divisional presidential governing bodies;

(h) Convene at least one same-site meeting per year of the Division I Legislative Council and the Division II and Division III Management Councils;

(i) Forward proposed amendments to Constitution 1 and 2 and other dominant legislation to the entire membership for a vote;

(j) Call for a vote of the entire membership on the action of any division that it determines to be contrary to the basic purposes, fundamental policies and general principles set forth in the Association's constitution. This action may be overridden by the Association's entire membership by a two-thirds majority vote of those institutions voting;

(k) Call for an annual or special Convention of the Association;

(l) Review and coordinate the catastrophic-injury and professional career insurance (disabling injury/illness) programs; and *(Adopted: 8/5/99)*

(m) Compile the names of those individuals associated with intercollegiate athletics who died during the year immediately preceding the annual Convention. *(Adopted: 11/1/01)*

4.1.3 Election/Term of Office. [*]

4.1.3.1 Election. [*] Division I members of the Executive Committee shall be appointed by the Division I Board of Directors. Divisions II and III members of the Executive Committee shall be appointed by the Divisions II and III Presidents Councils, respectively. *(Adopted: 1/9/96 effective 8/1/97)*

4.1.3.2 Terms. [*] The terms of service of members of the Executive Committee shall coincide with their service on the applicable divisional presidential governing body, unless otherwise specified by that governing body. *(Adopted: 1/9/96 effective 8/1/97)*

4.1.3.3 Committee Chair. [*] The Executive Committee shall elect one of its members to serve for a two-year period as chair. *(Adopted: 1/9/96 effective 8/1/97)*

4.2 DIVISION I BOARD OF DIRECTORS

4.2.1 Composition. Giving due weight to gender and ethnic diversity per Constitution 4.02.5, the Board of Directors shall include 18 members and shall be comprised of presidents or chancellors. The members of the Board shall include: *(Adopted: 1/9/96 effective 8/1/97, Revised: 1/14/97 effective 8/1/97, 8/5/99, 11/1/07 effective 8/1/08)*

(a) One institutional president or chancellor from each of the following 11 conferences: *(Revised: 8/5/99, 4/24/03)*
- (1) Atlantic Coast Conference;
- (2) Big East Conference;
- (3) Big Ten Conference;
- (4) Big 12 Conference;
- (5) Conference USA;
- (6) Mid-American Conference;
- (7) Mountain West Conference;
- (8) Pacific-10 Conference;
- (9) Southeastern Conference;
- (10) Sun Belt Conference; and *(Adopted: 4/24/03)*
- (11) Western Athletic Conference.

(b) Seven institutional presidents or chancellors from among the following conferences: *(Revised: 1/14/97, 8/5/99)*
- (1) America East Conference;
- (2) Atlantic Sun Conference;
- (3) Atlantic 10 Conference;
- (4) Big Sky Conference;
- (5) Big South Conference;
- (6) Big West Conference; *(Adopted: 4/24/03)*
- (7) Colonial Athletic Association;
- (8) Horizon League;
- (9) Ivy Group;
- (10) Metro Atlantic Athletic Conference;
- (11) Mid-Eastern Athletic Conference;
- (12) Missouri Valley Conference;
- (13) Northeast Conference;
- (14) Ohio Valley Conference;
- (15) Patriot League;
- (16) Southern Conference;
- (17) Southland Conference;
- (18) Southwestern Athletic Conference;
- (19) The Summit League; or
- (20) West Coast Conference.

4.2.1.1 Conference Representation. No conference listed in Constitution 4.2.1-(b) may have more than one conference representative serving on the Board of Directors simultaneously. *(Adopted: 1/9/96 effective 8/1/97, Revised: 8/5/99, 12/15/06)*

4.2.1.2 Increase or Decrease. The number of Board members from each category set forth in Constitution 4.2.1-(a) and 4.2.1-(b) shall remain the same regardless of an increase or decrease in the number of voting member conferences. *(Adopted: 1/9/96 effective 8/1/97, Revised: 8/5/99)*

4.2.1.3 Rotation of Representatives. The rotation of Board of Directors conference representatives between the conferences listed in Constitution 4.2.1-(b), shall be developed, maintained and revised by those conferences. *(Adopted: 1/14/97 effective 8/1/97, Revised: 12/15/06)*

4.2.2 Duties and Responsibilities. The Board of Directors shall: *(Adopted: 1/9/96 effective 8/1/97, Revised: 8/7/03)*

(a) Establish and direct general policy;

(b) Establish a strategic plan;

(c) Adopt or defeat legislative proposals independent of the Legislative Council (e.g., emergency, noncontroversial or other proposals sponsored by the Board); *(Revised: 11/1/07 effective 8/1/08)*

(d) At its discretion, ratify, amend or defeat legislation adopted by the Legislative Council (see Constitution 5.3.2); *(Revised: 11/1/07 effective 8/1/08)*

(e) Delegate to the Leadership Council or Legislative Council responsibilities for specific matters it deems appropriate; *(Revised: 11/1/07 effective 8/1/08)*

(f) Appoint members of the NCAA Division I Committee on Infractions and the Division I Infractions Appeals Committee; *(Adopted: 11/1/07 effective 8/1/08)*

(g) Review and approve policies and procedures governing the enforcement program; *(Adopted: 11/1/07 effective 8/1/08)*

(h) Ratify, amend or rescind the actions of the Leadership Council or Legislative Council; *(Revised: 11/1/07 effective 8/1/08)*

(i) Assure that there is gender and ethnic diversity among its membership and the membership of each of the other bodies in the administrative structure; *(Revised: 11/1/07 effective 8/1/08)*

(j) Require bodies in the administrative structure to alter (but not expand) their membership to achieve diversity;

(k) Approve an annual budget;

(l) Approve regulations providing for the expenditure of funds and the distribution of income consistent with the provisions of Constitution 4.01.2.2;

(m) Approve regulations providing for the administration of championships;

(n) Advise the Executive Committee concerning the employment of the NCAA president and concerning the oversight of his or her employment; and *(Revised: 3/8/06)*

(o) Be responsible for the administration, compilation and disclosure of information concerning the Academic Progress Rate (APR) and Academic Performance Census (APC). *(Adopted: 8/7/03 effective 8/1/04)*

4.2.3 Voting Method. The method of voting on issues considered by the Board of Directors shall be by roll call, except for those actions taken by the unanimous consent of the Board members present and voting. Roll-call vote results shall be reported to the membership. *(Adopted: 1/9/96 effective 8/1/97)*

4.5 DIVISION I LEADERSHIP COUNCIL

4.5.1 Composition. Giving due weight to gender and ethnic diversity per Constitution 4.02.5, the Leadership Council shall include 31 members and shall be comprised of athletics administrators (e.g., athletics directors, senior woman administrators, assistant athletics directors, conference administrators), faculty athletics representatives and institutional administrators to whom athletics departments report or who have other significant duties regarding athletics. The members of the Leadership Council shall include: *(Adopted: 11/1/07 effective 8/1/08)*

(a) One administrator or representative (who each shall have three votes) from each of the following seven conferences:
   (1) Atlantic Coast Conference;
   (2) Big East Conference;
   (3) Big Ten Conference;
   (4) Big 12 Conference;
   (5) Conference USA;
   (6) Pacific-10 Conference; and
   (7) Southeastern Conference.

(b) One administrator or representative (who each shall have 1.5 votes) from each of the following four conferences:
   (1) Mid-American Conference;
   (2) Mountain West Conference;
   (3) Sun Belt Conference; and
   (4) Western Athletic Conference.

(c) One administrator or representative (who each shall have 1.2 votes) from each of the following conferences:
   (1) America East Conference;
   (2) Atlantic Sun Conference;
   (3) Atlantic 10 Conference;

(4) Big Sky Conference;
(5) Big South Conference;
(6) Big West Conference;
(7) Colonial Athletic Association;
(8) Horizon League;
(9) Ivy Group;
(10) Metro Atlantic Athletic Conference;
(11) Mid-Eastern Athletic Conference;
(12) Missouri Valley Conference;
(13) Northeast Conference;
(14) Ohio Valley Conference;
(15) Patriot League;
(16) Southern Conference;
(17) Southland Conference;
(18) Southwestern Athletic Conference;
(19) The Summit League; and
(20) West Coast Conference.

4.5.2 Duties and Responsibilities. The Leadership Council shall: *(Adopted: 11/1/07 effective 8/1/08)*

(a) Take final action on matters delegated to it by the Board of Directors;
(b) Make recommendations to the Board of Directors on matters that it deems appropriate;
(c) Suggest policies to the Board of Directors that are necessary to ensure proper management;
(d) Review recommendations of the substructure;
(e) Oversee the appointment of the members of the substructure (e.g., cabinets and committees);
(f) Recommend fiscal, competitive, academic and championships policies to the Board of Directors and the substructure;
(g) Oversee Division I membership requirements and processes;
(h) Advise the Board of Directors on the performance of the NCAA president;
(i) Coordinate strategic planning activities;
(j) Identify and examine trends and issues of intercollegiate athletics;
(k) In conjunction with the Minority Opportunities and Interests Committee, review issues related to the interests of ethnic minority student-athletes, NCAA minority programs and NCAA policies that affect ethnic minorities; and
(l) In conjunction with the Committee on Women's Athletics, study and make policy recommendations concerning opportunities for women in athletics at the institutional, conference and national levels, and other issues directly affecting women's athletics.

4.5.3 Chair. The Leadership Council shall elect one of its members to serve for a period of not more than two years as chair. The chair shall not be eligible for immediate re-election to that position. At least once in every three chair rotations, a Football Championship Subdivision or Division I Subdivision member shall serve as chair. *(Adopted: 11/1/07 effective 8/1/08)*

4.6 DIVISION I LEGISLATIVE COUNCIL

4.6.1 Composition. Giving due weight to gender and ethnic diversity per Constitution 4.02.5, the Legislative Council shall include 31 members and shall be comprised of athletics administrators (e.g., athletics directors, senior women administrators, assistant athletics directors, conference administrators), faculty athletics representatives and institutional administrators to whom athletics departments report or who have other significant duties regarding athletics. The members of the Legislative Council shall include: *(Adopted: 1/9/96 effective 8/1/97, Revised: 1/14/97 effective 8/1/97, 8/5/99, 11/1/07 effective 8/1/08)*

(a) One administrator or representative (who shall have three votes) from each of the following seven conferences: *(Revised: 8/5/99, 11/1/07 effective 8/1/08)*
(1) Atlantic Coast Conference;
(2) Big East Conference;
(3) Big Ten Conference;
(4) Big 12 Conference;
(5) Conference USA;
(6) Pacific-10 Conference; and
(7) Southeastern Conference.

(b) One administrator or representative (who shall have 1.5 votes) from each of the following four conferences: *(Revised: 8/5/99, 4/24/03)*
   (1) Mid-American Conference;
   (2) Mountain West Conference;
   (3) Sun Belt Conference; and *(Adopted: 4/24/03)*
   (4) Western Athletic Conference.

(c) One administrator or representative (who shall have 1.2 votes) from each of the following conferences: *(Revised: 1/14/97 effective 8/1/97, 8/5/99, 4/24/03, 12/15/06, 11/1/07 effective 8/1/08)*
   (1) America East Conference;
   (2) Atlantic Sun Conference;
   (3) Atlantic 10 Conference;
   (4) Big Sky Conference;
   (5) Big South Conference;
   (6) Big West Conference; *(Adopted: 4/24/03)*
   (7) Colonial Athletic Association;
   (8) Horizon League;
   (9) Ivy Group;
   (10) Metro Atlantic Athletic Conference;
   (11) Mid-Eastern Athletic Conference;
   (12) Missouri Valley Conference;
   (13) Northeast Conference;
   (14) Ohio Valley Conference;
   (15) Patriot League;
   (16) Southern Conference;
   (17) Southland Conference;
   (18) Southwestern Athletic Conference;
   (19) The Summit League; and
   (20) West Coast Conference.

4.6.2 Duties and Responsibilities. The Legislative Council shall: *(Adopted: 1/9/96 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

(a) Serve as the division's primary legislative authority, subject to review by the Board of Directors (see Constitution 5.3.2); *(Revised: 11/1/07 effective 8/1/08)*

(b) Develop educational materials regarding pending legislation;

(c) Take final action on matters delegated to it by the Board of Directors; *(Revised: 11/1/07 effective 8/1/08)*

(d) Make interpretations of the bylaws; and

(e) Review the recommendations of the substructure.

4.6.3 Chair. The Legislative Council shall elect one of its members to serve for a period of not more than two years as chair. The chair shall not be eligible for immediate re-election to that position. At least once in every three chair rotations, a Football Championship Subdivision or Division I Subdivision representative shall serve as chair. *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/27/00 effective 8/1/00, 11/1/01, 12/15/06, 11/1/07 effective 8/1/08)*

4.6.4 Voting Method. The method of voting on issues considered by the Legislative Council shall be by roll call, except for actions taken by the unanimous consent of the members present and voting. Roll-call vote results shall be reported to the membership. *(Adopted: 1/9/96 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

4.6.5 Administrative Committee.

4.6.5.1 Composition and Selection. The Administrative Committee of the Legislative Council shall consist of four members of the Legislative Council, including two representatives of Football Bowl Subdivision conferences, one representative of Football Championship Subdivision conferences and one representative of Division I Subdivision conferences. *(Adopted: 1/14/97 effective 8/1/97, Revised 8/10/00, 12/15/06, 11/1/07 effective 8/1/08)*

4.6.5.2 Duties. The Administrative Committee is empowered to act on behalf of the Legislative Council to transact necessary and routine items of business clearly necessary to promote the normal and orderly administration in the interim between meetings of the Legislative Council. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

4.6.5.3 Approval. All actions of the Administrative Committee shall be effective immediately and shall be reported to and subject to approval of the full Legislative Council. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

4.6.6 Football Championship Subdivision Governance Committee. The Football Championship Subdivision Governance Committee of the Division I Legislative Council shall have the authority to act on behalf of the Football Championship Subdivision members of the Legislative Council on legislative issues specific to the

subdivision in accordance with Constitution 5.3.2.2.6 (see Constitution 5.1.4.3.4). *(Adopted: 1/14/97 effective 8/1/97, Revised: 12/15/06, 11/1/07 effective 8/1/08)*

4.6.6.1 Composition. The Football Championship Subdivision Governance Committee shall consist of the following: *(Adopted: 1/14/97 effective 8/1/97, Revised: 10/31/02, 12/15/06)*

(a) The members of the Legislative Council from the Football Championship Subdivision conferences listed in Constitution 4.6.1-(c) that are composed of at least six football-sponsoring members; however, if a Football Championship Subdivision conference representative is not from an institution that sponsors football in the subdivision, the conference may appoint another representative from an institution that sponsors football in that conference; *(Revised: 1/8/01, 10/31/02, 12/15/06, 11/1/07 effective 8/1/08)*

(b) A representative selected by the conference from each Football Championship Subdivision conference listed in Constitution 4.6.1-(c) that is composed of at least six football-sponsoring members and does not have a representative on the Legislative Council; and *(Revised: 10/31/02, 12/15/06, 11/1/07 effective 8/1/08)*

(c) A representative selected by the conference from each Football Championship Subdivision conference that conducts a football championship but is not listed in Constitution 4.6.1-(c), provided: *(Revised: 12/15/06, 11/1/07 effective 8/1/08)*

(1) The conference consists of at least six championship subdivision football-sponsoring members (regular or affiliate members of the conference) that play a single round-robin schedule that leads to the declaration of a conference football champion; and *(Revised: 12/15/06)*

(2) The affairs of the conference are administered by a conference listed in Constitution 4.6.1-(a), 4.6.1-(b) or 4.6.1-(c). *(Revised: 12/15/06, 11/1/07 effective 8/1/08)*

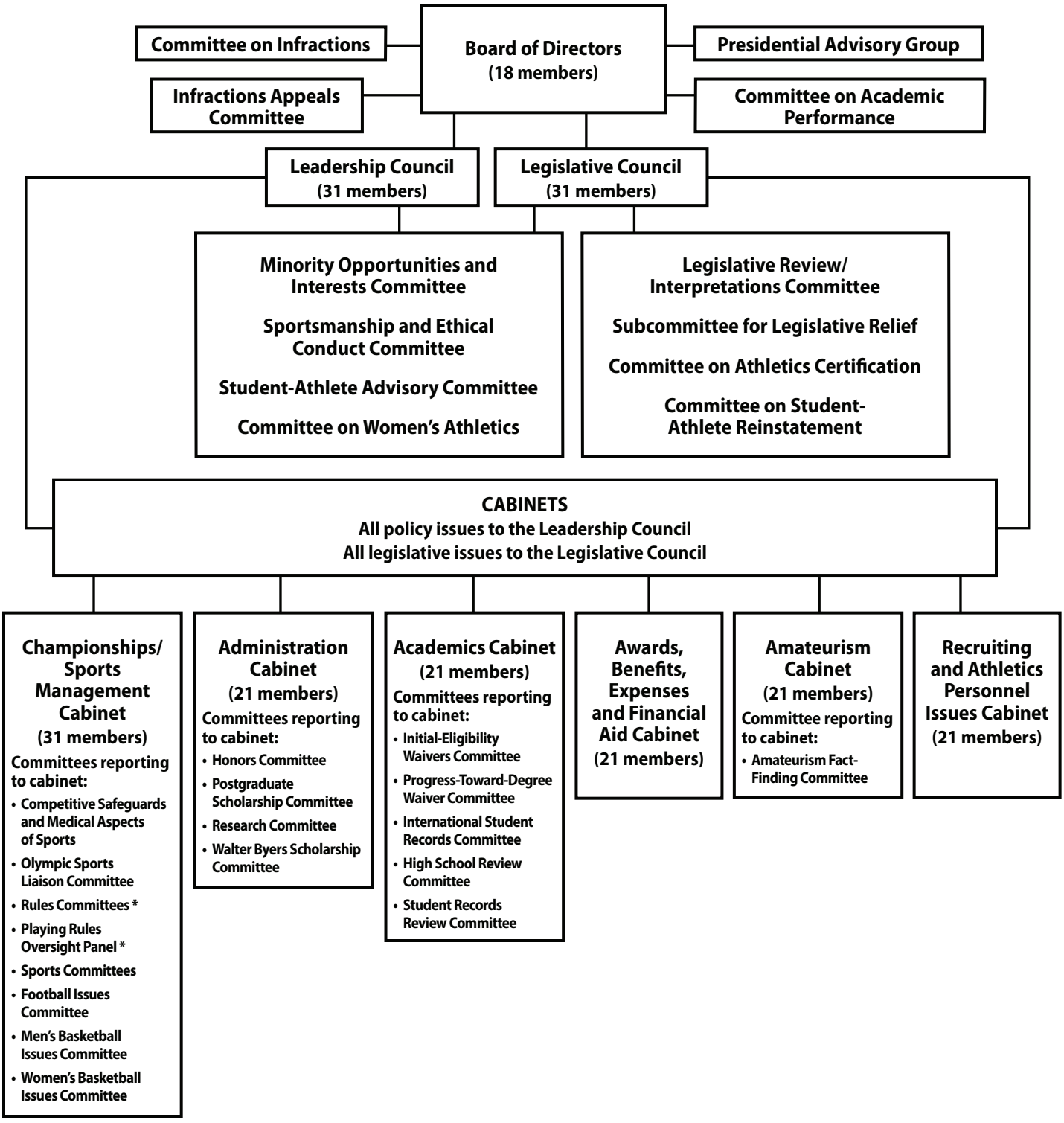
A Football Championship Subdivision conference represented on the committee that falls below the six-member requirement may continue to be represented on the committee for a one-year time period. Such a conference no longer shall be represented on the committee after the one-year period unless it is composed of at least six championship subdivision football-sponsoring members. Further, a Football Championship Subdivision conference that sponsors football and conducts a conference championship, but does not meet the six-member requirement, shall be permitted to have its Legislative Council member attend the Football Championship Subdivision Governance Committee meeting in a nonvoting capacity. *(Adopted: 10/31/02, Revised: 12/15/06, 11/1/07 effective 8/1/08)*

4.6.6.2 Administration. The administration and actions of the Football Championship Subdivision Governance Committee shall be governed by Legislative Council policy and procedures. *(Adopted: 1/14/97 effective 8/1/97, Revised: 12/15/06, 11/1/07 effective 8/1/08)*

4.9 COMMITTEES/CABINETS [*]

The bylaws shall provide for the establishment of such a governance substructure (e.g., cabinets, committees) as each division considers necessary. The number of members and tenure of each division's governance substructure shall be stipulated in Bylaw 21. *(Adopted: 1/9/96 effective 8/1/97)*

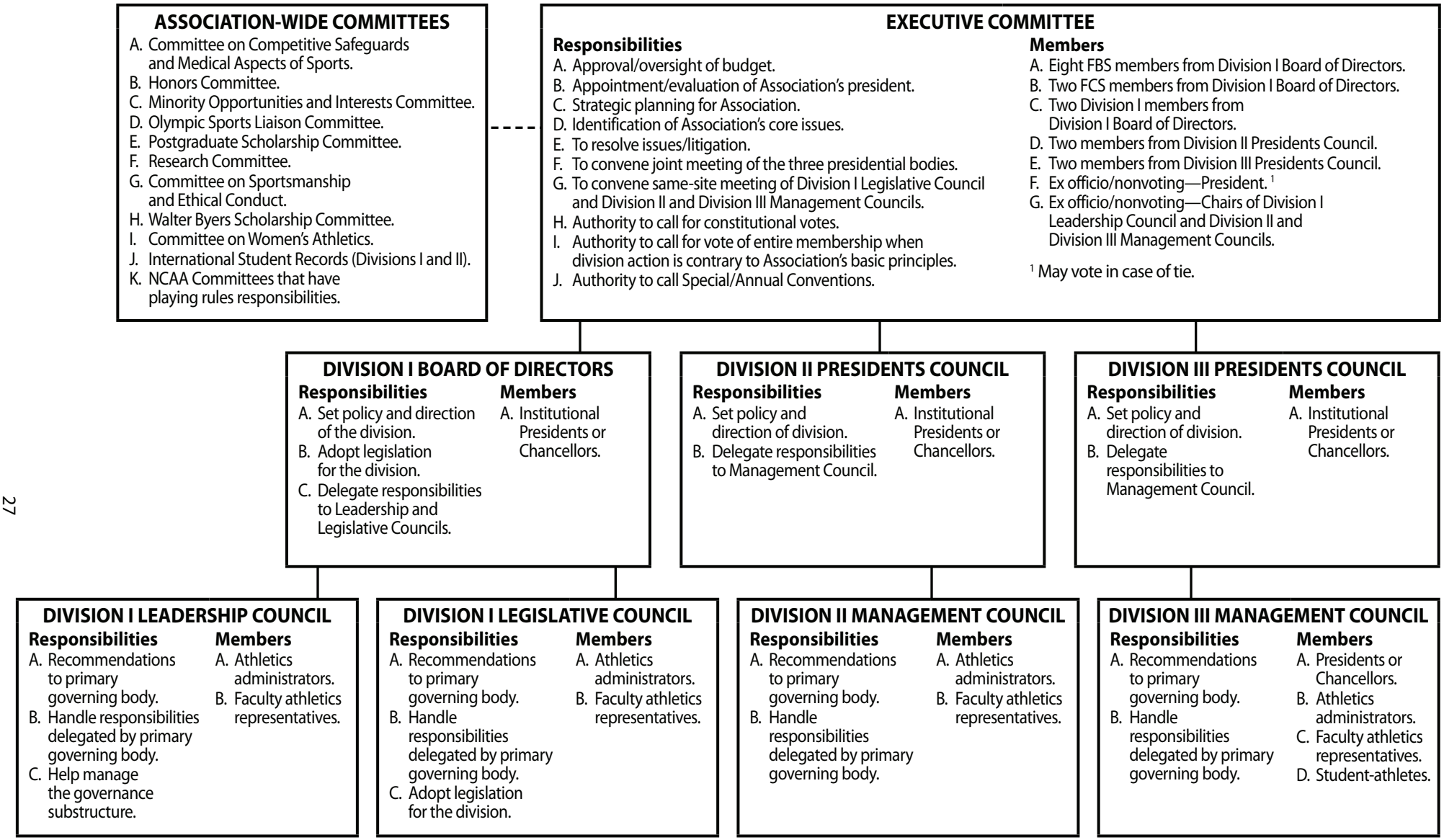
FIGURE 4-1
Division I Governance Structure



* For Information Purposes

FIGURE 4-2

Association Governance Structure



CONSTITUTION, ARTICLE 5

Legislative Authority and Process

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5.01 GENERAL PRINCIPLES [*]

5.01.1 Basis of Legislation. [*] All legislation of the Association that governs the conduct of the intercollegiate athletics programs of its member institutions shall be adopted by the membership in Convention assembled, or by the divisional governance structures as set forth in Constitution 4, as determined by the constitution and bylaws governing each division, and shall be consistent with the purposes and fundamental policy set forth in Constitution 1, and shall be designed to advance one or more principles such as those set forth in Constitution 2. *(Revised: 1/9/96 effective 8/1/97)*

5.01.2 Approaches to Legislative Process. [*] The membership of the Association recognizes that certain fundamental polices, practices and principles have applicability to all members, while others are applicable to division groupings of members, based on a common philosophy shared among the individual members of the division and on special policies and concerns that are common to the nature and purposes of the institutions in the division. *(Revised: 1/9/96 effective 8/1/97)*

5.02 DEFINITIONS AND APPLICATIONS

5.02.1 Legislative (Constitution and Bylaw) Provisions.

5.02.1.1 Dominant. [*] A dominant provision is a regulation that applies to all members of the Association and is of sufficient importance to the entire membership that it requires a two-thirds majority vote of all delegates present and voting in joint session at an annual or special Convention. Dominant provisions are identified by an asterisk (*).

5.02.1.2 Division Dominant. [*] A division dominant provision is a regulation that applies to all members of a division and is of sufficient importance to the division that it requires a two-thirds majority vote of all delegates present and voting at a division's annual or special Convention. Division dominant provisions are identified by the diamond symbol (◆). *(Revised: 1/9/96 effective 8/1/97)*

5.02.1.3 Common. [*] A common provision is a regulation that applies to more than one of the divisions of the Association. A common provision shall be adopted by each of the applicable divisions, acting separately pursuant to the divisional legislative process described in Constitution 5.3, and must be approved by all applicable divisions to be effective. Common provisions are identified by the pound sign (#). *(Adopted: 1/14/97 effective 8/1/97)*

5.02.1.4 Federated. [*] A federated provision is a regulation adopted by a majority vote of the delegates present and voting of one or more of the divisions or subdivisions of the Association, acting separately pursuant to the divisional legislative process described in Constitution 5.3. Such a provision applies only to the division(s) or subdivision(s) that adopts it. *(Revised: 1/9/96 effective 8/1/97)*

5.1 CONVENTIONS AND MEETINGS

5.1.1 Authorization.

5.1.1.1 Annual Convention. [*] There shall be an annual Convention of this Association during the second week of January or at such other time as may be prescribed by the Executive Committee.

5.1.1.2 Special Convention. [*] A special Convention of the Association may be called by the Executive Committee. *(Revised: 1/9/96 effective 8/1/97)*

5.1.2 Annual or Special Convention Programs.

5.1.2.1 Establishment of Program—Annual or Special Convention. [*] The program of the business session of an annual or special Convention of the Association shall be established by the Executive Committee, acting as the Convention program committee. *(Revised: 1/9/96 effective 8/1/97)*

5.1.2.1.1 Change in Program. [*] Once adopted by a majority vote of the Convention, the order of business established in the program may be changed or suspended only by a two-thirds vote of the members present and voting.

5.1.2.2 Other Convention Arrangements. [*] All other arrangements for a Convention of the Association or for division legislative meetings shall be made by the NCAA president, subject to the direction and approval of the Executive Committee, which shall serve as the Convention arrangements committee.

5.1.2.3 Business and Discussion Sessions.

5.1.2.3.1 General Business Session. [*] When determined necessary by the Executive Committee, an annual or special Convention shall include a general business session to enable all three divisions, meeting in joint session, to act on the dominant legislation specified in Constitution 1 and 2 and elsewhere, and on the actions of any division determined to be contrary to the Association's basic purposes, fundamental policies and general principles. *(Revised: 1/10/91, 1/9/96 effective 8/1/97)*

5.1.2.3.2 Division Business Sessions. [*] An annual or special Convention shall include separate division business sessions to: *(Revised: 1/9/96 effective 8/1/97)*

(a) Enable a single division to act, in accordance with the constitution and bylaws, on federated legislation pertaining to that division; *(Revised: 1/10/91, 1/9/96 effective 8/1/97)*

(b) Discuss matters of interest to the members of each division; and

(c) Act upon division membership criteria waiver requests under the provisions of the bylaws.

5.1.2.3.3 Round-Table Discussions. [*] In addition to the division business sessions, a general round-table discussion may be held to enable the membership to discuss matters of general interest.

5.1.3 Annual or Special Convention Delegates.

5.1.3.1 Institutional and Conference Delegates.

5.1.3.1.1 With Voting Privileges. [*] Each active member and each member conference with voting privileges, as specified in Constitution 3.3.2.2, shall be entitled to one vote. Institutions and conferences designating both a male and a female as voting or alternate delegates on the Convention appointment form shall be allowed to appoint four official institutional delegates. In all other circumstances, institutions shall be limited to not more than three official delegates. *(Revised: 1/10/92)*

5.1.3.1.2 Without Voting Privileges. [*] Each member conference without voting privileges shall be entitled to one accredited delegate without voting privilege.

5.1.3.2 Corresponding, Affiliated and Provisional Delegates. [*] Each corresponding, affiliated and provisional member shall be entitled to one accredited delegate without voting privilege.

5.1.3.3 Visiting Delegates. [*] Member and nonmember institutions and organizations are authorized to send visiting delegates, who shall not have voting privileges.

5.1.3.4 Certification and Voting of Delegates. [*] The certification and voting of delegates shall be conducted as follows:

(a) Delegates shall be certified to the NCAA national office as entitled to represent the member in question by the proper executive officers of their institutions or organizations;

(b) An active member or member conference represented by more than one delegate shall designate (on the proper form signed by the president or chancellor) the delegate entitled to cast its vote. Once the member has so designated its primary voting and alternate voting delegates, transferring the voting rights between or among them is a matter of institutional judgment, inasmuch as the voter and alternate(s) have been approved as voters; *(Revised: 3/8/06)*

(c) The same delegate may represent both an active member and a member conference;

(d) A delegate shall not represent any active member or member conference unless the delegate actually is identified with such member, and an institution's student may not serve as its voting or alternate voting delegate;

(e) Whenever the Association votes on any question by roll call, either written or via voice, on demand of any delegate, the names of delegates as they vote shall be checked by the Membership Committee in order to verify the authority of the voter; and

(f) Voting by proxy shall not be allowed.

5.1.3.5 Delegate Participation in Conventions and Meetings.

5.1.3.5.1 Active Delegate. [*] Privileges of the floor and the right to active participation in the business proceedings of any annual or special Convention of the Association is accorded to the following: *(Revised: 1/9/96 effective 8/1/97)*

(a) Any of the accredited delegates authorized in Constitution 5.1.3.1.1 to represent an active member or member conference with voting privileges; *(Revised: 1/10/92)*

(b) The single accredited delegate authorized in Constitution 5.1.3.1.2 to represent a member conference without voting privileges or in Constitution 5.1.3.2 to represent an affiliated, corresponding or provisional member;

(c) Any member of the Executive Committee, the divisional governance entities per Constitution 4 and the chair (or a committee member designated to speak for the chair) of an NCAA committee listed in Bylaw 21; and *(Revised: 1/9/96 effective 8/1/97)*

(d) Any member of a division's Student-Athlete Advisory Committee. *(Adopted: 1/10/91)*

5.1.3.5.2 Visiting Delegate. [*] Visiting delegates authorized in Constitution 5.1.3.3 shall not actively participate in the business proceedings.

5.1.4 Operational Procedures.

5.1.4.1 Quorum. [*] One hundred (100) active members and member conferences represented as prescribed in this constitution shall constitute a quorum for the transaction of the Association's business. For purposes of voting by membership divisions, 40 members of each division shall constitute a quorum.

5.1.4.2 Parliamentary Rules. [*] The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall be the parliamentary authority for the conduct of all meetings of the Association. Additionally, they shall be the deciding reference used in case of parliamentary challenge in all instances to which they apply and in which they are not superseded by this constitution, the bylaws or any special rule of order adopted by the Association in accordance with Constitution 5.4.3.

5.1.4.3 Consideration of Legislation. [*] Legislation shall be acted upon only at the Convention business sessions in accordance with the constitution and bylaws.

5.1.4.3.1 Order and Grouping of Legislation. [*] In the consideration of groupings of related amendments or amendments-to-amendments, the Convention shall consider first the proposal that contemplates the greatest modification of the present circumstance, followed by the other proposals in the order of decreasing modification. Once a proposal in such a grouping is adopted, those that follow ordinarily will become moot.

5.1.4.3.2 Legislation at General Session. [*] Dominant legislation per Constitution 1 and 2 and elsewhere, and federated legislation determined by the Executive Committee to be contrary to the Association's basic purposes, fundamental policies and general principles shall be acted on by the divisions meeting in joint session. *(Revised: 1/10/91, 1/9/96 effective 8/1/97)*

5.1.4.3.3 Legislation at Division Sessions. [*] Legislation pertaining only to a single division of the Association may be acted on in a separate legislative session of that division. Federated legislation pertaining to more than a single division of the Association may be acted on by the appropriate divisions during the separate division business sessions. *(Revised: 1/10/91, 1/9/96 effective 8/1/97)*

5.1.4.3.4 Football Classification, Voting. A member institution shall be entitled to vote on legislative issues pertaining only to football in the subdivision in which it is classified.

5.1.4.3.4.1 Restriction. An active member or member conference with no football program shall not be permitted to vote on issues affecting only football.

5.1.4.3.4.2 Football Championship Subdivision Member Applying Bowl Subdivision Football Legislation. A Football Championship Subdivision member that elects to be governed by the legislation pertaining to the Football Bowl Subdivision in accordance with Bylaw 20.7.1.1 shall be eligible to vote on issues pertaining to championship subdivision football. *(Revised: 12/15/06)*

5.1.4.3.4.3 Conference of Football Bowl Subdivision and Football Championship Subdivision Members. A conference whose members are divided between the Football Bowl Subdivision and the Football Championship Subdivision shall vote in the subdivision in which the majority of its members are classified; or if the membership is divided equally between the two subdivisions, the subdivision in which it shall vote shall be determined by the Legislative Council Administrative Committee. *(Revised: 12/15/06, 11/1/07 effective 8/1/08)*

5.1.4.4 Voting Methods. [*] The methods of voting at an NCAA Convention shall be by voice, paddle, roll call and/or secret ballot, in accordance with the following procedures:

(a) **Voice Vote**. The presiding officer shall determine whether to use voice voting. In the taking of a voice vote, if the presiding officer is in doubt, or on request for a division of the assembly by any member eligible to vote on the particular issue, the presiding officer shall retake the vote by a show of paddles.

(b) **Paddle Vote**. The presiding officer shall determine whether to use paddle voting, which may be accomplished through electronic collection. In the taking of a vote by show of paddles, if the presiding officer is in doubt, or on the request of any member eligible to vote on the particular issue, the presiding officer shall order the vote to be counted. *(Revised: 1/3/07)*

(c) **Secret Ballot**. Voting by secret ballot shall be conducted only when so ordered by a majority of the eligible delegates present and voting, after the making of an undebatable motion to vote in that manner.

(d) **Roll Call**. Voting by roll call, on issues other than those so designated by the Divisions II and III presidential administrative groups, shall be conducted only when so ordered by a majority of the eligible delegates present and voting, after the making of an undebatable motion to vote in that manner. If both a roll-call vote and a secret ballot are moved on a particular issue, the vote shall be taken first on whether to vote by roll call. Any interim or later vote to amend, postpone, reconsider, refer or table a proposal that has been designated by the presidential administrative groups for a roll-call vote during the Convention also must be conducted by roll-call vote. *(Revised: 1/10/92, 1/9/96 effective 8/1/97)*

5.2 ELEMENTS OF LEGISLATION

5.2.1 Constitution. [*] The membership may adopt legislation to be included in the constitution of the Association, which sets forth basic purposes, fundamental policies and general principles that generally serve as the basis on which the legislation of the Association shall be derived and which includes information relevant to the purposes of the Association. *(Revised: 1/9/96 effective 8/1/97)*

5.2.2 Operating Bylaws. [*] Each division may adopt legislation to be included in the operating bylaws of the Association, which provide rules and regulations not inconsistent with the provisions of the constitution and which shall include, but not be limited to, the following particulars: *(Revised: 1/9/96 effective 8/1/97)*

(a) The administration of intercollegiate athletics by members of the Association;

(b) The establishment and control of NCAA championships (games, matches, meets and tournaments) and other athletics events sponsored or sanctioned by the Association;

(c) The procedures for administering and enforcing the provisions of the constitution and bylaws; and

(d) The adoption of rules of play and competition in the various sports, and the delegation of authority in connection with such subjects to individuals, officers or committees.

5.2.3 Administrative Bylaws. [*] The administrative bylaws of the Association (administrative regulations, executive regulations, enforcement policies and procedures, and athletics certification policies and procedures) provide rules and regulations for the implementation of policy adopted by the membership as set forth in the constitution and operating bylaws. They are distinct from the operating bylaws in that, to provide greater flexibility and efficiency in the conduct of the affairs of the Association, they may be adopted or amended by the applicable divisional presidential administrative group, the Division I Legislative Council and the Division III Management Council. *(Revised: 1/9/96 effective 8/1/97, 11/1/07 effective 8/1/08)*

5.2.3.1 Administrative Regulations. [*] Each division is empowered to adopt or revise administrative regulations consistent with the provisions of the constitution and bylaws, subject to amendment by the Divisions II and III membership, for the implementation of policy established by legislation governing the general activities of each division. The administrative bylaws may be adopted or amended by the applicable division presidential administrative group, the Division I Legislative Council and the Division III Management Council or at any annual or special Convention by a majority vote of the delegates in Divisions II and III present and voting in accordance with the legislative process. *(Revised: 1/9/96 effective 8/1/97, 11/1/07 effective 8/1/08)*

5.2.3.2 Executive Regulations. [*] Each division is empowered to adopt or revise executive regulations consistent with the provisions of the constitution and bylaws, subject to amendment by the Divisions II and III membership. Executive regulations relate to the administration of the division's championships, the expenditure of the division's funds, the distribution of the income of the division and the general administration of the affairs of the division. The executive regulations may be adopted or amended by the applicable division presidential administrative group, the Division I Legislative Council and the Division III Management Council or at any annual or special Convention by a majority vote of the delegates in Divisions II and III present and voting in accordance with the legislative process. *(Revised: 1/9/96 effective 8/1/97, 11/1/07 effective 8/1/08)*

5.2.3.3 Enforcement Policies and Procedures [*] The Committee on Infractions is empowered to adopt or revise policies and procedures for the conduct of the Association's enforcement program, subject to approval by the Board of Directors for Division I and by the applicable Management Council for Division II and Division III. These policies and procedures shall be developed by the Committee on Infractions, shall not be inconsistent with the provisions of the constitution and bylaws and shall be subject to amendment by the membership. *(Revised: 11/1/07 effective 8/1/08)*

5.2.3.4 Athletics Certification Policies and Procedures. The Committee on Athletics Certification is empowered to adopt or revise policies and procedures for the conduct of the Association's athletics certification program, subject to approval by the Legislative Council. These policies and procedures shall be developed by the Committee on Athletics Certification, shall not be inconsistent with the provisions of the constitution and bylaws, and shall be subject to amendment by the membership. *(Adopted: 1/16/93 effective 1/1/94, Revised: 11/1/07 effective 8/1/08)*

5.2.3.5 Academic Performance Program Policies and Procedures. The Committee on Academic Performance shall have the authority to adopt or revise policies and procedures for the conduct of the academic performance program, subject to the approval of the Board of Directors. *(Adopted: 4/29/04, Revised: 11/1/07 effective 8/1/08)*

5.2.4 Resolutions. [*] Legislation of a temporary character effective only for a specified time period may be enacted through resolutions not inconsistent with the constitution, bylaws (including administrative bylaws) and special rules of order (see Constitution 5.4.2).

5.2.5 Interpretations of Constitution and Bylaws. [*] The divisional presidential administrative groups, the Division I Legislative Council and the Division II and Division III Management Councils, and the divisional interpretative committees, in the interim between meetings of the Division I Legislative Council and the Division II and Division III Management Councils, are empowered to make interpretations of the constitution and bylaws (see Constitution 5.4.1). *(Revised: 1/9/96 effective 8/1/97, 8/31/05, 11/1/07 effective 8/1/08)*

5.2.6 Special Rules of Order. [*] The Association may adopt special rules of order not inconsistent with the constitution and bylaws. These special rules, with Robert's Rules of Order, Newly Revised, this constitution, and the bylaws, shall be the parliamentary authority for the conduct of all meetings of the Association and, together, shall be the deciding reference used in case of parliamentary challenge in all instances to which they apply (see Constitution 5.4.3).

5.2.7 Statements of Division Philosophy. [*] The membership of a division or subdivision, through appropriate deliberative processes, may prepare a statement of division philosophy relating to the development and operation of an intercollegiate athletics program in the division. Such a statement is not binding on member institutions but shall serve as a guide for the preparation of legislation by the division and for planning and implementation of programs by institutions and conferences (see Constitution 5.4.4).

5.3 AMENDMENT PROCESS

5.3.1 Authorizing Legislation.

5.3.1.1 Amendment. [*] The dominant provisions of Constitution 1 and 2 and elsewhere and the division dominant provisions may be amended only at an annual or special Convention. In Division I, federated provisions may be amended as specified in Constitution 5.3.2. In Divisions II and III, federated provisions may be amended at any annual or special Convention. *(Revised: 1/9/96 effective 8/1/97, 1/14/97 effective 8/1/97)*

5.3.1.2 Amendment-to-Amendment—Dominant Provisions. [*] A proposed amendment to the dominant provisions of Constitution 1 and 2 and elsewhere may be amended at any annual or special Convention. From July 15 through September 15, sponsors of proposed legislation may refine and change proposals in any manner that is germane to the original proposal. After September 15, proposed amendments may be amended only if the amendment to the proposed amendment does not increase the modification of the provision to be amended. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.1.3 Amendment-to-Amendment—Division Dominant Provisions. A proposed amendment to a division dominant provision may be amended at any annual or special Convention. From July 15 through September 15, sponsors of proposed legislation may refine and change proposals in any manner that is germane to the original proposal. After September 15, proposed amendments may be amended only if the amendment to the proposed amendment does not increase the modification of the provision to be amended. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.2 Division I Legislative Process.

5.3.2.1 Authority to Adopt or Amend Legislation. Legislation applicable to Division I may be adopted or amended at any meeting of the Board of Directors or of the Legislative Council. *(Adopted: 1/9/96 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

5.3.2.1.1 Amendments Proposed by Board of Directors, Leadership Council or Legislative Council. The Board of Directors, Leadership Council or Legislative Council may sponsor legislative amendments for consideration as emergency or noncontroversial legislation or in the regular legislative cycle or at any legislative Convention. A member also may move that current or proposed policies and procedures become legislative proposals, subject to the override process. *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/28/05, 11/1/07 effective 8/1/08)*

5.3.2.2 Process for Adoption or Amendment of Legislation.

5.3.2.2.1 Legislative Council Action—Initial Review. On initial review of a legislative proposal, the Legislative Council shall conduct a single vote to accomplish one of the following actions: *(Adopted: 1/9/96 effective 8/1/97, Revised: 4/24/03, 10/27/05, 4/27/06, 11/1/07 effective 8/1/08)*

(a) **Adopt.** A proposal that receives approval by at least a two-thirds majority vote of the Legislative Council members present and voting shall be considered adopted subject to possible review by the Board of Directors at its next meeting; *(Adopted: 10/27/05, Revised: 4/27/06, 11/1/07 effective 8/1/08)*

(b) **Distribute for Membership Review.** If a proposal is not adopted, but a majority of the Legislative Council members present and voting vote to adopt the proposal or to forward it to the membership for review and comment, or if the combined votes for the two options equals at least a majority, it shall be forwarded to the membership for review and comment pursuant to Constitution 5.3.2.4.2; or *(Adopted: 10/27/05, Revised: 4/27/06, 11/1/07 effective 8/1/08)*

(c) **Defeat.** A proposal that fails to receive the votes necessary for adoption or distribution to the membership for review and comment shall be considered defeated. *(Adopted: 10/27/05, Revised: 4/27/06)*

5.3.2.2.1.1 Amendment by Legislative Council. The Legislative Council may amend a proposal by a three-fourths majority vote of the Legislative Council members present and voting. *(Adopted: 11/1/07 effective 8/1/08)*

5.3.2.2.2 Legislative Council Action—Final Review. At its next regular meeting after the period for membership review and comment (see Constitution 5.3.2.4), the Legislative Council shall consider the reactions and suggestions received and take action on the proposed change. If the proposed change receives a majority vote of those Legislative Council members present and voting, it shall be considered adopted, subject to the possible review by the Board of Directors at its next meeting. If the proposed change does not receive a majority vote of those Legislative Council members present and voting, it shall be considered defeated. The Legislative Council's action will be considered final at the conclusion of the next Board of Directors meeting, provided the action is not amended or rescinded by the Board. *(Adopted: 1/9/96 effective 8/1/97, Revised: 4/24/03, 10/27/05, 11/1/07 effective 8/1/08)*

5.3.2.2.3 Legislative Council—Sunset Provision. If, within two legislative meetings, the Legislative Council fails to act on a proposed change, it shall be considered defeated; however, when appropriate, the Legislative Council may extend the time period for action. *(Adopted: 11/1/07 effective 8/1/08)*

5.3.2.2.4 Board of Directors Action.

5.3.2.2.4.1 Legislation Adopted by the Legislative Council. Legislation adopted by the Legislative Council shall be subject to review by the Board of Directors at its next meeting. At its discretion, the Board of Directors may ratify, amend or defeat legislation adopted by the Legislative Council. *(Adopted: 1/9/96 effective 8/1/97, Revised: 4/28/05, 11/1/07 effective 8/1/08)*

5.3.2.2.4.2 Legislation Defeated by the Legislative Council. The Board of Directors may restore a proposal defeated on initial review by the Legislative Council. The Board may forward the proposal to the membership for review and comment in its original form or amend the proposal and forward it for review and comment. The Board also may adopt the proposal in its original form or amend and adopt it. The Board may resurrect a proposal defeated on final review by the Legislative Council and consider the proposal on its merits. The Board also may amend such a proposal. *(Adopted: 4/28/05 effective 8/1/05, Revised: 11/1/07 effective 8/1/08)*

5.3.2.2.5 Emergency or Noncontroversial Legislation. The Legislative Council or Board of Directors may adopt emergency or noncontroversial legislation during any meeting. Such legislation may be adopted only by at least a three-fourths majority of the members of the adopting body present and voting. *(Adopted: 11/1/07 effective 8/1/08)*

5.3.2.2.6 Bowl Subdivision and Championship Subdivision Football. Members of the Board of Directors or Legislative Council who are representatives of conferences that are members of the Football Bowl Subdivision and the Football Championship Subdivision shall vote separately in their respective subdivisions on legislative issues that pertain only to football. *(Adopted: 1/9/96 effective 8/1/97, Revised: 12/15/06, 11/1/07 effective 8/1/08)*

5.3.2.2.6.1 Geographical Representation. An institution classified as a Football Bowl Subdivision independent or a Football Championship Subdivision independent shall have its views expressed on football issues by a predetermined Football Bowl Subdivision or Football Championship Subdivision conference representative, respectively, within the institution's geographical region. *(Adopted: 1/9/96 effective 8/1/97, Revised: 12/15/06)*

5.3.2.3 Membership Override of Legislative Changes. The membership may override the adoption of legislation by the Legislative Council or the Board of Directors or the defeat of legislation by the Board of Directors. Notification of the adoption of legislation by the Legislative Council or the Board of Directors or the defeat of legislation by the Board of Directors shall be provided to the membership within 15 days of the date of the Board of Directors' meeting on which the adoption or defeat became final. *(Adopted: 1/9/96 effective 8/1/97, Revised: 1/14/97 effective 8/1/97, 11/1/07 effective 8/1/08)*

5.3.2.3.1 Call for an Override Vote. In order to call for a vote to override the adoption or defeat of a legislative change, written requests for such a vote from at least 30 active member institutions with voting privileges must be received in the national office not later than 5 p.m. Eastern time within 60 days of the date of the Board of Directors' meeting on which the adoption or defeat became final. An override vote request must be approved by the institution's chancellor or president. The institution's chancellor or president or his or her designated representative may submit the override vote request to the national office. An adopted legislative change shall be suspended upon receipt of 100 requests pending the vote by the membership. *(Adopted: 1/9/96 effective 8/1/97, Revised: 1/10/98, 8/11/98, 3/8/06, 3/1/06, 5/25/07, 11/1/07 effective 8/1/08)*

5.3.2.3.1.1 Conference Requests. A conference may file requests for an override vote on behalf of its member institutions. To take such action, a conference must annually submit to the Board of Directors its procedures to ensure that its presidents or chancellors have delegated this authority. The

override vote requests must be approved by the chair of the conference's official administrative group or at least two presidents or chancellors of the conference's member institutions if the conference has no presidential administrative group. *(Adopted: 1/9/96 effective 8/1/97, Revised: 1/10/98, 8/11/98, 3/1/06, 3/8/06, 5/25/07)*

5.3.2.3.2 Call for an Override Vote—Championship Subdivision Football-Only Issues. In order to call for a vote to override the adoption or defeat of a football-only legislative change applicable to the Football Championship Subdivision, written requests for such a vote from at least 15 active Football Championship Subdivision member institutions with voting privileges must be received in the national office not later than 5 p.m. Eastern time within 60 days of the date of the Board of Directors' meeting in which the adoption or defeat became final. An override vote request must be approved by the institution's chancellor or president. The institution's chancellor or president or his or her designated representative may submit the override vote request to the national office. An adopted legislative change shall be suspended upon receipt of 40 requests for an override vote, pending the vote by the Football Championship Subdivision membership. *(Adopted: 1/14/97 effective 8/1/97, Revised: 1/10/98, 3/1/06, 3/8/06, 12/15/06, 5/25/07, 11/1/07 effective 8/1/08)*

5.3.2.3.2.1 Conference Requests. A conference may file requests for an override vote on behalf of its member institutions. To take such action, a conference must annually submit to the Board of Directors its procedures to ensure that its presidents or chancellors have delegated this authority. The override vote request must be approved by the chair of the conference's official presidential group or at least two chancellors or presidents of the conference's member institutions if the conference has no presidential administrative group. *(Adopted: 1/14/97 effective 8/1/97, Revised: 1/10/98, 3/1/06, 3/8/06, 12/15/06, 5/25/07)*

5.3.2.3.3 Legislative Council or Board of Directors Review. Once the required number of override requests has been received, the Legislative Council or the Board of Directors will review its legislative decision. If the decision is not changed, a vote by active members shall take place at the next annual Convention of the Association. *(Adopted: 1/9/96 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

5.3.2.3.4 Five-Eighths Majority Vote. At least a five-eighths majority vote of the active members present and voting shall be required to override the legislative action taken by the Legislative Council or the Board of Directors. The vote shall be based on the principle of one institution, one vote and all override votes shall be taken with recorded roll calls. *(Adopted: 1/9/96 effective 8/1/97, Revised: 1/14/97 effective 8/1/97, 11/1/07 effective 8/1/08)*

5.3.2.4 Notification to Membership.

5.3.2.4.1 Membership Review and Comment. Proposed changes for which the Legislative Council recommends membership review and comment shall be forwarded to the membership within 15 days of adjournment of the Board of Directors' meeting immediately following the Legislative Council's actions. To be considered by the Legislative Council in its final review of the proposed change, any comments from the membership shall be received in the national office within 60 days of the adjournment of the Board of Directors' meeting immediately following the Legislative Council's actions. *(Adopted: 1/9/96 effective 8/1/97, Revised: 8/11/98, 10/28/99, 11/1/00, 4/24/03, 10/27/05, 4/27/06, 11/1/07 effective 8/1/08)*

5.3.2.4.2 Amendment-to-Amendment. A conference or cabinet may submit an amendment to any proposal under review during the 60-day comment period, provided the amendment does not increase the modification specified in the original proposal. *(Adopted: 1/9/96 effective 8/1/97, Revised: 8/11/98, 10/28/99, 11/1/00, 4/24/03, 10/27/05, 4/27/06, 11/1/07 effective 8/1/08)*

5.3.2.5 Other Rules and Procedures. The Board of Directors may approve such additional rules and procedures governing the legislative process consistent with the provisions of this section (Constitution 5.3.2) as it determines are necessary to assure an efficient process to meet the legislative needs of the membership. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.3 Sponsorship—Amendments to Dominant Provisions.

5.3.3.1 Amendment. [*] An amendment to a dominant provision of Constitution 1 and 2 and elsewhere may be sponsored by the Executive Committee. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.3.2 Amendment-to-Amendment. [*] An amendment-to-amendment to a dominant provision of Constitution 1 and 2 and elsewhere may be sponsored by the Executive Committee. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.3.3 Editorial Changes. [*] The presiding officer may permit changes in the wording of proposed amendments of a purely editorial nature or to correct typographical errors.

5.3.4 Sponsorship—Amendments to Division Dominant Provisions.

5.3.4.1 Amendment. An amendment to a division dominant provision may be introduced to the Board of Directors by any one regular or alternate member of the Board. *(Adopted: 1/9/96, Revised: 1/14/97 effective 8/1/97)*

5.3.4.2 Amendment-to-Amendment. An amendment-to-amendment to a division dominant provision may be introduced to the Board of Directors by any one regular or alternate member of the Board. *(Adopted: 1/9/96, Revised: 1/14/97 effective 8/1/97)*

5.3.4.3 Editorial Changes. The presiding officer may permit changes in the wording of a proposed amendment of a purely editorial nature or to correct typographical errors. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.5 Submission Deadline.

5.3.5.1 Dominant Provisions.

5.3.5.1.1 Amendments. [*] Amendments to dominant provisions of Constitution 1 and 2 and elsewhere shall be sponsored by the Executive Committee in accordance with the following deadlines: *(Adopted: 1/9/96 effective 8/1/97)*

(a) Annual Convention—September 1.

(b) Special Convention—Ninety days preceding a special Convention.

5.3.5.1.1.1 Exception. [*] The Executive Committee, by a two-thirds majority of its members present and voting, may establish a later date for the submission of amendments for an annual Convention when a special Convention is held after September 1. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.5.1.2 Amendments-to-Amendments. [*] The Executive Committee must submit amendments to its original proposals in writing and such amendments-to-amendments must be submitted not later than 5 p.m. Eastern time September 15, unless the amendment-to-amendment does not increase the modification specified in the original proposal. Any amendment to a proposed amendment submitted after September 15 shall not increase the modification of the original proposal and must be submitted in writing not later than 5 p.m. Eastern time November 1 before an annual Convention or 60 days before a special Convention. The Executive Committee may propose amendments-to-amendments at the time of the Convention without meeting these procedural requirements, provided the proposed amendment-to-amendment has been approved by two-thirds of the Executive Committee and copies are distributed before or during the business session. *(Adopted: 1/9/96 effective 8/1/97, Revised: 3/1/06)*

5.3.5.2 Division Dominant Provisions.

5.3.5.2.1 Amendments. Amendments to division dominant provisions shall be sponsored by the appropriate divisional presidential administrative group in accordance with the following deadlines: *(Adopted: 1/9/96 effective 8/1/97)*

(a) Annual Convention—September 1.

(b) Special Convention—Ninety days preceding a special Convention.

5.3.5.2.1.1 Exception. A divisional presidential administrative group, by a two-thirds majority of its members present and voting, may establish a later date for the submission of amendments for an annual Convention when a special Convention is held after September 1. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.5.2.2 Amendments-to-Amendments. The appropriate divisional presidential administrative group must submit amendments to its original proposals in writing and such amendments must be submitted not later than 5 p.m. Eastern time September 15, unless the amendment-to-amendment does not increase the modification specified in the original proposal. Any amendment to a proposed amendment submitted after September 15 shall not increase the modification of the original proposal and must be submitted in writing not later than 5 p.m. Eastern time November 1 preceding an annual Convention or 60 days preceding a special Convention. A divisional presidential administrative group may propose amendments-to-amendments at the time of the Convention without meeting these procedural requirements, provided the proposed amendment-to-amendment has been approved by two-thirds of the divisional presidential administrative group and copies are distributed before or during the appropriate business session. *(Adopted: 1/9/96 effective 8/1/97, Revised: 3/1/06)*

5.3.6 Notification to Membership.

5.3.6.1 Amendments to Dominant Provisions.

5.3.6.1.1 Initial Publication. [*] Amendments to dominant provisions of Constitution 1 and 2 and elsewhere sponsored by the Executive Committee shall be published for the information of the membership as follows: *(Adopted: 1/9/96 effective 8/1/97)*

(a) Not later than September 23 for an annual Convention.

(b) Not later than 75 days before a special Convention.

5.3.6.1.2 Official Notice. [*] A copy of the proposed amendments shall be mailed to all members of the Association not later than November 15 before an annual Convention or 45 days before a special Convention. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.6.1.3 Delayed Date. [*] If the Executive Committee establishes a date later than July 15 or September 1 for the submission of amendments to dominant provisions for an annual Convention, it, by a

two-thirds majority of its members present and voting, may establish a later date for publishing copies of the proposed amendments for information of the membership. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.6.1.4 Amendments-to-Amendments. [*] Copies of all amendments-to-amendments to dominant provisions submitted by the Executive Committee in accordance with the September 15 deadline shall be published by September 23. Copies of all other amendments-to-amendments submitted by the November 1 deadline shall be published in the Official Notice of the Convention. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.6.2 Amendments to Division Dominant Provisions.

5.3.6.2.1 Initial Publication. Amendments to division dominant provisions sponsored by a divisional presidential administrative group shall be published for the information of the membership as follows: *(Adopted: 1/19/96 effective 8/1/97)*

(a) Not later than September 22 for an annual Convention.

(b) Not later than 75 days preceding a special Convention.

5.3.6.2.2 Official Notice. A copy of the proposed amendments shall be made available not later than November 15 preceding an annual Convention or 45 days preceding a special Convention. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.6.2.3 Delayed Date. If a divisional presidential administrative group establishes a date later than July 15 or September 1 for the submission of amendments to division dominant provisions for an annual Convention, it, by a two-thirds majority of its members present and voting, may establish a later date for publishing copies of the proposed amendments for information of the membership. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.6.2.4 Amendments-to-Amendments. Copies of all amendments-to-amendments to division dominant provisions submitted by a divisional presidential administrative group pursuant to the September 15 deadline shall be published by September 22. Copies of all other amendments-to-amendments submitted by the November 1 deadline shall be published in the Official Notice of the Convention. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.7 Adoption of Amendment, Voting Requirements.

5.3.7.1 Voting Requirement Determination. [*] The Executive Committee shall be authorized to determine the voting requirement for an amendment when the voting requirement is not obvious from the content or context of the legislation. *(Revised: 1/9/96 effective 8/1/97)*

5.3.7.2 Dominant Provision. [*] Adoption of an amendment to a dominant provision of Constitution 1 and 2 and elsewhere shall require a two-thirds majority vote of all delegates present and voting in joint session at an annual or special Convention of the Association. *(Revised: 1/9/96 effective 8/1/97)*

5.3.7.3 Division Dominant Provision. Adoption of an amendment to a division dominant provision shall require a two-thirds majority vote of all delegates of the affected division present and voting at a division's annual or special Convention. *(Adopted: 1/9/96 effective 8/1/97, Revised: 12/5/06)*

5.3.8 Adoption of Amendment-to-Amendment, Voting Requirements.

5.3.8.1 Dominant Provision. [*] A proposed amendment to an amendment of a dominant provision of Constitution 1 and 2 and elsewhere shall be approved by a majority vote of all delegates present and voting. *(Revised: 1/9/96 effective 8/1/97)*

5.3.8.2 Division Dominant Provision. A proposed amendment to an amendment of a division dominant provision shall be approved by a majority vote of the delegates of the affected division present and voting. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.9 Special Voting Requirements. [*]

The following topics are subject to special voting requirements.

5.3.9.1 National Collegiate Championship. [*] A National Collegiate Championship per Bylaw 18.02.1.1 may be established by action of all three divisions acting through each division's governance structure, subject to all requirements, standards and conditions prescribed in Bylaw 18.2. *(Revised: 1/14/97 effective 8/1/97)*

5.3.9.2 Division Championship. A division championship per Bylaw 18.02.1.2 may be established by a majority vote of the Board of Directors subject to all requirements, standards and conditions prescribed in Bylaw 18.2. *(Revised: 1/9/96 effective 8/1/97)*

5.3.9.3 Voting on Football Issues. An active member or voting member conference with no football program shall not be permitted to vote on issues affecting only football. *(Revised: 1/9/96 effective 8/1/97)*

5.3.9.4 Override. The membership may override (rescind) the adoption of legislation by the Legislative Council or the Board of Directors or the defeat of legislation by the Board of Directors. At least a five-eighths majority of the active members present and voting shall be required to override the legislative action taken. *(Adopted: 1/9/96 effective 8/1/97, Revised: 1/14/97 effective 8/1/97, 11/1/07 effective 8/1/08)*

5.3.9.5 Challenged Action. [*] The action of any specific division challenged by the Executive Committee as being contrary to the basic purposes, fundamental policies and general principles set forth in the Association's constitution may be overridden by the Association's entire membership by a two-thirds majority vote of those institutions voting. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.10 Intent and Rationale.

5.3.10.1 Amendments to Dominant Provisions. [*] All amendments to dominant provisions of Constitution 1 and 2 and elsewhere shall include a statement of intent and a separate statement of rationale. The statement of rationale shall not exceed 200 words in length. All amendments-to-amendments shall include a statement of intent and, if applicable, a cost estimate. An amendment-to-amendment also may include a statement of rationale that shall not exceed 50 words in length. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.10.2 Amendments to Division Dominant Provisions. All amendments to division dominant provisions shall include a statement of intent and a separate statement of rationale. The statement of rationale shall not exceed 200 words in length. All amendments-to-amendments shall include a statement of intent and, if applicable, a cost estimate. An amendment-to-amendment also may include a statement of rationale that shall not exceed 50 words in length. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.11 Effective Date.

5.3.11.1 Dominant Provisions. [*] All amendments to dominant provisions of Constitution 1 and 2 and elsewhere shall become effective not earlier than the first day of August following adoption by the Convention. *(Revised: 1/10/95 effective 8/1/95, 1/9/96 effective 8/1/97)*

5.3.11.1.1 Alternative to August 1 Effective Date. [*] If a voting delegate wishes to propose an immediate effective date, or to propose any other effective date prior to the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those amendments specified as being effective immediately shall become effective upon adjournment of the Convention. *(Revised: 1/10/95 effective 8/1/95, 1/9/96 effective 8/1/97)*

5.3.11.2 Division Dominant Provisions. All amendments to division dominant provisions shall become effective not earlier than the first day of August following adoption by the Convention. *(Adopted: 1/9/96 effective 8/1/97)*

5.3.11.2.1 Alternative to August 1 Effective Date. If a voting delegate wishes to propose an immediate effective date, or to propose any other effective date prior to the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those amendments specified as being effective immediately shall become effective upon adjournment of the Convention. *(Revised: 1/10/95 effective 8/1/95, 1/9/96 effective 8/1/97)*

5.3.12 Reconsideration.

5.3.12.1 Vote on Dominant Provisions. [*] Prior to the adjournment of any Convention, an affirmative or negative vote on an amendment to a provision of Constitution 1 and 2 and elsewhere may be subjected to one motion for reconsideration of that action by any member that voted on the prevailing side in the original consideration. *(Revised: 1/9/96 effective 8/1/97)*

5.3.12.2 Vote on Division Dominant Provisions. Prior to adjournment of any Convention, an affirmative or negative vote on an amendment to a division dominant provision may be subjected to one motion for reconsideration of that action by any member who voted on the prevailing side in the original consideration. Reconsideration of the vote must occur in the appropriate division business session. *(Adopted: 1/9/96 effective 8/1/97)*

5.4 OTHER LEGISLATIVE AND AMENDMENT PROCEDURES

5.4.1 Interpretations of Constitution and Bylaws.

5.4.1.1 Authorizaton. The Board of Directors and the Legislative Council, and the Legislative Review/Interpretations Committee in the interim between meetings of the Board of Directors and Legislative Council, are empowered to make interpretations of the constitution and bylaws (see Constitution 5.2.5). *(Revised: 1/9/96 effective 8/1/97, 11/1/07 effective 8/1/08)*

5.4.1.1.1 Modification of Wording. In addition to its general authority to make binding interpretations of NCAA legislation, the Legislative Council, by a two-thirds majority of its members present and voting, may interpret legislation consistent with the intent of the membership in adopting the legislation if sufficient documentation and testimony are available to establish clearly that the wording of the legislation is inconsistent with that intent. The Legislative Council shall initiate the legislative process to confirm any such interpretations. *(Revised: 1/9/96 effective 8/1/97, 11/1/07 effective 8/1/08)*

5.4.1.2 Interpretation Process.

5.4.1.2.1 Staff Interpretation (Determination). The academic and membership affairs staff shall respond to a request from a member institution for an interpretation of NCAA rules. *(Revised: 1/14/97 effective 8/1/97, 8/5/04, 4/24/08)*

5.4.1.2.1.1 Appeal of Staff Interpretation. An institution may appeal a staff interpretation to the Legislative Review/Interpretations Committee. Such a request must be submitted in writing by the institution's conference or by one of the five individuals who are authorized to request interpretations on behalf of the institution (president or chancellor, faculty athletics representative, athletics director, senior woman administrator, senior compliance administrator, or a designated substitute for the president or chancellor and/or athletics director, as specified in writing to the national office). *(Revised: 1/10/91, 1/11/94, 1/14/97 effective 8/1/97, 8/5/04, 3/8/06, 4/24/08)*

5.4.1.2.1.1.1 Institutional Participation. An institution may participate by teleconference in the appeal of an interpretation if the activity at issue already has occurred and the interpretative decision could result in an individual or institutional violation. The Legislative Review/Interpretations Committee shall establish policies and procedures relating to an institution's participation. *(Adopted: 4/25/02, Revised: 8/5/04, 4/24/08)*

5.4.1.2.1.2 Review of Staff Interpretations. The Legislative Review/Interpretations Committee shall review all staff interpretations. *(Adopted: 4/24/08)*

5.4.1.2.1.3 Publication and Notification. A staff interpretation shall be binding on the requesting institution on notification of the response to its interpretation request, unless the interpretation is modified or reversed on appeal or review by the Legislative Review/Interpretations Committee. A staff interpretation that has been reviewed and approved by the Legislative Review/Interpretations Committee shall be binding on all other institutions on publication to the membership (e.g., announced on the NCAA Web site or Legislative Services Database for the Internet). *(Adopted: 4/24/08)*

5.4.1.2.2 Review of Legislative Review/Interpretations Committee's Decision. The Legislative Council shall review all interpretations issued by the Legislative Review/Interpretations Committee and may approve, reverse or modify such interpretations. A member institution may appeal a decision of the Legislative Review/Interpretations Committee to the Legislative Council at the Legislative Council meeting immediately following the decision of the committee. The appeal must be submitted in writing by the institution's president or chancellor, faculty athletics representative or director of athletics. The Legislative Council shall establish the procedures for such an appeal. A decision of the Legislative Council is final and no additional appeal opportunity shall exist for a member institution. *(Adopted: 1/11/94, Revised: 1/9/96 effective 8/1/97, 1/14/97 effective 8/1/97, 8/5/04, 3/8/06, 11/1/07 effective 8/1/08)*

5.4.1.2.3 Publication and Notification. Interpretations issued by the Legislative Review/Interpretations Committee shall be binding on notification to affected institutions and on all member institutions after publication and notification to the membership. *(Revised: 1/9/96 effective 8/1/97, 1/14/97 effective 8/1/97, 8/5/04)*

5.4.1.2.4 Revision. Interpretations approved by the Legislative Council may not be revised by the Legislative Review/Interpretations Committee. The Legislative Review/Interpretations Committee may only recommend to the Legislative Council revisions of such interpretations. *(Revised: 1/9/96 effective 8/1/97, 1/14/97 effective 8/1/97, 8/5/04, 11/1/07 effective 8/1/08)*

5.4.1.3 Subcommittee for Legislative Relief of the Legislative Council. An institution may appeal a decision of the NCAA staff regarding the application of NCAA legislation to a particular situation to the subcommittee when no other entity has the authority to act. In reaching its decision, the subcommittee shall review the complete record in order to determine whether there is sufficient basis to grant relief from the application of the legislation. The Legislative Council shall establish the process for such a review, shall monitor the actions taken under this authorization, and shall report annually to the membership the actions taken, in summary, aggregate form. *(Adopted: 1/16/93, Revised: 1/9/96 effective 8/1/97, 11/1/00, 11/1/07 effective 8/1/08)*

5.4.2 Resolutions.

5.4.2.1 Authorization. [*] Legislation pertaining to one or more divisions may be enacted through resolutions not inconsistent with the constitution, bylaws (including administrative bylaws) and special rules of order.

5.4.2.2 Scope and Application. [*] Legislation enacted through resolutions shall be of a temporary nature, effective only for a limited time as specified in the resolution itself.

5.4.2.3 Dominant Provisions.

5.4.2.3.1 Sponsorship. [*] A resolution related to the dominant provisions of Constitution 1 and 2 and elsewhere may be sponsored by the Executive Committee. *(Revised: 1/9/96 effective 8/1/97)*

5.4.2.3.2 Submission Deadline. [*] A proposed resolution related to the dominant provisions of Constitution 1 and 2 and elsewhere must be submitted prior to November 1. The Executive Committee may sponsor resolutions at the time of the Convention without meeting this deadline provided the proposed resolution has been approved by a two-thirds vote of the Executive Committee and copies are distributed during the business sessions. *(Revised: 1/9/96 effective 8/1/97)*

5.4.2.3.3 Voting Requirements.

5.4.2.3.3.1 Adoption—Annual/Special Convention. [*] Adoption of a resolution shall require a majority vote of the delegates present and voting at an annual or special Convention. *(Revised: 1/9/96 effective 8/1/97)*

5.4.2.3.3.2 Mail Ballot. [*] If a majority of the delegates present and voting so direct, a resolution shall be referred to the entire membership for a mail vote conducted under conditions approved by the Executive Committee. A two-thirds majority of members voting in any such mail vote shall be required for the enactment of the legislation proposed in the resolution. *(Revised: 1/9/96 effective 8/1/97)*

5.4.2.4 Division Dominant Provisions.

5.4.2.4.1 Sponsorship. A resolution related to a division dominant provision may be sponsored by the appropriate divisional presidential administrative group. *(Adopted: 1/9/96 effective 8/1/97)*

5.4.2.4.2 Submission Deadline. A proposed resolution related to a division dominant provision must be submitted prior to November 1. A divisional presidential administrative group may sponsor resolutions at the time of the Convention without meeting this deadline provided the proposed resolution has been approved by a two-thirds majority vote of that presidential administrative group and copies are distributed during the appropriate division business sessions. *(Adopted: 1/9/96 effective 8/1/97)*

5.4.2.4.3 Voting Requirements.

5.4.2.4.3.1 Adoption—Annual/Special Convention. Adoption of a resolution shall require a majority vote of the delegates of the applicable division present and voting at an annual or special Convention. *(Adopted: 1/9/96 effective 8/1/97)*

5.4.2.4.3.2 Mail Ballot. If a majority of the delegates of the applicable division present and voting so direct, a resolution shall be referred to the entire membership of that division for a mail vote conducted under conditions approved by the appropriate presidential administrative group. A two-thirds majority of members of the applicable division voting in any such mail vote shall be required for the enactment of the legislation proposed in the resolution. *(Adopted: 1/9/96 effective 8/1/97)*

5.4.3 Special Rules of Order.

5.4.3.1 General Business Sessions. [*] The Association may adopt special rules of order not inconsistent with the constitution and bylaws by a two-thirds majority of the delegates present and voting at any annual or special Convention. *(Revised: 1/9/96 effective 8/1/97)*

5.4.3.2 Division Business Sessions. Each division may adopt special rules of order not inconsistent with the constitution and bylaws by a two-thirds majority of the delegates of the applicable division present and voting at any annual or special Convention. *(Revised: 1/9/96 effective 8/1/97)*

5.4.3.3 Amendment Process. [*] Proposed special rules of order and amendments to existing special rules of order shall be subject to the same procedural requirements for previous notice and amendments as prescribed in Constitution 5.3.

5.4.4 Statements of Division Philosophy.

5.4.4.1 Authorization. Each division or subdivision, through appropriate deliberative processes, may prepare a statement of division philosophy relating to the development and operation of an intercollegiate athletics program in the division or subdivision.

5.4.4.2 Scope and Application. Such a statement is not binding on member institutions but shall serve as a guide for the preparation of legislation by the division or subdivision and for planning and implementation of programs by institutions and conferences.

5.4.4.3 Adoption Process. A statement of division philosophy may be adopted through the legislative process set forth in Constitution 5.3.2. If a statement of division philosophy is adopted, it shall be published in the NCAA Manual. *(Revised: 1/9/96 effective 8/1/97)*

FIGURE 5-1
NCAA Division I Legislative Process

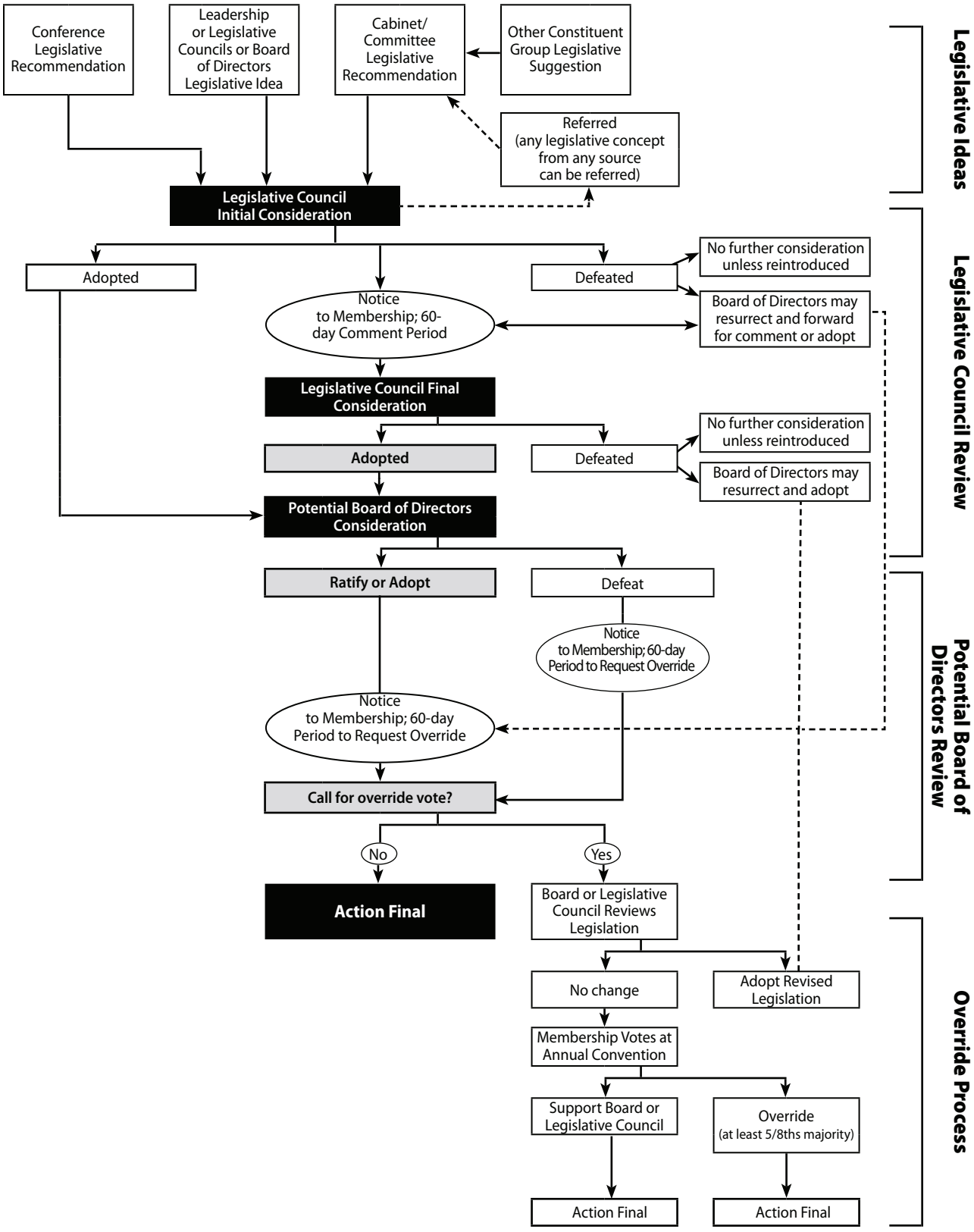

FIGURE 5-2
Legislative Activity Calendar for 2009-10

Event	Timeline
Legislation submission deadline for NCAA Division I conference and cabinets.	July 15, 2009
Deadline by which NCAA Division I Publication of Proposed Legislation is available on the NCAA Web site.	August 15, 2009
Applicable proposals forwarded to cabinets for review and comment.	August 15, 2009
Cabinet review and development of positions on applicable proposals.	September 2009
Sponsor modification/alternative proposal period.	July 15 through October 27, 2009
NCAA Division I Legislative Council meeting.	October 19-20, 2009
Board of Directors meeting. Deadline for Board-sponosored proposals.	October 29, 2009
Deadline by which the 2010 NCAA Division I Official Notice is available on the NCAA Web site.	November 15, 2009
Legislative Council initial consideration of legislation.	January 14, 2010
Board of Directors meeting.	January 16, 2010
60-day override and comment/amendment periods.	January 17 through March 17, 2010
Legislative Council final consideration of legislation.	April 19-20, 2010
Board of Directors meeting.	April 29, 2010
60-day override period.	April 30 through June 28, 2010

The NCAA Division I Leadership Council will meet during the legislative cycle to comment on select proposals. Dates are subject to change. Any changes will be communicated through LSDB*i* and the NCAA's Web site at ncaa.org.

CONSTITUTION, ARTICLE 6

Institutional Control

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6.01 GENERAL PRINCIPLE

6.01.1 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

6.1 INSTITUTIONAL GOVERNANCE

6.1.1 President or Chancellor. A member institution's president or chancellor has ultimate responsibility and final authority for the conduct of the intercollegiate athletics program and the actions of any board in control of that program. *(Revised: 3/8/06)*

6.1.2 Athletics Board. A board in control of athletics or an athletics advisory board, which has responsibility for advising or establishing athletics policies and making policy decisions, is not required. However, if such a board exists, it must conform to the following provisions.

6.1.2.1 Composition. Administration and/or faculty staff members shall constitute at least a majority of the board in control of athletics or an athletics advisory board, irrespective of the president or chancellor's responsibility and authority or whether the athletics department is financed in whole or in part by student fees. If the board has a parliamentary requirement necessitating more than a simple majority in order to transact some or all of its business, then the administrative and faculty members shall be of sufficient number to constitute at least that majority. *(Revised: 3/8/06)*

6.1.2.1.1 Administrator Defined. An administrator (for purposes of this legislation) is an individual employed by the institution as a full-time administrative staff member who holds an academic appointment, is directly responsible to the institution's president or chancellor or serves as a chief administrative official (e.g., admissions director, finance officer, department head, or athletics department head). Other nonacademic staff members and individuals who are members of an institution's board of trustees or similar governing body would not be considered to be administrators for purposes of this regulation. *(Revised: 3/8/06)*

6.1.2.1.2 Board Subcommittee. If a board subcommittee is appointed, it is not necessary for the subcommittee to have majority control by administration and/or faculty members (see Constitution 6.1.2.1), provided all actions of the subcommittee are approved by the entire board before becoming effective. However, if the subcommittee's actions are effective permanently or become effective immediately and remain in effect until reviewed by the entire board at a later date, the subcommittee's membership must satisfy the majority-control requirement.

6.1.2.1.3 Attendance. A parliamentary majority of administrators and faculty members of a board in control of athletics is not required to be present at any single meeting in order to conduct business.

6.1.2.2 Chair or Voting Delegate. Only an administrator or faculty member (as opposed to a student, alumnus or governing board member) may serve as chair of a member institution's board in control of intercollegiate athletics or represent the board as the institution's voting delegate at Conventions. Institutional representatives in these positions have responsibility for advising or establishing athletics policies and making policy decisions that require administrative and/or faculty control.

6.1.3 Faculty Athletics Representative. A member institution shall designate an individual to serve as faculty athletics representative. An individual so designated after January 12, 1989, shall be a member of the institution's faculty or an administrator who holds faculty rank and shall not hold an administrative or coaching position in the athletics department. Duties of the faculty athletics representative shall be determined by the member institution. *(Adopted: 1/11/89)*

6.1.4 Student-Athlete Advisory Committee. Each institution shall establish a student-athlete advisory committee for its student-athletes. The composition and duties of the committee shall be determined by the institution. *(Adopted: 1/10/95 effective 8/1/95)*

6.2 BUDGETARY CONTROL

6.2.1 Normal Budgeting Procedures. The institution's annual budget for its intercollegiate athletics programs shall be controlled by the institution and subject to its normal budgeting procedures.

6.2.2 President or Chancellor Approval. The institution's president or chancellor or an institutional administrator designated by the president or chancellor from outside the athletics department shall approve the annual budget in the event that the institution's normal budgeting procedures do not require such action. *(Revised: 3/8/06)*

6.3 SELF-STUDY AND EVALUATION

6.3.1 Self-Study Report. Member institutions shall conduct a comprehensive self-study and evaluation of their intercollegiate athletics programs at least once every 10 years pursuant to the athletics certification process (see Bylaws 22 and 33). *(Revised: 1/14/97 effective 8/1/97, 5/30/07)*

6.3.2 Exit Interviews. The institution's director of athletics, senior woman administrator or designated representatives (excluding coaching staff members) shall conduct exit interviews in each sport with a sample of student-athletes (as determined by the institution) whose eligibility has expired. Interviews shall include questions regarding the value of the students' athletics experiences, the extent of the athletics time demands encountered by the student-athletes, proposed changes in intercollegiate athletics and concerns related to the administration of the student-athletes' specific sports. *(Adopted: 1/10/91 effective 8/1/91)*

6.4 RESPONSIBILITY FOR ACTIONS OF OUTSIDE ENTITIES

6.4.1 Independent Agencies or Organizations. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of an independent agency, corporate entity (e.g., apparel or equipment manufacturer) or other organization when a member of the institution's executive or athletics administration, or an athletics department staff member, has knowledge that such agency, corporate entity or other organization is promoting the institution's intercollegiate athletics program. *(Revised: 2/16/00)*

6.4.2 Representatives of Athletics Interests. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of individuals, a corporate entity (e.g., apparel or equipment manufacturer) or other organization when a member of the institution's executive or athletics administration or an athletics department staff member has knowledge or should have knowledge that such an individual, corporate entity or other organization: *(Revised: 2/16/00)*

(a) Has participated in or is a member of an agency or organization as described in Constitution 6.4.1;

(b) Has made financial contributions to the athletics department or to an athletics booster organization of that institution;

(c) Has been requested by the athletics department staff to assist in the recruitment of prospective student-athletes or is assisting in the recruitment of prospective student-athletes;

(d) Has assisted or is assisting in providing benefits to enrolled student-athletes; or

(e) Is otherwise involved in promoting the institution's athletics program.

6.4.2.1 Agreement to Provide Benefit or Privilege. Any agreement between an institution (or any organization that promotes, assists or augments in any way the athletics interests of the member institution, including those identified per Constitution 6.4.1) and an individual who, for any consideration, is or may be entitled under the terms of the agreement to any benefit or privilege relating to the institution's athletics program, shall contain a specific clause providing that any such benefit or privilege may be withheld if the individual has engaged in conduct that is determined to be a violation of NCAA legislation. The clause shall provide for the withholding of the benefit or privilege from a party to the agreement and any other person who may be entitled to a benefit or privilege under the terms of the agreement. *(Adopted: 1/10/95)*

6.4.2.2 Retention of Identity as "Representative." Any individual participating in the activities set forth in Constitution 6.4.2 shall be considered a "representative of the institution's athletics interests," and once so identified as a representative, it is presumed the person retains that identity.

6.5 FINANCIAL DISCLOSURE

6.5.1 Men's Basketball. In men's basketball, an institution is required to publicly disclose information regarding financial, contractual or fiduciary relationships between the institution and prospective student-athlete's coaches as it relates to basketball-related activities. Such information must be provided on a form to the NCAA

national office by June 15. The information shall include, but is not limited to, the following: *(Adopted: 11/1/01 effective 4/1/02, Revised: 1/13/03, 4/29/04)*

(a) Fees provided by the institution and/or institutional staff member to scholastic and nonscholastic coaches for involvement in speaking engagements or camp employment; and

(b) Game fees provided to noncollegiate club teams that participate on the institution's campus. An institution that provides erroneous, incomplete or inaccurate information to the national office shall be limited or prohibited from engaging in summer recruiting activities during the July evaluation period. Further, institutional staff members who refuse to furnish information required by Constitution 6.5 or who knowingly furnish the NCAA or the individual's institution false or misleading information may be subject to a charge of unethical conduct. *(Revised: 1/13/03)*

BYLAW, ARTICLE 10

Ethical Conduct

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10.01 GENERAL PRINCIPLE

10.01.1 Honesty and Sportsmanship. Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

10.02 DEFINITIONS AND APPLICATIONS

10.02.1 Sports Wagering. [#] Sports wagering includes placing, accepting or soliciting a wager (on a staff member's or student-athlete's own behalf or on the behalf of others) of any type with any individual or organization on any intercollegiate, amateur or professional team or contest. Examples of sports wagering include, but are not limited to, the use of a bookmaker or parlay card; Internet sports wagering; auctions in which bids are placed on teams, individuals or contests; and pools or fantasy leagues in which an entry fee is required and there is an opportunity to win a prize. *(Adopted: 4/26/07 effective 8/1/07)*

10.02.2 Wager. [#] A wager is any agreement in which an individual or entity agrees to give up an item of value (e.g., cash, shirt, dinner) in exchange for the possibility of gaining another item of value. *(Adopted: 4/26/07 effective 8/1/07)*

10.1 UNETHICAL CONDUCT

Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member (e.g., coach, professor, tutor, teaching assistant, student manager, student trainer) may include, but is not limited to, the following: *(Revised: 1/10/90, 1/9/96, 2/22/01)*

(a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;

(b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete;

(c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid; *(Revised: 1/9/96)*

(d) Knowingly furnishing the NCAA or the individual's institution false or misleading information concerning the individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation;

(e) Receipt of benefits by an institutional staff member for facilitating or arranging a meeting between a student-athlete and an agent, financial advisor or a representative of an agent or advisor (e.g., "runner"); *(Adopted: 1/9/96, Revised: 8/4/05)*

(f) Knowing involvement in providing a banned substance or impermissible supplement to student-athletes, or knowingly providing medications to student-athletes contrary to medical licensure, commonly accepted standards of care in sports medicine practice, or state and federal law. This provision shall not apply to banned substances for which the student-athlete has received a medical exception per Bylaw 31.2.3.5; however, the substance must be provided in accordance with medical licensure, commonly accepted standards of care and state or federal law; *(Adopted: 8/4/05, Revised: 5/6/08)*

(g) Failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or an institution's admissions office regarding an individual's academic record (e.g., schools attended, completion of coursework, grades and test scores); *(Adopted: 4/27/06, Revised: 10/23/07)*

(h) Fraudulence or misconduct in connection with entrance or placement examinations; *(Adopted: 4/27/06)*

(i) Engaging in any athletics competition under an assumed name or with intent to otherwise deceive; or *(Adopted: 4/27/06)*

(j) Failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or the institution's athletics department regarding an individual's amateur status. *(Adopted: 1/8/07, Revised: 5/9/07)*

10.2 KNOWLEDGE OF USE OF BANNED DRUGS

A member institution's athletics department staff members or others employed by the intercollegiate athletics program who have knowledge of a student-athlete's use at any time of a substance on the list of banned drugs, as set forth in Bylaw 31.2.3.4, shall follow institutional procedures dealing with drug abuse or shall be subject to disciplinary or corrective action as set forth in Bylaw 19.5.2.2.

10.3 SPORTS WAGERING ACTIVITIES [#]

The following individuals shall not knowingly participate in sports wagering activities or provide information to individuals involved in or associated with any type of sports wagering activities concerning intercollegiate, amateur or professional athletics competition: *(Adopted: 4/26/07 effective 8/1/07)*

(a) Staff members of an institution's athletics department;

(b) Nonathletics department staff members who have responsibilities within or over the athletics department (e.g., chancellor or president, faculty athletics representative, individual to whom athletics reports);

(c) Staff members of a conference office; and

(d) Student-athletes.

10.3.1 Scope of Application. [#] The prohibition against sports wagering applies to any institutional practice or any competition (intercollegiate, amateur or professional) in a sport in which the Association conducts championship competition, in bowl subdivision football and in emerging sports for women. *(Adopted: 4/26/07 effective 8/1/07)*

10.3.1.1 Exception. [#] The provisions of Bylaw 10.3 are not applicable to traditional wagers between institutions (e.g., traditional rivalry) or in conjunction with particular contests (e.g., bowl games). Items wagered must be representative of the involved institutions or the states in which they are located. *(Adopted: 4/26/07 effective 8/1/07)*

10.3.2 Sanctions. [#] The following sanctions for violations of Bylaw 10.3 shall apply: *(Adopted: 4/27/00 effective 8/1/00, Revised: 4/26/07 effective 8/1/07)*

(a) A student-athlete who engages in activities designed to influence the outcome of an intercollegiate contest or in an effort to affect win-loss margins ("point shaving") or who participates in any sports wagering activity involving the student-athlete's institution shall permanently lose all remaining regular-season and postseason eligibility in all sports. *(Revised: 4/26/07 effective 8/1/07)*

(b) A student-athlete who participates in any sports wagering activity through the Internet, a bookmaker or a parlay card shall be ineligible for all regular-season and postseason competition for a minimum of a period of one year from the date of the institution's determination that a violation occurred and shall be charged with the loss of a minimum of one season of eligibility. If the student-athlete is determined to have been involved in a later violation of any portion of Bylaw 10.3, the student-athlete shall permanently lose all remaining regular-season and postseason eligibility in all sports. *(Revised: 4/26/07 effective 8/1/07)*

10.4 DISCIPLINARY ACTION [#]

Prospective or enrolled student-athletes found in violation of the provisions of this regulation shall be ineligible for further intercollegiate competition, subject to appeal to the Committee on Student-Athlete Reinstatement for restoration of eligibility. (See Bylaw 10.3.2 for sanctions of student-athletes involved in violations of 10.3.) Institutional staff members found in violation of the provisions of this regulation shall be subject to disciplinary or corrective action as set forth in Bylaw 19.5.2.2 of the NCAA enforcement procedures, whether such violations occurred at the certifying institution or during the individual's previous employment at another member institution. *(Revised: 1/10/90, 4/27/00 effective 8/1/00, 4/26/07 effective 8/1/07)*

BYLAW, ARTICLE 11

Conduct and Employment of Athletics Personnel

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11.01 DEFINITIONS AND APPLICATIONS

11.01.1 Bonus. A bonus is a direct cash payment over and above an athletics department staff member's institutional salary in recognition of a specific and extraordinary achievement (see Bylaw 11.3.2.3).

11.01.2 Coach, Head or Assistant. A head or assistant coach is any coach who is designated by the institution's athletics department to perform coaching duties and who serves in that capacity on a volunteer or paid basis. *(Revised: 1/10/91 effective 8/1/92)*

11.01.3 Coach, Graduate Assistant—Bowl Subdivision Football and Women's Rowing. In bowl subdivision football and women's rowing, a graduate assistant coach is any coach who has received a baccalaureate degree and qualifies for appointment as a graduate assistant under the policies of the institution. The individual is not required to be enrolled in a specific graduate degree program unless required by institutional policy. The following provisions shall apply: *(Revised: 1/10/91, 1/10/92, 1/9/06 effective 8/1/06, 12/15/06, 1/8/07 effective 8/1/07)*

(a) The individual shall be enrolled in at least 50 percent of the institution's minimum regular graduate program of studies. However, an institution may appoint a midyear replacement graduate assistant coach who is enrolled in less than 50 percent of the institution's minimum regular graduate program of studies (or is not yet enrolled), provided the graduate assistant coach has been accepted for enrollment in a graduate program beginning with the next regular academic term; *(Adopted: 1/8/07 effective 8/1/07)*

(b) The individual may not receive compensation or remuneration in excess of the value of a full grant-in-aid for a full-time student, based on the resident status of that individual, and the receipt of four complimentary tickets to the institution's intercollegiate football and basketball games;

(c) Graduate and postgraduate financial assistance administered outside the institution (e.g., NCAA postgraduate scholarship) shall be excluded from the individual's limit on remuneration, provided such assistance is awarded through an established and continuing program to aid graduate students and the donor of the assistance does not restrict the recipient's choice of institutions; *(Adopted: 1/11/89)*

(d) The individual may not serve as a graduate assistant coach for a period of more than two years except that if the individual successfully completes 24-semester or 36-quarter hours during the initial two-year period, the individual may serve as a graduate assistant coach for a third year. The Legislative Council Subcommittee for Legislative Relief may approve a waiver of these limitations based on the fact that the student's service as a coach and enrollment as a graduate student were interrupted for reasons that are unrelated to athletics, or to personal or family finances, and that are beyond the control of the institution or the coach. Such a waiver may not be granted solely to permit the completion of a graduate program; *(Revised: 1/16/93, 11/1/07 effective 8/1/08)*

(e) Compensation for employment from a source outside the institution during the academic year shall be excluded from the individual's limit on remuneration, provided the institution does not arrange such employment and the compensation is for work actually performed. The member institution may not arrange on- or off-campus employment opportunities except for summer employment, which is permissible regardless of whether the student remains enrolled in the graduate program during the summer;

(f) A graduate student coach may accept employment benefits available to all institutional employees (e.g., life insurance, health insurance, disability insurance), as well as expenses to attend the conventions of the national coaches associations in football or women's rowing, without the value of those benefits being included; *(Revised: 11/1/01 effective 8/1/02, 1/9/06 effective 8/1/06)*

(g) The institution may provide actual and necessary expenses for the individual's spouse and children to attend a licensed postseason football game or an NCAA championship in football or, in women's rowing, for the season-ending tournament(s) specified in Bylaw 17.15.5.3-(b); and *(Revised: 1/9/06 effective 8/1/06)*

(h) The individual may not evaluate or contact prospective student-athletes off campus, regardless of whether compensation is received for such activities. The individual may not perform recruiting coordination functions (see Bylaw 11.7.1.2); however, it is permissible for a graduate assistant coach to make telephone calls to prospective student-athletes, provided the coach has successfully completed the coaches' certification examination per Bylaw 11.5.1.1. *(Revised: 1/9/96 effective 8/1/96, 5/26/06)*

11.01.3.1 Replacement of Graduate Assistant Coach. The compensation or remuneration set forth in Bylaw 11.01.3 shall be charged against an academic year. Once the amount set forth in Bylaw 11.01.3-(b) is paid to a graduate assistant coach for that academic year, additional funds may not be spent on a replacement until the start of the next academic year, even though the graduate assistant coach leaves the institution's athletics program during the academic year. *(Adopted: 1/11/94, Revised: 1/9/06 effective 8/1/06, 12/15/06, 1/8/07 effective 8/1/07)*

11.01.4 Coach, Student Assistant. A student-coach is any coach who is 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, and who meets the following additional criteria: *(Revised: 1/12/04 effective 8/1/04)*

(a) Is enrolled at the institution at which he or she participated in intercollegiate athletics;

(b) Is participating as a student-coach within the five-year eligibility period (see Bylaw 14.2);

(c) Is completing the requirements for his or her baccalaureate degree or graduate program; *(Revised: 1/12/04 effective 8/1/04)*

(d) Is a full-time student (see Bylaws 14.1.8.2 and 14.1.8.2.1.4), unless during his or her final semester or quarter of the baccalaureate program, per Bylaw 14.1.8.2.1.3; *(Revised: 1/12/04 effective 8/1/04)*

(e) Is receiving no compensation or remuneration from the institution other than the financial aid that could be received as a student-athlete and expenses incurred on road trips that are received by individual team members; and *(Revised: 1/9/96)*

(f) Is not involved in contacting and evaluating prospective student-athletes off campus or scouting opponents off campus and does not perform recruiting coordination functions (see Bylaw 11.7.1.2). *(Revised: 5/26/06)*

11.01.5 Coach, Volunteer. In sports other than football and basketball, a volunteer coach is any coach who does not receive compensation or remuneration from the institution's athletics department or any organization funded in whole or in part by the athletics department or that is involved primarily in the promotion of the institution's athletics program (e.g., booster club, athletics foundation association). The following provisions shall apply: *(Revised: 1/10/92 effective 8/1/92, 4/26/01 effective 8/1/01)*

(a) The individual is prohibited from contacting and evaluating prospective student-athletes off campus or from scouting opponents off campus and may not perform recruiting coordination functions (see Bylaw 11.7.1.2). *(Revised: 1/16/93, 1/11/94, 5/26/06)*

(b) The individual may receive a maximum of two complimentary tickets to home athletics contests in the coach's sport. *(Revised: 1/16/93)*

(c) The individual may receive complimentary meals incidental to organized team activities (e.g., pre- or postgame meals, occasional meals, but not training table meals) or meals provided during a prospective student-athlete's official visit, provided the individual dines with the prospective student-athlete. *(Adopted: 4/29/04 effective 8/1/04, Revised: 1/10/05 effective 8/1/05)*

11.01.6 Supplemental Pay. Supplemental pay is the payment of cash over and above an athletics department staff member's institutional salary by an outside source for the purpose of increasing that staff member's annual earnings (see Bylaw 11.3.2.2).

11.1 CONDUCT OF ATHLETICS PERSONNEL

11.1.1 Standards of Honesty and Sportsmanship. Individuals employed by or associated with a member institution to administer, conduct or coach intercollegiate athletics shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports. (See Bylaw 10 for more specific ethical-conduct standards.)

11.1.2 Responsibility for Violations of NCAA Regulations. Institutional staff members found in violation of NCAA regulations shall be subject to disciplinary or corrective action as set forth in the provisions of the NCAA enforcement procedures, whether such violations occurred at the certifying institution or during the individual's previous employment at another member institution.

11.1.2.1 Responsibility of Head Coach. It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach. *(Adopted: 4/28/05)*

11.1.3 Use of Association Name or Affiliation. Staff members of member institutions and others serving on the Association's committees or acting as consultants shall not use, directly or by implication, the Association's name or their affiliation with the Association in the endorsement of products or services.

11.1.4 Representing Individuals in Marketing Athletics Ability/Reputation. Staff members of the athletics department of a member institution shall not represent, directly or indirectly, any individual in the marketing of athletics ability or reputation to an agent, a professional sports team or a professional sports organization, including receiving compensation for arranging commercial endorsements or personal appearances for former student-athletes, except as specified in Bylaw 11.1.4.1, and shall not receive compensation or gratuities of any kind, directly or indirectly, for such services. *(Revised: 1/10/92, 1/11/94)*

11.1.4.1 Exception—Professional Sports Counseling Panel and Head Coach. An institution's professional sports counseling panel or a head coach in a sport may contact agents, professional sports teams or professional sports organizations on behalf of a student-athlete, provided no compensation is received for such services. The head coach shall consult with and report his or her activities on behalf of the student-athlete to the institution's professional sports counseling panel. If the institution has no such panel, the head coach shall consult with and report his or her activities to the president or chancellor [or an individual or group (e.g., athletics advisory board) designated by the president or chancellor]. (*Revised: 11/1/01 effective 8/1/02, 3/8/06)*

11.1.5 Use of Tobacco Products. The use of tobacco products is prohibited by all game personnel (e.g., coaches, trainers, managers and game officials) in all sports during practice and competition. Uniform penalties (as determined by the applicable rules-making committees and sports committees with rules-making responsibilities) shall be established for such use. *(Adopted: 1/11/94 effective 8/1/94, Revised: 1/10/95, 1/14/97 effective 8/1/97)*

11.2 CONTRACTUAL AGREEMENTS

11.2.1 Stipulation That NCAA Enforcement Provisions Apply. Contractual agreements or appointments between a coach and an institution shall include the stipulation that a coach who is found in violation of NCAA regulations shall be subject to disciplinary or corrective action as set forth in the provisions of the NCAA enforcement procedures, including suspension without pay or termination of employment for significant or repetitive violations. *(Revised: 3/10/04)*

11.2.2 Athletically Related Income. Contractual agreements, including letters of appointment, between a full-time or part-time athletics department staff member (excluding secretarial or clerical personnel) and an institution shall include the stipulation that the staff member is required to provide a written detailed account annually to the president or chancellor for all athletically related income and benefits from sources outside the institution. In addition, the approval of all athletically related income and benefits shall be consistent with the institution's policy related to outside income and benefits applicable to all full-time or part-time employees. Sources of such income shall include, but are not limited to, the following: *(Revised: 1/10/92, 1/11/94, 1/10/95, 4/26/01 effective 8/1/01, 3/8/06)*

(a) Income from annuities;

(b) Sports camps;

(c) Housing benefits (including preferential housing arrangements);

(d) Country club memberships;

(e) Complimentary ticket sales;

(f) Television and radio programs; and

(g) Endorsement or consultation contracts with athletics shoe, apparel or equipment manufacturers.

11.3 COMPENSATION AND REMUNERATION

11.3.1 Control of Employment and Salaries. The institution, as opposed to any outside source, shall remain in control of determining who is to be its employee and the amount of salary the employee is to receive within the restrictions specified by NCAA legislation.

11.3.2 Income in Addition to Institutional Salary.

11.3.2.1 Bona Fide Outside Employment. A staff member may earn income in addition to the institutional salary by performing services for outside groups. *(Revised: 1/10/92, 4/26/01 effective 8/1/01)*

11.3.2.2 Supplemental Pay. An outside source is prohibited from paying or regularly supplementing an athletics department staff member's annual salary and from arranging to supplement that salary for an unspecified achievement. This includes the donation of cash from outside sources to the institution earmarked for the staff member's salary or supplemental income. It would be permissible for an outside source to donate funds to the institution to be used as determined by the institution, and it would be permissible for the institution, at its sole discretion, to use such funds to pay or supplement a staff member's salary.

11.3.2.3 Bonuses for Specific and Extraordinary Achievement. An institution may permit an outside individual, group or agency to supplement an athletics department staff member's salary with a direct cash payment in recognition of a specific and extraordinary achievement (e.g., contribution during career to the athletics department of the institution, winning a conference or national championship, number of games or meets won during career/season), provided such a cash supplement is in recognition of a specific achievement and is in conformance with institutional policy.

11.3.2.4 Noninstitutional Publications That Report on Athletics Program. Athletics department staff members shall not endorse (either orally or in writing) any noninstitutional publication dedicated primarily to reporting on an institution's athletics activities, except as provided in this section, and shall not write for such publications. *(Adopted: 1/16/93, Revised: 1/11/94, 4/26/01 effective 8/1/01)*

11.3.2.4.1 Educational Articles. Athletics department staff members may write educational articles related to NCAA rules and crowd control for noninstitutional publications dedicated primarily to reporting on an institution's athletics activities. *(Adopted: 1/11/94)*

11.3.2.5 Recruiting Service Consultants. Institutional athletics department staff members may not endorse, serve as consultants or participate on advisory panels for any recruiting or scouting service involving prospective student-athletes. *(Adopted: 1/16/93)*

11.3.2.6 Quotations and Pictures Used to Promote a Camp. An institution's coaching staff member may not promote a noninstitutional camp or clinic by permitting the use of his or her quotations and/or pictures in the camp or clinic brochure, unless that coaching staff member is employed by the camp. *(Adopted: 1/14/97 effective 8/1/97)*

11.4 EMPLOYMENT OF HIGH SCHOOL, PREPARATORY SCHOOL OR TWO-YEAR COLLEGE COACHES

11.4.1 Regulations. An institution may not employ a high school, preparatory school or two-year college coach who remains a coach in the same sport at the high school, preparatory school or two-year college. This provision does not preclude employment of a high school, preparatory school or two-year college coach in a different sport. Men's and women's teams in the same sport are considered different sports for purposes of this legislation. Men's and women's teams in the same sport are considered different sports even if an athlete from the opposite gender is playing on a high school, preparatory school or two-year college men's or women's team, provided the team is classified as a separate team (as opposed to a "mixed" team) by the appropriate institution or the state high school, preparatory school or two-year college governing body. (See Bylaw 13.12.2.2 for regulations relating to the employment of high school, preparatory school or two-year college coaches in institutional camps or clinics.) *(Revised: 1/10/91, 3/16/07)*

11.4.1.1 Contract for Future Employment. An institution is permitted to enter into a contractual agreement with a high school, preparatory school or two-year college coach for an employment opportunity that begins with the next academic year, provided the employment contract with the member institution is not contingent upon the enrollment of a prospective student-athlete and the coach does not begin any coaching duties (e.g., recruiting, selection of coaching staff) for the member institution while remaining associated with the high school, preparatory school or two-year college.

11.5 CERTIFICATION TO RECRUIT OFF CAMPUS

11.5.1 Annual Certification Requirement. Only those coaches who have been certified may contact or evaluate any prospective student-athletes off campus. Certification must occur on an annual basis. *(Adopted: 1/10/91 effective 8/1/92)*

11.5.1.1 Certification Administration. Such certification procedures shall be established and administered for its member institutions by the member conferences of the Association or, in the case of an independent institution, by the NCAA national office or the conference office that administers the National Letter of Intent for that institution. Such certification procedures shall include a requirement that the coaches shall have passed a standardized national test developed by the NCAA national office covering NCAA recruiting legislation, including Bylaw 13 and other bylaws [e.g., Bylaws 15.3 (institutional financial aid award) and 14.3 (freshman academic requirements)] that relate to the recruitment of prospective student-athletes as a condition for being permitted to engage in off-campus recruiting. Member conferences shall establish the procedures for administering and correcting the test within each conference. *(Adopted: 1/10/91 effective 8/1/92, Revised: 1/16/93, 4/24/03)*

11.6 LIMITATIONS ON SCOUTING OF OPPONENTS

11.6.1 Basketball, Football and Women's Volleyball Prohibition. In basketball, football and women's volleyball, off-campus, in-person scouting of opponents is prohibited, except as provided in Bylaw 11.6.1.1. *(Adopted: 1/11/94 effective 8/1/94, Revised: 1/14/97 effective 8/1/97)*

11.6.1.1 Regular-Season Tournaments, Double-Header Events or Postseason Tournaments. An institution may pay the expenses of a member of its coaching staff to attend a regular-season or postseason tournament or, in basketball, a double-header event in which the institution's intercollegiate team is a participant. Under such circumstances, the individual may scout future opponents also participating in the same tournament at the same site or, in basketball, the same double-header event at the same site, without being subject to the scouting prohibition. *(Revised: 1/11/94 effective 8/1/94, 10/28/97 effective 8/1/98)*

11.6.1.2 Purchasing Video—Postseason. In basketball and women's volleyball, following the selection of any postseason championship field until the conclusion of the championship, it shall be permissible for the participating institution to pay the costs of purchasing video for scouting purposes from individuals or professional scouting services. *(Adopted: 1/12/99, Revised: 6/8/99)*

11.6.2 Sports Other Than Basketball, Football and Women's Volleyball. In sports other than basketball, football and women's volleyball, a member institution shall not pay or permit the payment of expenses incurred by its athletics department staff members or representatives (including professional scouting services) to scout its opponents or individuals who represent its opponents, except as provided in Bylaw 11.6.3 in lacrosse. A coaching staff member who receives any expenses from the institution related to recruiting or team travel shall not scout an institution's opponents in conjunction with such travel. *(Revised: 1/14/97 effective 8/1/97, 4/23/08, 10/20/08)*

11.6.2.1 Regular-Season or Postseason Tournaments. An institution may pay the expenses of a member of its coaching staff to attend a regular-season or postseason tournament in which the institution's intercollegiate team is a participant. Under such circumstances, the individual may scout future tournament opponents also participating in the same tournament at the same site.

11.6.3 Lacrosse. In lacrosse, it shall be permissible for an institution to pay the expenses of one person to scout each opponent on one occasion. When an individual is reimbursed to travel by automobile to scout an opponent, others who travel with the individual in the same vehicle to the site are not considered to have received transportation expenses. A coach may scout opponents at his or her own expense. *(Revised: 1/11/94 effective 8/1/94, 1/14/97 effective 8/1/97)*

11.6.3.1 Regular-Season or Postseason Tournaments. An institution may pay the expenses of a member of its coaching staff to attend a regular-season or postseason tournament in which the institution's intercollegiate team is a participant. Under such circumstances, the individual may scout future tournament opponents also participating in the same tournament at the same site without being subject to the one-occasion limitation. *(Revised: 1/11/94 effective 8/1/94)*

11.6.3.2 Salary Increases to Cover Scouting Expenses. It is not permissible for an institution to increase a staff member's salary to cover expenses incurred by the staff member in scouting opponents in accordance with the provisions of Bylaw 11.6.3. *(Revised: 1/11/94 effective 8/1/94)*

11.6.3.3 Designating the Opponent. If two opponents of an institution compete against each other and an individual receives expenses for scouting the contest, the institution may designate the opponent it is scouting and then pay expenses to scout the other opponent on another occasion. If two individuals receive expenses to scout the contest, each opponent shall be considered to have been scouted on one occasion. *(Revised: 1/11/94 effective 8/1/94)*

11.6.4 Cost of Exchanging Video. It shall be permissible to pay the costs of exchanging video for scouting purposes in any sport, including the expenses of an individual traveling to pick up the video. *(Revised: 1/11/94 effective 8/1/94)*

11.6.4.1 Use of Commercial Entity. It shall be permissible in all sports for an institution to obtain video of a future opponent's athletics contests for scouting purposes from a commercial entity that provides video recording/dubbing services, provided the institution requesting the video pays no fees or expenses related to obtaining the video of the future opponent's athletics contests, except for providing a blank videotape or DVD (or other medium) and paying postage costs. *(Adopted: 2/16/00, Revised: 4/25/02 effective 8/1/02)*

11.6.5 Complimentary Game Tickets. In sports in which it is permissible to scout opponents, a member institution's staff member is permitted to receive press-box tickets or complimentary tickets from an opponent for the purpose of scouting the opponent. *(Revised: 1/11/94 effective 8/1/94, 4/25/02 effective 8/1/02)*

11.6.5.1 Lacrosse. In lacrosse, receipt of press-box tickets or complimentary tickets from an opponent shall constitute a countable scouting opportunity. *(Revised: 1/11/94 effective 8/1/94, 1/14/97 effective 8/1/97)*

11.7 LIMITATIONS ON THE NUMBER AND DUTIES OF COACHES

11.7.1 General Provisions Applicable to All Sports with Numerical Coaching Limits.

11.7.1.1 Designation of Coaching Category. An individual who coaches and either is uncompensated or receives compensation or remuneration of any sort from the institution, even if such compensation or remuneration is not designated for coaching, shall be designated as a head coach, assistant coach, volunteer coach, graduate assistant coach or student-assistant coach by certification of the institution. *(Revised: 1/10/91 effective 8/1/92, 1/12/04 effective 8/1/04)*

11.7.1.1.1 Countable Coach. An athletics department staff member must count against coaching limits as soon as the individual participates (in any manner) in the coaching of the intercollegiate team in practice, games or organized activities directly related to that sport, including any organized staff activity directly related to the sport.

11.7.1.1.1.1 Noncoaching Activities. Institutional staff members involved in noncoaching activities (e.g., administrative assistants, academic counselors) do not count in the institution's coaching limitations, provided such individuals are not identified as coaches, do not engage in any on- or off-field coaching activities (e.g., attending meetings involving coaching activities, analyzing video involving the institution's or an opponent's team), and are not involved in any off-campus recruitment of prospective student-athletes or scouting of opponents. A noncoaching staff member with sport-specific responsibilities may not participate with or observe student-athletes in the staff member's sport who are engaged in nonorganized voluntary athletically related activities (e.g., pick-up games). *(Adopted: 1/16/93, Revised: 1/10/95, 12/13/05, 4/27/06 effective 8/1/06)*

11.7.1.1.1.2 Replacement Due to Extenuating Circumstances. An institution may replace temporarily or on a limited basis one of its countable coaches if the coach is unable to perform any or all of his or her duties because of extenuating circumstances (e.g., suspension, prolonged serious illness, pregnancy). The replacement coach may perform only those coaching, administrative or recruiting duties, including the telephoning of prospective student-athletes, that the replaced coach is unable to perform. *(Revised: 1/11/94, 4/25/02 effective 8/1/02)*

11.7.1.1.1.3 Replacement for National or Olympic Team Coaches. An institution may replace a coach temporarily or on a limited basis when that coach takes a leave of absence to participate on or to coach a national team or Olympic team, provided the replacement is limited to a one-year period and the coach who is replaced performs no recruiting or other duties on behalf of the institution. *(Adopted: 1/14/97 effective 8/1/97; Revised: 4/25/02 effective 8/1/02, 1/14/08)*

11.7.1.1.1.4 Use of Outside Consultants. An institution may use or arrange for a temporary consultant to provide in-service training for the coaching staff, but no interaction with student-athletes is permitted unless the individual is counted against the applicable coaching limits. An outside consultant may not be involved in any on- or off-field or on- or off-court coaching activities (e.g., attending practices and meetings involving coaching activities, formulating game plans, analyzing video involving the institution's or opponent's team) without counting the consultant in the coaching limitations in that sport. *(Adopted: 1/10/92, Revised: 3/10/04)*

11.7.1.1.2 Placement within Categories. If an institution has not reached its limit on the number of coaches in any category, any type of coach may be counted in that category. *(Revised: 1/10/91 effective 8/1/92, 1/12/04 effective 8/1/04)*

11.7.1.2 Recruiting Coordination Functions. The following recruiting coordination functions (except related routine clerical tasks) must be performed by the head coach or one or more of the assistant coaches who count toward the numerical limitations in Bylaw 11.7.4: *(Revised: 4/27/06 effective 8/1/06, 4/24/08 effective 8/1/08)*

(a) Activities involving athletics evaluations and/or selection of prospective student-athletes; and *(Revised: 4/24/08 effective 8/1/08)*

(b) Making telephone calls to or receiving telephone calls from prospective student-athletes (or prospective student-athletes' parents, legal guardians or coaches). *(Revised: 1/12/06, 4/24/08 effective 8/1/08)*

11.7.1.2.1 Exception—Graduate Assistant Coach—Bowl Subdivision Football and Women's Rowing. In bowl subdivision football and women's rowing, a graduate-assistant coach may perform the functions set forth in Bylaw 11.7.1.2-(a) (on campus only) and 11.7.1.2-(b) if the coach has successfully completed the coaches' certification examination per Bylaw 11.5.1.1. [See Bylaw 11.01.3-(h).] *(Revised: 4/27/06 effective 8/1/06, 12/15/06)*

11.7.1.2.2 Exception—Noncoaching Staff Members and Noncountable Coaches—After National Letter of Intent Signing or Other Written Commitment. A noncoaching staff member or a coach who does not count toward the numerical limitations in Bylaw 11.7.4 may perform the functions set forth in Bylaw 11.7.1.2-(b) after the calendar day on which the prospective student-athlete has signed a National Letter of Intent. For an institution not using the National Letter of Intent in a particular sport, or for a prospective student-athlete who is not eligible to sign a National Letter of Intent (e.g., four-year college transfer), a noncoaching institutional staff member or a coach who does not count toward the numerical limitations in Bylaw 11.7.4 may perform the functions set forth in Bylaw 11.7.1.2-(b) after the calendar day on which the prospective student-athlete signs the institution's written offer of admission and/or financial aid. *(Adopted: 1/14/08 effective 8/1/08, Revised: 8/8/08)*

11.7.2 Football Bowl Subdivision. [FBS] There shall be a limit of one head coach, nine assistant coaches and two graduate assistant coaches who may be employed by an institution in bowl subdivision football. *(Revised: 1/10/91, 1/10/92 effective 8/1/92, 12/15/06)*

11.7.2.1 Exceptions to Number Limits. [FBS] No individual other than coaches designated to fill the coaching categories set forth in Bylaw 11.7.2 may participate in any manner in the coaching of the intercollegiate team of a member institution during any football game, practice or other organized activity, with the following exceptions:

11.7.2.1.1 Weight or Strength Coach. [FBS] A weight (strength and conditioning) coach may conduct flexibility, warm-up and physical conditioning activities prior to any game and prior to or during any practice or other organized activities without being included in the limitations on number of coaches.

11.7.2.1.2 Undergraduate Coach. [FBS] The limits on the number of coaches in this section do not apply to undergraduate coaches (see Bylaw 11.01.4). *(Revised: 1/10/91 effective 8/1/92)*

11.7.2.1.3 Sprint Football. [FBS] The limits on the number of coaches in this section do not apply to sprint football programs. Sprint football coaches are prohibited from off-campus recruiting.

11.7.2.1.4 Additional Coaches—National Service Academies. [FBS] National service academies may employ four additional coaches. *(Revised: 1/10/91 effective 8/1/92, 1/12/04 effective 8/1/04, 8/23/05)*

11.7.2.1.5 Special Attrition Provision. [FBS] The institution is permitted to meet these limitations through normal attrition only if the institution had in effect prior to September 15, 1990, a written obligation to the assistant coach through academic tenure, an enforceable contract or a formal security-of-employment commitment. *(Revised: 1/10/91 effective 8/1/92)*

11.7.2.2 Contact and Evaluation of Prospective Student-Athletes. [FBS] Only those coaches who are counted by the institution within the numerical limitations on head and assistant coaches may contact or evaluate prospective student-athletes off campus. In addition, there is a limit of seven coaches (including the head coach) who may contact or evaluate prospective student-athletes off campus at any one time (see Bylaw 11.7.4). *(Revised: 4/28/05 effective 8/1/05, 5/26/06)*

11.7.2.2.1 Banquets or Meetings. [FBS] A coaching staff member who attends a banquet or meeting that is designed to recognize prospective student-athletes that occurs during a contact or evaluation period is considered an off-campus recruiter, regardless of whether the coach is speaking at the banquet/meeting or only attending the function. Further, the coach is not permitted to attend such a recognition banquet or meeting that occurs outside a contact or evaluation period, unless the coach has been asked to speak at the function (see Bylaws 13.1.9 and 13.02.4.4). *(Adopted: 6/8/99)*

11.7.2.2.2 Additional Recruiters—National Service Academies. [FBS] For the national service academies, the off-campus contact and evaluation of prospective student-athletes shall be limited to a total of nine coaches at any one time, which may include the head coach. *(Adopted: 1/10/95, Revised: 1/12/04 effective 8/1/04)*

11.7.3 Championship Subdivision Football. [FCS] There shall be a limit of 11 coaches of any type who may be employed by an institution in championship subdivision football. *(Revised: 1/10/91 effective 8/1/92, 1/16/93, 1/9/96, 1/12/04 effective 8/1/04, 12/15/06)*

11.7.3.1 Exceptions to Number Limits. [FCS] No individual other than coaches designated to fill the coaching categories set forth in Bylaw 11.7.3 may participate in any manner in the coaching of the intercollegiate team of a member institution during any football game, practice or other organized activity, with the following exceptions:

11.7.3.1.1 Weight or Strength Coach. [FCS] A weight (strength and conditioning) coach may conduct flexibility, warm-up and physical conditioning activities prior to any game and prior to or during any practice or other organized activities without being included in the limitations on number of coaches.

11.7.3.1.2 Undergraduate Coach. [FCS] The limits on the number of coaches in this section do not apply to undergraduate coaches (per Bylaw 11.01.4). *(Revised: 1/10/91 effective 8/1/92)*

11.7.3.1.3 Varsity/Freshman Team Football Program. [FCS] An institution that conducts a championship subdivision football program that includes a varsity team and a freshman team may employ two additional coaches. Freshman eligibility for varsity team participation must be prohibited by the institution and the freshman team must participate in five or more intercollegiate contests in order for the two additional coaches to be employed. Such additional coaches may perform football-related duties only during the permissible playing and practice season in football. *(Revised: 1/10/91 effective 8/1/92, 1/12/04 effective 8/1/04, 12/15/06)*

11.7.3.1.4 Varsity/Junior Varsity/Freshman Team Football Program. [FCS] An institution that conducts a championship subdivision football program that includes a varsity team, a junior varsity team and a freshman team may employ four additional coaches. Freshman eligibility for varsity or junior varsity team participation must be prohibited by the institution, the junior varsity team must participate in at least four intercollegiate contests and the freshman team must participate in at least five intercollegiate contests in order for the four additional coaches to be employed. Such additional coaches may perform football-related duties only during the permissible playing and practice season in football. *(Revised: 1/10/91 effective 8/1/92, 1/12/04 effective 8/1/04, 12/15/06)*

11.7.3.1.5 Varsity/Junior Varsity Football Program. [FCS] An institution that conducts a championship subdivision football program that includes a varsity team and a junior varsity team may employ two additional coaches. The institution's junior varsity team must participate in at least four intercollegiate contests in order for the two additional coaches to be employed. Such additional coaches may perform football-related duties only during the permissible playing and practice season in football. *(Revised: 1/10/92 effective 8/1/92, 1/12/04 effective 8/1/04, 12/15/06)*

11.7.3.1.6 Sprint Football. [FCS] The limits on the number of coaches in this section do not apply to sprint football programs. Sprint football coaches are prohibited from off-campus recruiting.

11.7.3.1.7 Special Attrition Provision. [FCS] The institution is permitted to meet these limitations through normal attrition only if the institution had in effect prior to September 15, 1990, a written obligation to the assistant coach through academic tenure, an enforceable contract or a formal security-of-employment commitment. *(Revised: 1/10/91 effective 8/1/92)*

11.7.3.2 Off-Campus Contact and Evaluation of Prospective Student-Athletes. [FCS] Only those coaches who are counted by the institution within the numerical limitations on head or assistant coaches may contact or evaluate prospective student-athletes off campus. In addition, there is a limit of seven coaches (including the head coach) who may contact and evaluate prospective student-athletes off campus at any one time (see Bylaw 11.7.4). *(Revised: 4/28/05 effective 8/1/05)*

11.7.3.2.1 Banquets or Meetings. [FCS] A coaching staff member who attends a banquet or meeting that is designed to recognize prospective student-athletes that occurs during a contact or evaluation period is considered an off-campus recruiter, regardless of whether the coach is speaking at the banquet/meeting or only attending the function. Further, the coach is not permitted to attend such a recognition banquet or meeting that occurs outside a contact or evaluation period, unless the coach has been asked to speak at the function (see Bylaws 13.1.9 and 13.02.4.4). *(Adopted: 6/8/99)*

11.7.4 Limitations on Number of Coaches and Off-Campus Recruiters. There shall be a limit on the number of coaches who may be employed by an institution and who may contact or evaluate prospective student-athletes off-campus at any one time in each sport as follows: *(Revised: 1/10/91 effective 8/1/92, 1/9/96 effective 8/1/96, 1/12/04 effective 8/1/04, 2/3/06, 1/17/09 effective 8/1/09)*

Sport	Limit on Number of Coaches	Limit on Off-Campus Recruiters
Baseball	3	2
Basketball, Men's *(Adopted: 4/28/05)*	4	3
Basketball, Women's *(Adopted: 4/28/05 effective 8/1/05)*	4	3
Bowling, Women's *(Adopted: 1/9/96 effective 8/1/96)*	2	2
Equestrian *(Adopted: 4/25/02 effective 8/1/02)*	3	2
Fencing, Men's *(Revised: 4/26/07 effective 8/1/07)*	2	2
Fencing, Women's *(Revised: 4/26/07 effective 8/1/07)*	2	2
Football, Bowl Subdivision (See Bylaw 11.7.2) *(Adopted: 4/28/05 effective 8/1/05, Revised: 12/15/06)*	12	7
Football, Championship Subdivision (See Bylaw 11.7.3) *(Adopted: 4/28/05 effective 8/1/05, Revised: 12/15/06)*	11	7
Field Hockey	3	2
Golf, Men's *(Revised: 4/26/07 effective 8/1/07)*	2	2
Golf, Women's *(Revised: 4/26/07 effective 8/1/07)*	2	2
Gymnastics, Men's *(Revised: 4/26/07 effective 8/1/07)*	3	2
Gymnastics, Women's	3	2
Ice Hockey, Men's	3	2
Ice Hockey, Women's *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/14/97)*	3	2
Lacrosse, Men's	3	2
Lacrosse, Women's	3	2
Rifle, Men's *(Revised: 4/26/07 effective 8/1/07)*	2	2
Rifle, Women's *(Revised: 4/26/07 effective 8/1/07)*	2	2

Sport	Limit on Number of Coaches	Limit on Off-Campus Recruiters
Rowing, Women's *(Adopted: 1/9/96 effective 8/1/96)*	3	2 (during the academic year) 3 (during the summer)
Rugby, Women's *(Adopted: 4/28/05 effective 8/1/05)*	3	2
Skiing, Men's *(Revised: 4/29/04 effective 8/1/04)*	2	2
Skiing, Women's *(Revised: 4/29/04 effective 8/1/04)*	2	2
Soccer, Men's	3	2
Soccer, Women's	3	2
Softball, Women's	3	2
Squash, Women's *(Adopted: 1/9/96 effective 8/1/96)*	2	2
Swimming, Men's	2	2
Swimming and Diving, Men's	3	2
Swimming, Women's	2	2
Swimming and Diving, Women's	3	2
Tennis, Men's *(Revised: 4/26/07 effective 8/1/07)*	2	2
Tennis, Women's	2	2
Cross Country, Men's (Without Track and Field)	2	2
Track and Field, Men's	3	2
Cross Country/Track and Field, Men's	3	2
Cross Country, Women's (Without Track and Field)	2	2
Track and Field, Women's	3	2
Cross Country/Track and Field, Women's	3	2
Volleyball, Men's	3	2
Volleyball, Women's	3	2
Water Polo, Men's *(Revised: 4/26/07 effective 8/1/07)*	2	2
Water Polo, Women's *(Adopted: 1/9/96 effective 8/1/96)*	2	2
Wrestling *(Revised: 1/10/92 effective 8/1/92)*	3	2

11.7.4.1 Combined Sports Program. A member institution that conducts a combined program in a sport (one in which all coaching staff member in the same sport are involved in practice activities or competition with both the men's and women's teams on a daily basis) may employ the total number of coaches specified separately for men and for women in that sport. *(Adopted: 1/16/93)*

11.7.4.2 Exceptions to Number Limits. No individual other than coaches designated to fill the coaching categories set forth in Bylaw 11.7.4 may participate in any manner in the coaching of the intercollegiate team of a member institution during any game, practice or other organized activity, with the following exceptions: *(Revised: 1/10/91 effective 8/1/92)*

11.7.4.2.1 Weight or Strength Coach. A weight (strength and conditioning) coach may conduct flexibility, warm-up and physical conditioning activities prior to any game and prior to or during any practice or other organized activities without being included in the limitations on number of coaches. *(Revised: 1/10/91 effective 8/1/92)*

11.7.4.2.2 Coach, Student Assistant. The limits on the number of coaches in this section do not apply to student assistant coaches (see Bylaw 11.01.4). *(Revised: 1/10/91 effective 8/1/92, 8/23/05)*

11.7.4.2.3 Volunteer Coach. In sports other than football, basketball, women's equestrian and women's rowing, a member institution may use the services of one volunteer coach (per Bylaw 11.01.5). Indoor track and field, outdoor track and field, and cross country are separate sports for purposes of this provision. In sports in which the NCAA conducts separate men's and women's championships, a combined men's and women's program may use two volunteer coaches. *(Adopted: 1/19/92 effective 8/1/92, Revised: 4/26/01 effective 8/1/01, 1/8/07 effective 8/1/07)*

11.7.4.2.3.1 Volunteer Coach—Women's Rowing. In women's rowing, an institution may use the services of four volunteer coaches. *(Adopted: 4/25/91 effective 8/1/01)*

11.7.4.2.3.2 Volunteer Coach—Swimming and Diving. An institution that conducts separate men's and women's swimming programs with a combined men's and women's diving program may employ three volunteer coaches, one for men's swimming, one for women's swimming and one for diving. *(Adopted: 1/10/95 effective 8/1/95)*

11.7.4.2.3.3 Volunteer Coach—Cross Country/Track and Field. An institution that sponsors cross country, indoor track and field, or outdoor track and field as separate sports may use the services of one volunteer coach for each of the sports that it sponsors. Each volunteer coach may coach student-athletes in any of the three sports throughout the academic year. *(Adopted: 4/27/00 effective 8/1/00)*

11.7.4.2.3.4 Volunteer Coach—Track and Field—Pole Vault. An institution that competes in pole vault may use the services of one additional volunteer coach (to coach both genders), limited to coaching pole vault. *(Adopted 1/12/04)*

11.7.4.2.3.5 Volunteer Coach—Women's Equestrian. In women's equestrian, an institution may use the services of one volunteer coach for the hunt seat riding discipline and one volunteer coach for the western riding discipline. *(Adopted: 1/8/07 effective 8/1/07)*

11.7.4.2.4 Special Attrition Provision. The institution is permitted to meet these limitations through normal attrition only if the institution had in effect prior to September 15, 1990, a written obligation to the assistant coach through academic tenure, an enforceable contract or formal security-of-employment commitment. *(Revised: 1/10/91 effective 8/1/92)*

11.7.4.2.5 Additional Coaches—National Service Academies. National service academies may employ two additional coaches in basketball. *(Revised: 1/10/91 effective 8/1/92, 1/12/04 effective 8/1/04)*

11.7.4.2.6 Exception for Lightweight Rowing. An institution that conducts a rowing program that includes a heavyweight rowing and a lightweight rowing may employ two additional coaches. Each of the institution's rowing teams must have at least one "eight" or two "fours" that compete in at least four spring events. *(Adopted: 1/9/96 effective 8/1/96)*

11.7.4.2.7 Graduate Assistant Coach—Women's Rowing. In women's rowing, an institution may employ one graduate assistant coach (see Bylaw 11.01.3). *(Adopted: 1/9/06 effective 8/1/06)*

11.7.4.3 Off-Campus Recruiting—At Any One Time. It is permissible for a coach to leave campus to engage in off-campus contact or evaluation before another coach who is off campus actually returns to campus, provided the total number of coaches recruiting on behalf of the institution at any time does not exceed the permissible number. The coach being replaced must complete his or her recruiting activities before another coach may begin any off-campus recruiting activity. Further, the replaced coach may not engage in additional recruiting activities until after he or she has returned to the institution's campus. *(Adopted: 1/10/93, Revised: 4/28/05 effective 8/1/05, 12/13/05)*

11.7.4.3.1 Exception—Basketball—July Evaluation Periods. During the July evaluation periods, a replaced coach is not required to return to the institution's campus before engaging in additional recruiting activities, provided no more than three coaches engage in off-campus recruiting activities each day. *(Adopted: 4/30/09)*

11.7.4.4 Banquets or Meetings. In sports other than football, a coaching staff member who attends a banquet or meeting that is designed to recognize prospective student-athletes that occurs during a contact or evaluation period is considered an off-campus recruiter in the applicable sport, regardless of whether the coach is speaking at the banquet/meeting or only attending the function. In those sports with recruiting calendars (e.g., basketball, softball), a coach is not permitted to attend such a recognition that occurs outside a contact or evaluation period, unless the coach has been asked to speak at the function (see Bylaw 13.1.9). *(Adopted: 6/8/99, Revised: 8/14/02)*

FIGURE 11-1
Coaches' Compensation and Benefits

		Head Coach (Bylaw 11.01.2) Assistant Coach (Bylaw 11.01.2)	Volunteer Coach (Bylaw 11.01.5)	Graduate Assistant Coach (Bylaw 11.01.3)	Student Assistant Coach (Bylaw 11.01.4)
I. Compensation or Remuneration					
A.	In excess of full grant-in-aid based on nonresident status	X			
B.	No more than full grant-in-aid based on actual resident status			X	X
C.	Compensation or remuneration from athletics department prohibited		X		
D.	May receive camp compensation from athletics department	X	X	X	X
E.	May receive camp compensation from source other than athletics department	X	X	X	X
F.	Employment outside athletics department arranged by institution	X	X	X (only during summer)	X
G.	May receive compensation from institution for duties actually performed outside athletics department, from source outside of athletics department	X	X		X
H.	Bowl or postseason-play bonuses	X			
I.	Established graduate or postgraduate award administered outside the institution			X	
II. Benefits					
A.	Complimentary-ticket limit	Unlimited	2 (home contests only in coach's sport)	4	4*
B.	Training table (over and above I-A, B & C compensation)	X			
C.	Use of car (over and above I-A, B & C compensation)	X			
D.	Country club/health club membership or similar complimentary services (over and above I-A, B or C compensation)	X			
E.	Benefits available to all institutional employees (life insurance, health insurance, disability insurance, tuition waiver)	X		X	
F.	Reduction in teaching load without reduction in non-athletics department compensation in recognition of coaching duties (in addition to I-A, B or C compensation)	X			
G.	Complimentary meals incidental to organized team activities, other than training table meals, or in conjunction with official visits.		X		
H.	Actual and necessary expenses for spouse and children to attend a licensed postseason football game or an NCAA championship in football or, in women's rowing, a season-ending tournament.	X		X	

* Admissions, not hard tickets.

FIGURE 11-2
Coaches' Reimbursable Expenses

		Head Coach (Bylaw 11.01.2) Assistant Coach (Bylaw 11.01.2)	Volunteer Coach (Bylaw 11.01.5)	Graduate Assistant Coach (Bylaw 11.01.3)	Student Assistant Coach (Bylaw 11.01.4)
Expenses—Reimbursable (Room, Board and Transportation)					
A.	Away games	X	X**	X	X
B.	Off-campus recruiting contacts*	X			
C.	Evaluate prospect*	X			
D.	Scout opponent (11.6)***	X			
E.	Parking expenses associated with practice and competition	X	X	X	X****

* See Bylaw 11.7.4 for limitations on the number of coaches that are permitted to contact or evaluate prospects off campus.

** Except in the sports of football and basketball.

*** Only in the sport of lacrosse (see Bylaw 11.6.3).

**** Only parking expenses associated with away-from-home practice and competition.

BYLAW, ARTICLE 12

Amateurism

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12.01 GENERAL PRINCIPLES

12.01.1 Eligibility for Intercollegiate Athletics. Only an amateur student-athlete is eligible for intercollegiate athletics participation in a particular sport.

12.01.2 Clear Line of Demarcation. Member institutions' athletics programs are designed to be an integral part of the educational program. The student-athlete is considered an integral part of the student body, thus maintaining a clear line of demarcation between college athletics and professional sports.

12.01.3 "Individual" vs. "Student-Athlete." NCAA amateur status may be lost as a result of activities prior to enrollment in college. If NCAA rules specify that an "individual" may or may not participate in certain activities, this term refers to a person prior to and after enrollment in a member institution. If NCAA rules specify a "student-athlete," the legislation applies only to that person's activities after enrollment.

12.01.4 Permissible Grant-in-Aid. A grant-in-aid administered by an educational institution is not considered to be pay or the promise of pay for athletics skill, provided it does not exceed the financial aid limitations set by the Association's membership.

12.01.5 Compliance with Legislation for Emerging Sports. Beginning with the second year of the Association's identification of an emerging sport for women (see Bylaw 20.02.5), the institution shall comply fully in that program with all applicable amateurism legislation set forth in Bylaw 12. *(Adopted: 1/10/95, Revised: 2/24/03)*

12.02 DEFINITIONS AND APPLICATIONS

12.02.1 Individual. An individual, for purposes of this bylaw, is any person of any age without reference to enrollment in an educational institution or status as a student-athlete.

12.02.2 Pay. Pay is the receipt of funds, awards or benefits not permitted by the governing legislation of the Association for participation in athletics.

12.02.3 Professional Athlete. A professional athlete is one who receives any kind of payment, directly or indirectly, for athletics participation except as permitted by the governing legislation of the Association.

12.02.4 Professional Athletics Team. A professional team is any organized team that:

(a) Provides any of its players more than actual and necessary expenses for participation on the team, except as otherwise permitted by NCAA legislation. Actual and necessary expenses are limited to the following, provided the value of these items is commensurate with the fair market value in the locality of the player(s) and is not excessive in nature: *(Revised: 4/25/02 effective 8/1/02)*
   (1) Meals directly tied to competition and practice held in preparation for such competition;
   (2) Lodging directly tied to competition and practice held in preparation for such competition;
   (3) Apparel, equipment and supplies;
   (4) Coaching and instruction;
   (5) Health/medical insurance;
   (6) Transportation (expenses to and from practice competition, cost of transportation from home to training/practice site at the beginning of the season and from training/practice site to home at the end of season);
   (7) Medical treatment and physical therapy;
   (8) Facility usage; *(Revised: 4/24/03)*
   (9) Entry fees; and *(Revised: 4/24/03)*
   (10) Other reasonable expenses; or *(Adopted: 4/24/03, Revised: 10/28/04)*

(b) Declares itself to be professional (see Bylaw 12.2.3.2.4). *(Revised: 8/8/02)*

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

12.1 GENERAL REGULATIONS

An individual must comply with the following to retain amateur status. (See Bylaw 14 regarding the eligibility restoration process.)

12.1.1 Validity of Amateur Status. As a condition and obligation of membership, it is the responsibility of an institution to determine the validity of the information on which the amateur status of a prospective student-athlete (including two-year and four-year college transfers initially enrolling at an NCAA Division I institution) and student-athlete is based. (See Bylaw 14.01.3.) *(Adopted: 1/9/06 effective 8/1/06, for all final certifications for student-athletes initially enrolling at a Division I or Division II institution on or after 8/1/07, Revised: 1/8/07, 4/30/07)*

12.1.1.1 Amateurism Certification Process. An institution shall use an initial eligibility center approved by the Executive Committee to determine the validity of the information on which the amateur status of a student-athlete is based. *(Adopted: 1/9/06 effective 8/1/06, for final certifications for student-athletes initially enrolling at a Division I or Division II institution on or after 8/1/07, Revised: 4/30/07)*

12.1.1.1.1 Scope. The certification of amateur status issued by the NCAA Eligibility Center is limited to activities that occur prior to a prospective student-athlete's request for final amateurism certification or his or her initial full-time enrollment at an NCAA Division I or II institution, whichever occurs earlier. *(Adopted: 4/30/07)*

12.1.1.1.2 Institutional Responsibilities.

12.1.1.1.2.1 Amateur Status After Certification. An institution is responsible for certifying the amateur status of a prospective student-athlete (including two-year and four-year college transfers initially enrolling at an NCAA Division I institution) from the time he or she requests that a final certification be issued by the NCAA Eligibility Center or from the time he or she initially enrolls as a full-time student at an NCAA Division I or II institution (whichever occurs earlier). *(Adopted: 4/30/07)*

12.1.1.1.2.2 Sharing Information and Reporting Discrepancies. If an institution receives additional information or otherwise has cause to believe that a prospective student-athlete's amateur status has been jeopardized, the institution is responsible for promptly notifying the NCAA Eligibility Center of such information. Further, an institution is responsible for promptly reporting to the NCAA Eligibility Center all discrepancies in information related to a student-athlete's amateurism certification. *(Adopted: 4/30/07)*

12.1.1.1.3 Eligibility for Practice or Competition. Prior to engaging in practice or competition, a student-athlete shall receive a final certification of amateur status based on activities that occur prior to his or her request for final certification or initial full-time enrollment at an NCAA Division I or II institution (whichever occurs earlier). *(Adopted: 4/30/07)*

12.1.1.1.3.1 Temporary Certification—Recruited Student-Athlete. If a recruited prospective student-athlete reports for athletics participation before the student's amateur status has been certified, the student may practice, but not compete, for a maximum period of 14 days. After this period, the student shall have his or her amateur status certified to continue to practice or compete. *(Adopted: 1/9/06 effective 8/1/06, for all final certifications for student-athletes initially enrolling at a Division I or Division II institution on or after 8/1/07)*

12.1.1.1.3.2 Temporary Certification—Nonrecruited Student-Athlete. If a nonrecruited prospective student-athlete reports for athletics participation before the student's amateur status has been certified, the student may practice, but not compete, for a maximum period of 45 days. After this period, the student shall have had his or her amateur status certified to continue to practice or to compete. *(Adopted: 1/9/06 effective 8/1/06, for all final certifications for student-athletes initially enrolling at a Division I or Division II institution on or after 8/1/07)*

12.1.1.1.4 Eligibility for Practice After a Final Not-Certified Certification. After a final not-certified certification is rendered, a student-athlete may continue to engage in practice activities, provided the institution has submitted a notice of appeal. At the point in which all appeal opportunities have been exhausted and no eligibility has been granted, the student-athlete may no longer participate in practice activities. *(Adopted: 3/21/07)*

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

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

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

(c) Signs a contract or commitment of any kind to play professional athletics, regardless of its legal enforceability or any consideration received;

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

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

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

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

12.1.2.1 Prohibited Forms of Pay. "Pay," as used in Bylaw 12.1.2 above, includes, but is not limited to, the following:

12.1.2.1.1 Salary, Gratuity or Compensation. Any direct or indirect salary, gratuity or comparable compensation.

12.1.2.1.2 Division or Split of Surplus. Any division or split of surplus (bonuses, game receipts, etc.).

12.1.2.1.3 Educational Expenses. Educational expenses not permitted by the governing legislation of this Association (see Bylaw 15 regarding permissible financial aid to enrolled student-athletes).

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

12.1.2.1.3.2 Educational Expenses from Outside Sports Team or Organization—After Collegiate Enrollment. Educational expenses provided to an individual after initial collegiate enrollment by an outside sports team or organization that are based on any degree on the recipient's athletics ability [except as specified in Bylaw 15.2.6.4-(h)], even if the funds are given to the institution to administer to the recipient. *(Revised: 1/10/95, 4/25/02 effective 8/1/02)*

12.1.2.1.3.2.1 Educational Expenses—Olympic Committee. A student-athlete may receive educational expenses awarded by the U.S. Olympic Committee (or for international student-athletes, expenses awarded by the equivalent organization of a foreign country) pursuant to the applicable conditions set forth in Bylaw 15.2.6.5. *(Adopted: 4/15/97, Revised: 11/1/00, 4/25/02 effective 8/1/02)*

12.1.2.1.3.2.2 Educational Expenses—National Governing Body. A student-athlete may receive educational expenses awarded by a U.S. national governing body (or, for international student-athletes, expenses awarded by the equivalent organization of a foreign country) pursuant to the applicable conditions set forth in Bylaw 15.2.6.5. *(Adopted: 10/28/97 effective 8/1/98, Revised: 11/1/00, 4/25/02 effective 8/1/02)*

12.1.2.1.4 Expenses, Awards and Benefits. Excessive or improper expenses, awards and benefits (see Bylaw 16 regarding permissible awards, benefits and expenses to enrolled student-athletes).

12.1.2.1.4.1 Cash or Equivalent Award. Cash, or the equivalent thereof (e.g., trust fund), as an award for participation in competition at any time, even if such an award is permitted under the rules governing an amateur, noncollegiate event in which the individual is participating. An award or a cash prize that an individual could not receive under NCAA legislation may not be forwarded in the individual's name to a different individual or agency. *(Revised: 4/25/02 effective 8/1/02)*

12.1.2.1.4.1.1 Exception—Prospective Student-Athlete's Educational Institution. A financial award may be provided to a prospective student-athlete's educational institution in conjunction with the prospective student-athlete being recognized as part of an awards program in which athletics participation, interests or ability is a criterion, but not the sole criterion, in the selection process. Such an award must also include nonathletics criteria, such as the prospective student-athlete's academic record and nonathletics extracurricular activities and may not be based on the prospective student-athlete's place finish or performance in a particular athletics event. In addition, it is permissible for an outside organization (other than a professional sports organization) to provide actual and necessary expenses for the prospective student-athlete (and the prospective student-athlete's parents or other relatives) to travel to a recognition event designed to recognize the prospective student-athlete's accomplishments in conjunction with his or her selection as the recipient of a regional, national or international award. *(Adopted: 10/28/99)*

12.1.2.1.4.1.2 Operation Gold Grant. An individual (prospective student-athlete or student-athlete) may accept funds that are administered by the U.S. Olympic Committee pursuant to its Operation Gold program. *(Adopted: 4/26/01 effective 8/1/01)*

12.1.2.1.4.2 Expenses/Awards Prohibited by Rules Governing Event. Expenses incurred or awards received by an individual that are prohibited by the rules governing an amateur, noncollegiate event in which the individual participates.

12.1.2.1.4.3 Expenses from Outside Team or Organization. Expenses received from an outside amateur sports team or organization in excess of actual and necessary travel, room and board expenses, and apparel and equipment (for individual and team use only from teams or organizations not affiliated with member institutions, including local sports clubs as set forth in Bylaw 13.11.2.3) for competition and practice held in preparation for such competition. Practice must be conducted in a continuous time period preceding the competition except for practice sessions conducted by a national team, which occasionally may be interrupted for specific periods of time preceding the competition. *(Revised: 1/10/90, 1/10/92)*

12.1.2.1.4.3.1 Expenses/Benefits Related to Olympic Games. It is permissible for members of an Olympic team to receive all nonmonetary benefits and awards provided to members of an Olympic team beyond actual and necessary expenses, including entertainment, equipment, clothing, long distance telephone service, Internet access, and any other item or service for which it can be demonstrated that the same benefit is available to all members of that nation's Olympic team or the specific sport Olympic team in question. *(Adopted: 11/1/00)*

12.1.2.1.4.3.2 Operation Gold Grant. An individual (prospective student-athlete or student-athlete) may accept funds that are administered by the U.S. Olympic Committee pursuant to its Operation Gold program. *(Adopted: 4/26/01)*

12.1.2.1.4.4 Unspecified or Unitemized Expenses. Payment to individual team members or individual competitors for unspecified or unitemized expenses beyond actual and necessary travel, room and board expenses for practice and competition.

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.

12.1.2.1.4.6 Expenses for Parents/Legal Guardians of Participants in Athletics Competition. Expenses received by the parents or legal guardians of a participant in athletics competition from a nonprofessional organization sponsoring the competition in excess of actual and necessary travel, room and board expenses, or any entertainment expenses, unless such expenses are made available to the parents or legal guardians of all participants in the competition. *(Adopted: 1/16/93, Revised: 1/11/97)*

12.1.2.1.4.6.1 Postseason Bowl Event. [FBS] On one occasion per year, a student-athlete may designate either additional individuals or substitutes (not to exceed a total of six individuals) to receive entertainment expenses related to an event organized by the nonprofessional sponsor of a postseason bowl game specifically for the parents or legal guardians of student-athletes participating in the postseason bowl. The additional individuals or substitutes designated by the student-athlete shall be subject to the review and approval of the institution's athletics director, or his or her designee. *(Adopted: 4/29/04 effective 8/1/04)*

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

12.1.2.1.5.1 Operation Gold Grant. An individual (prospective student-athlete or student-athlete) may accept funds that are administered by the U.S. Olympic Committee pursuant to its Operation Gold program. *(Adopted: 4/26/01)*

12.1.2.1.6 Preferential Treatment, Benefits or Services. Preferential treatment, benefits or services because of the individual's athletics reputation or skill or pay-back potential as a professional athlete, unless such treatment, benefits or services are specifically permitted under NCAA legislation. For violations of this bylaw in which the value of the benefit is $100 or less, the eligibility of the individual shall not be affected, conditioned on the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the benefit until the individual repays the benefit. If the violation involves institutional responsibility, it remains an institutional violation per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement staff. *(Revised: 1/11/94, 1/14/08)*

12.1.2.1.7 Prize for Participation in Institution's Promotional Activity. Receipt of a prize for participation (involving the use of athletics ability) in a member institution's promotional activity that is inconsistent with the provisions of Bylaw 12.5 or approved official interpretations. *(Revised: 11/1/07 effective 8/1/08)*

12.1.2.2 Use of Overall Athletics Skill—Effect on Eligibility. Participation for pay in competition that involves the use of overall athletics skill (e.g., "superstars" competition) constitutes a violation of the Association's amateur-status regulations; therefore, an individual participating for pay in such competition is ineligible for intercollegiate competition in all sports. (See Bylaw 12.5.2.3.3 for exception related to promotional contests.) *(Revised: 4/25/02 effective 8/1/02)*

12.1.2.3 Road Racing. "Road racing" is essentially the same as cross country or track and field competition and cannot be separated effectively from those sports for purposes of Bylaw 12. Therefore, a student-athlete who accepts pay in any form for participation in such a race is ineligible for intercollegiate cross country or track and field competition. *(Revised: 4/25/02 effective 8/1/02)*

12.1.2.4 Exceptions to Amateurism Rule.

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

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

12.1.2.4.3 Exception for Insurance against Disabling Injury or Illness. An individual may borrow against his or her future earnings potential from an established, accredited commercial lending institution exclusively for the purpose of purchasing insurance (with no cash surrender value) against a disabling injury or illness that would prevent the individual from pursuing a chosen career, provided a third party (including a member institution's athletics department staff members, its professional sports counseling panel or representatives of its athletics interests) is not involved in arrangements for securing the loan. The student-athlete shall report all such transactions and shall file copies of any loan documents associated with disability insurance with the member institution, regardless of the source of the collateral for the loan. The student-athlete also shall file copies of the insurance policy with the member institution, regardless of whether a loan is secured to purchase the insurance policy. *(Revised: 1/16/93, 1/14/97 effective 8/1/97)*

12.1.2.4.4 Exception for Institutional Fundraising Activities Involving the Athletics Ability of Student-Athletes. Institutional, charitable or educational promotions or fundraising activities that involve the use of athletics ability by student-athletes to obtain funds (e.g., "swim-a-thons") are permitted only if:

(a) All money derived from the activity or project go directly to the member institution, member conference or the charitable, educational or nonprofit agency; *(Revised: 5/11/05)*

(b) The student-athletes receive no compensation or prizes for their participation; and

(c) The provisions of Bylaw 12.5.1 are satisfied.

12.1.2.4.5 Exception for USOC Elite Athlete Health Insurance Program. An individual may receive the comprehensive benefits of the USOC Elite Athlete Health Insurance Program. *(Adopted: 1/10/90)*

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

12.1.2.4.7 Exception for Family Travel to Olympic Games. A commercial company (other than a professional sports organization) or members of the local community may provide actual and necessary expenses for an individual's spouse, parents, legal guardians or other relatives to attend the Olympic Games in which the individual will participate. *(Adopted: 1/11/94)*

12.1.2.4.8 Exception for Payment of NCAA Eligibility Center Fee. A high school booster club (as opposed to specific individuals) may pay the necessary fee for prospective student-athletes at that high school to be certified by the NCAA Eligibility Center, provided no particular prospective student-athlete(s) is singled out because of his or her athletics ability or reputation. *(Adopted: 1/11/94, Revised: 5/9/07)*

12.1.2.4.9 Exception for Camp or Academy Sponsored by a Professional Sports Organization. An individual may receive actual and necessary expenses from a professional sports organization to attend an academy, camp or clinic, provided: *(Adopted: 1/10/95, Revised: 11/1/01 effective 8/1/02)*

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

(b) No camp participant is above the age of 15;

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

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

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

12.1.2.4.10 Exception for Receipt of Free Equipment and Apparel Items by a Prospective Student-Athlete. It is permissible for prospective student-athletes (as opposed to student-athletes) to receive free equipment and apparel items for personal use from apparel or equipment manufacturers or distributors under the following circumstances: *(Adopted: 1/11/97)*

(a) The apparel or equipment items are related to the prospective student-athlete's sport and are received directly from an apparel or equipment manufacturer or distributor;

(b) The prospective student-athlete does not enter into an arrangement (e.g., open account) with an apparel or equipment manufacturer or distributor that permits the prospective student-athlete to select apparel and equipment items from a commercial establishment of the manufacturer or distributor; and

(c) A member institution's coach is not involved in any manner in identifying or assisting an apparel or equipment manufacturer or distributor in determining whether a prospective student-athlete is to receive any apparel or equipment items.

12.1.2.4.11 Expenses for Participation in Olympic Exhibitions. An individual may receive actual and necessary expenses from the U.S. Olympic Committee (USOC), national governing body (NGB) or the nonprofessional organizations sponsoring the event to participate in Olympic tours or exhibitions involving Olympic team members and/or members of the national team, provided that if the individual is a student-athlete, he or she misses no class time, and the exhibition does not conflict with dates of institutional competition. *(Adopted: 10/28/97 effective 8/1/98)*

12.1.2.4.12 Commemorative Items for Student-Athletes Participating in Olympic Games, World University Games, Pan American Games, World Championships and World Cup Events. It is permissible for student-athletes to receive commemorative items incidental to participation in the Olympic Games, World University Games, Pan American Games, World Championships and World Cup events through the applicable national governing body. These benefits may include any and all apparel, leisure wear, footwear and other items that are provided to all athletes participating in the applicable event. *(Adopted: 11/1/00 effective 8/1/01)*

12.1.2.4.13 Exception—NCAA First-Team Program. A prospective student-athlete who is a participant in the NCAA First-Team Mentoring Program may receive actual and necessary expenses to attend the First-Team Program's annual educational conference and training seminar. *(Adopted: 8/7/03)*

12.1.3 Amateur Status if Professional in Another Sport. A professional athlete in one sport may represent a member institution in a different sport and may receive institutional financial assistance in the second sport. *(Revised: 4/27/06 effective 8/1/06)*

12.2 INVOLVEMENT WITH PROFESSIONAL TEAMS

12.2.1 Tryouts.

12.2.1.1 Tryout Before Enrollment. A student-athlete remains eligible in a sport even though, prior to enrollment in a collegiate institution, the student-athlete may have tried out with a professional athletics team in a sport or received not more than one expense-paid visit from each professional team (or a combine including that team), provided such a visit did not exceed 48 hours and any payment or compensation in connection with the visit was not in excess of actual and necessary expenses. The 48-hour tryout period begins at the time the individual arrives at the tryout location. At the completion of the 48-hour period, the individual must depart the location of the tryout immediately in order to receive return transportation expenses. A tryout may extend beyond 48 hours if the individual self-finances additional expenses, including return transportation. A self-financed tryout may be for any length of time. *(Revised: 12/22/08)*

12.2.1.1.1 Exception for Predraft Basketball Camp. In basketball, prior to full-time enrollment in a collegiate institution, a prospective student-athlete may accept actual and necessary expenses from a professional sports organization to attend that organization's predraft basketball camp regardless of the length of the camp. *(Adopted: 4/27/06)*

12.2.1.2 Tryout After Enrollment. After initial full-time collegiate enrollment, an individual who has eligibility remaining may try out with a professional athletics team (or participate in a combine including that team) at any time, provided the individual does not miss class. The individual may receive actual and necessary expenses in conjunction with one 48-hour tryout per professional team (or a combine including that team). The 48-hour tryout period shall begin at the time the individual arrives at the tryout location. At the completion of the 48-hour period, the individual must depart the location of the tryout immediately in order to receive return transportation expenses. A tryout may extend beyond 48 hours if the individual self-finances additional expenses, including return transportation. A self-financed tryout may be for any length of time, provided the individual does not miss class. *(Revised: 1/10/92, 4/24/03, 5/26/06, 4/26/07 effective 8/1/07)*

12.2.1.2.1 Exception for Predraft Basketball Camp. In basketball, a student-athlete may accept actual and necessary travel, and room and board expenses from a professional sports organization to attend that organization's predraft basketball camp regardless of the duration of the camp. [See Bylaws 14.7.3.2-(e) and 16.10.1.9 for more information on predraft basketball camps.] *(Adopted: 4/23/03, Revised: 5/26/06, 4/26/07 effective 8/1/07)*

12.2.1.3 Outside Competition Prohibited. During a tryout, an individual may not take part in any outside competition (games or scrimmages) as a representative of a professional team.

12.2.1.4 Professional Team Representative at College Practice. A tryout with a professional team is not considered to have occurred when a representative of a professional team visits a member institution during the academic year and evaluates a student-athlete while the institution is conducting a regular practice session, physical education class or off-season conditioning program session that includes physical activities (e.g., speed trials, agility tests, strength tests), provided these activities are normally a part of and take place during regular practice, class or conditioning sessions.

12.2.2 Practice Without Competition. An individual may participate in practice sessions conducted by a professional team, provided such participation meets the requirements of NCAA legislation governing tryouts with professional athletics teams (see Bylaw 12.2.1) and the individual does not:

(a) Receive any compensation for participation in the practice sessions;

(b) Enter into any contract or agreement with a professional team or sports organization; or

(c) Take part in any outside competition (games or scrimmages) as a representative of a professional team.

12.2.2.1 Prohibited Involvement of Institution's Coach. An institution's coaching staff member may not arrange for or direct student-athletes' participation in football or basketball practice sessions conducted by a professional team.

12.2.3 Competition.

12.2.3.1 Competition against Professionals. An individual may participate singly or as a member of an amateur team against professional athletes or professional teams. *(Revised: 8/24/07)*

12.2.3.2 Competition with Professionals. An individual shall not be eligible for intercollegiate athletics in a sport if the individual ever competed on a professional team (per Bylaw 12.02.4) in that sport. However, an individual may compete on a tennis, golf, two-person sand volleyball or two-person synchronized diving team with persons who are competing for cash or a comparable prize, provided the individual does not receive payment of any kind for such participation. *(Revised: 1/9/96 effective 8/1/96, 1/14/97, 4/25/02 effective 8/1/02)*

12.2.3.2.1 Professional Player as Team Member. An individual may participate with a professional on a team, provided the professional is not being paid by a professional team or league to play as a member of that team (e.g., summer basketball leagues with teams composed of both professional and amateur athletes).

12.2.3.2.2 Professional Coach or Referee. Participation on a team that includes a professional coach or referee does not cause the team to be classified as a professional team.

12.2.3.2.3 Major Junior A Ice Hockey. Ice hockey teams in the United States and Canada, classified by the Canadian Amateur Hockey Association as major junior A teams, are considered professional teams under NCAA legislation.

12.2.3.2.3.1 Limitation on Restoration of Eligibility. An appeal for restoration of eligibility may be submitted on behalf of an individual who has participated on a major junior A ice hockey team under the provisions of Bylaw 14.12; however, such individual shall be denied at least the first year of intercollegiate athletics competition in ice hockey at the certifying institution and shall be charged with the loss of at least one season of eligibility in ice hockey. *(Revised: 1/11/89)*

12.2.3.2.4 Exception—Olympic/National Teams. It is permissible for an individual (prospective student-athlete or student-athletes) to participate on Olympic or national teams that are competing for

prize money or are being compensated by the governing body to participate in a specific event, provided the student-athlete does not accept prize money or any other compensation (other than actual and necessary expenses). *(Adopted: 8/8/02)*

12.2.3.3 Competition in Professional All-Star Contest. A student-athlete who agrees to participate in a professional (players to be paid) all-star game becomes ineligible to compete in any intercollegiate contest that occurs after that agreement. Thus, a senior entering into such an agreement immediately following the last regular-season intercollegiate contest would not be eligible to compete in a bowl game, an NCAA championship or any other licensed postseason intercollegiate contest.

12.2.4 Draft and Inquiry.

12.2.4.1 Inquiry. An individual may inquire of a professional sports organization about eligibility for a professional-league player draft or request information about the individual's market value without affecting his or her amateur status.

12.2.4.2 Draft List. After initial full-time collegiate enrollment, an individual loses amateur status in a particular sport when the individual asks to be placed on the draft list or supplemental draft list of a professional league in that sport, even though: *(Revised: 4/25/02 effective 8/1/02)*

(a) The individual asks that his or her name be withdrawn from the draft list prior to the actual draft;

(b) The individual's name remains on the list but he or she is not drafted; or

(c) The individual is drafted but does not sign an agreement with any professional athletics team.

12.2.4.2.1 Exception—Basketball—Four-Year College Student-Athlete.

12.2.4.2.1.1 Men's Basketball. In men's basketball, an enrolled student-athlete may enter a professional league's draft one time during his collegiate career without jeopardizing eligibility in that sport, provided: *(Adopted: 4/30/09 effective 8/1/09)*

(a) The student-athlete requests that his name be removed from the draft list and declares his intent to resume intercollegiate participation no later than the end of May 8 of the year in which the draft will occur;

(b) The student-athlete's declaration of intent is submitted in writing to the institution's director of athletics; and

(c) The student-athlete is not drafted.

12.2.4.2.1.2 Women's Basketball. In women's basketball, an enrolled student-athlete may enter a professional league's draft one time during her collegiate career without jeopardizing eligibility in that sport, provided the student-athlete is not drafted by any team in that league and the student-athlete declares her intention to resume intercollegiate participation within 30 days after the draft. The student-athlete's declaration of intent shall be in writing to the institution's director of athletics. *(Adopted: 1/11/94, Revised: 1/10/95, 1/14/97 effective 4/16/97, 4/24/03 effective 8/1/03 for student-athletes entering a collegiate institution on or after 8/1/03, 4/30/09 effective 8/1/09)*

12.2.4.2.2 Exception—Basketball—Two-Year College Prospective Student-Athlete. A prospective student-athlete enrolled at a two-year collegiate institution in basketball may enter a professional league's draft one time during his or her collegiate career without jeopardizing eligibility in that sport, provided the prospective student-athlete is not drafted by any team in that league. *(Adopted: 4/24/03 effective 8/1/03, for student-athletes entering a collegiate institution on or after 8/1/03)*

12.2.4.2.3 Exception—Football. [FBS/FCS] In football, an enrolled student-athlete (as opposed to a prospective student-athlete) may enter the National Football League draft one time during his collegiate career without jeopardizing eligibility in that sport, provided the student-athlete is not drafted by any team in that league and the student-athlete declares his intention to resume intercollegiate participation within 72 hours following the National Football League draft declaration date. The student-athlete's declaration of intent shall be in writing to the institution's director of athletics. *(Adopted: 10/31/02, Revised: 4/14/03, 12/15/06)*

12.2.4.2.4 Exception—Sports Other Than Basketball and Football. An enrolled student-athlete in a sport other than basketball or football may enter a professional league's draft one time during his or her collegiate career without jeopardizing his or her eligibility in the applicable sport, provided the student-athlete is not drafted and within 72 hours following the draft he or she declares his or her intention to resume participation in intercollegiate athletics. The student-athlete's declaration of intent shall be in writing to the institution's director of athletics. *(Adopted: 4/26/07 effective 8/1/07)*

12.2.4.3 Negotiations. An individual may request information about professional market value without affecting his or her amateur status. Further, the individual, his or her legal guardians or the institution's professional sports counseling panel may enter into negotiations with a professional sports organization without the loss of the individual's amateur status. An individual who retains an agent shall lose amateur status. *(Adopted: 1/10/92)*

12.2.5 Contracts and Compensation. An individual shall be ineligible for participation in an intercollegiate sport if he or she has entered into any kind of agreement to compete in professional athletics, either orally or in writing, regardless of the legal enforceability of that agreement. *(Revised: 1/10/92)*

12.2.5.1 Nonbinding Agreement. An individual who signs a contract or commitment that does not become binding until the professional organization's representative or agent also signs the document is ineligible, even if the contract remains unsigned by the other parties until after the student-athlete's eligibility is exhausted.

12.3 USE OF AGENTS

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

12.3.1.1 Representation for Future Negotiations. An individual shall be ineligible per Bylaw 12.3.1 if he or she enters into a verbal or written agreement with an agent for representation in future professional sports negotiations that are to take place after the individual has completed his or her eligibility in that sport.

12.3.1.2 Benefits from Prospective Agents. An individual shall be ineligible per Bylaw 12.3.1 if he or she (or his or her relatives or friends) accepts transportation or other benefits from: *(Revised: 1/14/97)*

(a) Any person who represents any individual in the marketing of his or her athletics ability. The receipt of such expenses constitutes compensation based on athletics skill and is an extra benefit not available to the student body in general; or

(b) An agent, even if the agent has indicated that he or she has no interest in representing the student-athlete in the marketing of his or her athletics ability or reputation and does not represent individuals in the student-athlete's sport. *(Adopted: 1/14/97)*

12.3.2 Legal Counsel. Securing advice from a lawyer concerning a proposed professional sports contract shall not be considered contracting for representation by an agent under this rule, unless the lawyer also represents the individual in negotiations for such a contract.

12.3.2.1 Presence of a Lawyer at Negotiations. A lawyer may not be present during discussions of a contract offer with a professional organization or have any direct contact (in person, by telephone or by mail) with a professional sports organization on behalf of the individual. A lawyer's presence during such discussions is considered representation by an agent.

12.3.3 Athletics Scholarship Agent. Any individual, agency or organization that represents a prospective student-athlete for compensation in placing the prospective student-athlete in a collegiate institution as a recipient of institutional financial aid shall be considered an agent or organization marketing the individual's athletics ability or reputation.

12.3.3.1 Talent Evaluation Services and Agents. A prospective student-athlete may allow a scouting service or agent to distribute personal information (e.g., high school academic and athletics records, physical statistics) to member institutions without jeopardizing his or her eligibility, provided the fee paid to such an agent is not based on placing the prospective student-athlete in a collegiate institution as a recipient of institutional financial aid.

12.3.4 Professional Sports Counseling Panel. It is permissible for an authorized institutional professional sports counseling panel to:

(a) Advise a student-athlete about a future professional career;

(b) Provide direction on securing a loan for the purpose of purchasing insurance against a disabling injury; *(Adopted: 1/16/93)*

(c) Review a proposed professional sports contract;

(d) Meet with the student-athlete and representatives of professional teams;

(e) Communicate directly (e.g., in-person, by mail or telephone) with representatives of a professional athletics team to assist in securing a tryout with that team for a student-athlete; *(Adopted: 1/11/94)*

(f) Assist the student-athlete in the selection of an agent by participating with the student-athlete in interviews of agents, by reviewing written information player agents send to the student-athlete and by having direct communication with those individuals who can comment about the abilities of an agent (e.g., other agents, a professional league's players' association); and *(Adopted: 1/11/94)*

(g) Visit with player agents or representatives of professional athletics teams to assist the student-athlete in determining his or her market value (e.g., potential salary, draft status). *(Adopted: 1/11/94)*

12.3.4.1 Appointment by President or Chancellor. This panel shall consist of at least three persons appointed by the institution's president or chancellor (or his or her designated representative from outside the athletics department). *(Revised: 3/8/06)*

12.3.4.2 Composition. The majority of panel members shall be full-time employees outside of the institution's athletics department. No more than one panel member may be an athletics department staff member. No sports agent or any person employed by a sports agent or agency may be a member of the panel. All panel members shall be identified to the NCAA national office. *(Revised: 1/11/94, 1/10/05)*

12.4 EMPLOYMENT

12.4.1 Criteria Governing Compensation to Student-Athletes. Compensation may be paid to a student-athlete: *(Revised: 11/22/04)*

(a) Only for work actually performed; and

(b) At a rate commensurate with the going rate in that locality for similar services.

12.4.1.1 Athletics Reputation. Such compensation may not include any remuneration for value or utility that the student-athlete may have for the employer because of the publicity, reputation, fame or personal following that he or she has obtained because of athletics ability.

12.4.2 Specific Athletically Related Employment Activities.

12.4.2.1 Fee-for-Lesson Instruction. A student-athlete may receive compensation for teaching or coaching sport skills or techniques in his or her sport on a fee-for-lesson basis, provided: *(Revised: 1/9/96 effective 8/1/96, 4/25/02 effective 8/1/02)*

(a) Institutional facilities are not used; *(Adopted: 4/25/02 effective 8/1/02)*

(b) Playing lessons shall not be permitted; *(Adopted: 4/25/02 effective 8/1/02)*

(c) The institution obtains and keeps on file documentation of the recipient of the lesson(s) and the fee for the lesson(s) provided during any time of the year; and *(Adopted: 4/25/02 effective 8/1/02)*

(d) The compensation is paid by the lesson recipient (or the recipient's family) and not another individual or entity. *(Adopted: 4/25/02 effective 8/1/02)*

(e) Instruction to each individual is comparable to the instruction that would be provided during a private lesson when the instruction involves more than one individual at a time. *(Adopted: 4/2/03 effective 8/1/03)*

(f) The student-athlete does not use his or her name, picture or appearance to promote or advertise the availability of fee-for-lesson sessions. *(Adopted: 4/2/03 effective 8/1/03)*

12.4.2.2 Broken-Time Payments. An individual may not receive "broken-time" payments except as authorized and administered by the U.S. Olympic Committee during the period immediately preceding and including actual Olympic competition. A permitted broken-time payment may cover financial loss as a result of absence from employment to prepare for or participate in the Olympic Games. Such compensation during any other period and payments administered independently of the USOC by other sports governing bodies (e.g., the U.S. Ski Association) are prohibited.

12.4.2.2.1 Exception When Individual Not Enrolled in Regular Term. An individual may receive broken-time payments administered by the U.S. Olympic Committee or the national governing body in the sport during a period when the individual is not enrolled (full or part time) in a regular term to cover financial loss as a result of absence from employment as a direct result of practicing and competing on a national team (defined in Bylaw 14.02.8), provided the amounts are consistent with the principles set forth in Bylaw 12.4.1 and do not exceed $300 per week, and the payment period covers no more than the period from the date the individual begins practice with the national team following selection to that team to one week after the conclusion of the competition. *(Adopted: 1/10/90, Revised: 1/9/96 effective 8/1/96)*

12.4.2.3 Athletics Equipment Sales. A student-athlete may not be employed to sell equipment related to the student-athlete's sport if his or her name, picture or athletics reputation is used to advertise or promote the product, the job or the employer. If the student-athlete's name, picture or athletics reputation is not used for advertising or promotion, the student-athlete may be employed in a legitimate sales position, provided he or she is reimbursed at an hourly rate or set salary in the same manner as any nonathlete salesperson.

12.4.2.4 Goodwill Tour Commissions. A student-athlete representing the institution in a goodwill tour during summer months, in conjunction with the tour, may sell such items as jackets, blazers or similar institutional promotional items to booster groups or other friends of the institution on a salary, but not a commission, basis.

12.4.2.5 Restitution. For violations of Bylaw 12.4.2 and its subsections in which the value of the benefit is $100 or less, the eligibility of the individual shall not be affected conditioned on the individual repaying the value of the benefit to a charity of his or her choice. However, the individual shall remain ineligible from the time the institution has knowledge of receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement staff. *(Adopted: 8/5/04)*

12.4.3 Camp/Clinic Employment, General Rule. A student-athlete may be employed by his or her institution, by another institution, or by a private organization to work in a camp or clinic as a counselor, unless otherwise restricted by NCAA legislation (see Bylaw 13.12 for regulations relating to camps and clinics). Out-of-

season playing and practice limitations may restrict the number of student-athletes from the same institution who may be employed in that institution's camp (see the specific sport in Bylaw 17 for these employment restrictions and Bylaw 13.12).

12.4.4 Self-Employment. A student-athlete may establish his or her own business, provided the student-athlete's name, photograph, appearance or athletics reputation are not used to promote the business. *(Adopted: 12/12/06)*

12.5 PROMOTIONAL ACTIVITIES

12.5.1 Permissible.

12.5.1.1 Institutional, Charitable, Education or Nonprofit Promotions. A member institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), a member conference or a noninstitutional charitable, educational or nonprofit agency may use a student-athlete's name, picture or appearance to support its charitable or educational activities or to support activities considered incidental to the student-athlete's participation in intercollegiate athletics, provided the following conditions are met: *(Revised: 1/11/89, 1/10/91, 1/10/92)*

(a) The student-athlete receives written approval to participate from the director of athletics (or his or her designee who may not be a coaching staff member), subject to the limitations on participants in such activities as set forth in Bylaw 17; *(Revised: 1/11/89, 4/26/01)*

(b) The specific activity or project in which the student-athlete participates does not involve cosponsorship, advertisement or promotion by a commercial agency other than through the reproduction of the sponsoring company's officially registered regular trademark or logo on printed materials such as pictures, posters or calendars. The company's emblem, name, address, telephone number and Web site address may be included with the trademark or logo. Personal names, messages and slogans (other than an officially registered trademark) are prohibited; *(Revised: 1/11/89, 1/10/91, 5/6/08)*

(c) The name or picture of a student-athlete with remaining eligibility may not appear on an institution's printed promotional item (e.g., poster, calendar) that includes a reproduction of a product with which a commercial entity is associated if the commercial entity's officially registered regular trademark or logo also appears on the item; *(Adopted: 11/12/97)*

(d) The student-athlete does not miss class; *(Revised: 1/11/89)*

(e) All moneys derived from the activity or project go directly to the member institution, member conference or the charitable, educational or nonprofit agency; *(Revised: 1/11/89, 1/10/92)*

(f) The student-athlete may accept actual and necessary expenses from the member institution, member conference or the charitable, educational or nonprofit agency related to participation in such activity; *(Revised: 1/11/89, 1/10/92, 4/28/05)*

(g) The student-athlete's name, picture or appearance is not used to promote the commercial ventures of any nonprofit agency; *(Adopted: 1/10/92)*

(h) Any commercial items with names, likenesses or pictures of multiple student-athletes (other than highlight films or media guides per Bylaw 12.5.1.7) may be sold only at the member institution at which the student-athletes are enrolled, institutionally controlled (owned and operated) outlets or outlets controlled by the charitable or educational organization (e.g., location of the charitable or educational organization, site of charitable event during the event). Items that include an individual student-athlete's name, picture or likeness (e.g., name on jersey, name or likeness on a bobble-head doll), other than informational items (e.g., media guide, schedule cards, institutional publications), may not be sold; and *(Adopted: 1/16/93, Revised: 1/9/96, 4/27/06 effective 8/1/06)*

(i) The student-athlete and an authorized representative of the charitable, educational or nonprofit agency sign a release statement ensuring that the student-athlete's name, image or appearance is used in a manner consistent with the requirements of this section. *(Revised: 1/11/89, 1/10/92)*

12.5.1.1.1 Promotions Involving NCAA Championships, Events, Activities or Programs. The NCAA [or a third party acting on behalf of the NCAA (e.g., host institution, conference, local organizing committee)] may use the name or picture of an enrolled student-athlete to generally promote NCAA championships or other NCAA events, activities or programs. *(Adopted: 8/7/03)*

12.5.1.1.2 Promotions Involving Commercial Locations/Sponsors. A member institution or a charitable, educational or nonprofit organization may use the appearance, name or picture of an enrolled student-athlete to promote generally its fundraising activities at the location of a commercial establishment, provided the commercial establishment is not a cosponsor of the event and the student-athlete does not promote the sale of a commercial product in conjunction with the fundraising activity. A commercial establishment would become a cosponsor if the commercial establishment either advertises the presence of the student-athlete at the commercial location or is involved directly or indirectly in promoting the activity. *(Adopted: 1/10/92)*

12.5.1.1.3 Distribution of Institutional Items through Commercial Outlets. A member institution may distribute noncommercial items that include names or pictures of student-athletes (items not for sale) at commercial establishments, provided the institution generally distributes such items to other commercial establishments in the community and the distribution of the items does not require the recipient to make a purchase at the commercial establishment. *(Adopted: 1/16/93, Revised: 5/21/08)*

12.5.1.1.4 Player/Trading Cards. A member institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), a member conference or a noninstitutional charitable, educational or nonprofit agency may distribute but may not sell player/trading cards that bear a student-athlete's name or picture. *(Adopted: 1/11/94 effective 8/1/94)*

12.5.1.1.4.1 Exception—Olympic/National Team. A national governing body may sell player/trading cards that bear the name or picture of a student-athlete who is a member of the Olympic/national team in that sport, provided all of the funds generated through the sale of such cards are deposited directly with the applicable Olympic/national team. *(Adopted: 1/6/96)*

12.5.1.1.5 Schedule Cards. An advertisement on an institution's wallet-size playing schedule that includes the name or picture of a student-athlete may include language other than the commercial product's name, trademark or logo, provided the commercial language does not appear on the same page as the picture of the student-athlete. A violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility. *(Adopted: 1/10/92, Revised: 1/14/08, 5/21/08)*

12.5.1.1.6 Effect of Violations. If an institution, without the student-athlete's knowledge or consent, uses or permits the use of the student-athlete's name or picture in a manner contrary to Bylaw 12.5.1.1, the violation shall be considered an institutional violation; however, the student-athlete's eligibility shall not be affected. In addition, a violation of Bylaw 12.5.1.1 related to any permissible promotional activity in which the only condition of the legislation not satisfied is the failure to obtain written approval from the director of athletics (or his or her designee who may not be a coaching staff member) shall be considered an institutional violation; however, the student-athlete's eligibility shall not be affected, provided the approval would have been granted if requested. *(Adopted: 1/14/97, Revised: 4/26/07)*

12.5.1.2 U.S. Olympic Committee/National Governing Body Advertisement Prior to Collegiate Enrollment. Prior to initial, full-time collegiate enrollment, an individual may receive payment for the display of athletics skill in a commercial advertisement, provided: *(Adopted: 1/11/94)*

(a) The individual receives prior approval to appear in the advertisement from the U.S. Olympic Committee or the applicable national governing body;

(b) The U.S. Olympic Committee or national governing body approves of the content and the production of the advertisement;

(c) The individual forwards the payment to the U.S. Olympic Committee or national governing body for the general use of the organization(s); and

(d) The funds are not earmarked for the individual.

12.5.1.3 Continuation of Modeling and Other Nonathletically Related Promotional Activities after Enrollment. If an individual accepts remuneration for or permits the use of his or her name or picture to advertise or promote the sale or use of a commercial product or service prior to enrollment in a member institution, continued remuneration for the use of the individual's name or picture (under the same or similar circumstances) after enrollment is permitted without jeopardizing his or her eligibility to participate in intercollegiate athletics only if all of the following conditions apply: *(Revised: 1/14/97, 3/10/04)*

(a) The individual's involvement in this type of activity was initiated prior to his or her enrollment in a member institution;

(b) The individual became involved in such activities for reasons independent of athletics ability;

(c) No reference is made in these activities to the individual's name or involvement in intercollegiate athletics;

(d) The individual does not endorse the commercial product; and *(Revised: 3/10/04)*

(e) The individual's remuneration under such circumstances is at a rate commensurate with the individual's skills and experience as a model or performer and is not based in any way upon the individual's athletics ability or reputation.

12.5.1.4 Congratulatory Advertisement. It is permissible for a student-athlete's name or picture, or the group picture of an institution's athletics squad, to appear in an advertisement of a particular business, commercial product or service, provided: *(Revised 5/21/08)*

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

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

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

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

(e) If the student-athlete has received a prize from a commercial sponsor in conjunction with participation in a promotional contest and the advertisement involves the announcement of receipt of the prize, the receipt of the prize is consistent with the provisions of Bylaw 12.5.2.3.3 and official interpretations. *(Revised: 11/1/07 effective 8/1/08)*

12.5.1.5 Educational Products Related to Sport-Skill Instruction. It is permissible for a student-athlete's name or picture to appear in books, articles and other publications, films, videotapes, and other types of electronic reproduction related to sport-skill demonstration, analysis or instruction, provided:

(a) Such print and electronic media productions are for educational purposes;

(b) There is no indication that the student-athlete expressly or implicitly endorses a commercial product or service;

(c) The student-athlete does not receive, under any circumstances, any remuneration for such participation; however, the student-athlete may receive actual and necessary expenses related to his or her participation; and *(Revised: 1/9/06 effective 8/1/06)*

(d) The student-athlete has signed a release statement ensuring that the student-athlete's name or image is used in a manner consistent with the requirements of this section and has filed a copy of the statement with the student-athlete's member institution.

12.5.1.6 Camps. An institutional or privately owned camp may use a student-athlete's name, picture and institutional affiliate only in the camp counselor section in its camp brochure to identify the student-athlete as a staff member. A student-athlete's name or picture may not be used in any other way to directly advertise or promote the camp. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, and do not affect the student-athlete's elgibility. *(Revised: 4/26/01 effective 8/1/01 for camps that occur during the 2001 academic year and thereafter, 4/17/02, 7/12/04, 1/9/06)*

12.5.1.7 Promotion by Third Party of Highlight Film, Videotape or Media Guide. Any party other than the institution or a student-athlete (e.g., a distribution company) may sell and distribute an institutional highlight film or videotape or an institutional or conference media guide that contains the names and pictures of enrolled student-athletes only if: *(Revised: 1/16/93)*

(a) The institution specifically designates any agency that is authorized to receive orders for the film, videotape or media guide; *(Revised: 1/16/93)*

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

(c) The distribution company or a retail store is precluded from using the name or picture of an enrolled student-athlete in any poster or other advertisement to promote the sale or distribution of the film or media guide; and *(Revised: 1/16/93)*

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

12.5.1.8 Promotion of NCAA and Conference Championships. The NCAA [or a third party acting on behalf of the NCAA (e.g., host institution, conference, local organizing committee)] may use the name or picture of a student-athlete to generally promote NCAA championships. A student-athlete's name or picture may appear in a poster that promotes a conference championship, provided the poster is produced by a member that hosts a portion of the championship or by the conference. *(Adopted: 1/11/89, Revised: 8/7/03)*

12.5.1.9 Olympic, Pan American, World Championships, World Cup and World University Games. A student-athlete's name or picture may be used to promote Olympic, Pan American, World Championships, World Cup or World University Games as specified in this section. *(Adopted: 1/10/92, Revised: 1/9/96 effective 8/1/96)*

12.5.1.9.1 Sale and Distribution of Promotional Items. Promotional items (e.g., posters, postcards, film, videotapes) bearing the name or picture of a student-athlete and related to these events may be sold or distributed by the national or international sports governing body sponsoring these events or its designated third-party distributors. It is not permissible for such organizations to sell player/trading cards that bear a student-athlete's name or picture, except as noted in Bylaw 12.5.1.1.4.1. Promotional items may include a corporate sponsor's trademark or logo but not a reproduction of the product with which the business is associated. The name or picture of the student-athlete may not be used by the distribution company or retail store on any advertisement to promote the sale or distribution of the commercial item. *(Adopted: 1/10/92, Revised: 1/16/93, 1/11/94 effective 8/1/94)*

12.5.1.9.1.1 Corporate Sponsors. A corporate sponsor may sell a promotional item related to these events that uses the name or picture of a team but not an individual student-athlete. *(Adopted: 1/10/92)*

12.5.2 Nonpermissible.

12.5.2.1 Advertisements and Promotions After Becoming a Student-Athlete. After becoming a student-athlete, an individual shall not be eligible for participation in intercollegiate athletics if the individual:

(a) Accepts any remuneration for or permits the use of his or her name or picture to advertise, recommend or promote directly the sale or use of a commercial product or service of any kind; or

(b) Receives remuneration for endorsing a commercial product or service through the individual's use of such product or service.

12.5.2.1.1 Exceptions. The individual's eligibility will not be affected, provided the individual participated in such activities prior to enrollment and the individual:

(a) Meets the conditions set forth in Bylaw 12.5.1.3 that would permit continuation of such activities; or

(b) Takes appropriate steps upon becoming a student-athlete to retract permission for the use of his or her name or picture and ceases receipt of any remuneration for such an arrangement.

12.5.2.1.2 Improper Use of Student-Athlete's Name or Picture. If an institution, without the student-athlete's knowledge or consent, uses or permits the use of the student-athlete's name or picture in a manner contrary to Bylaw 12.5.2.1, the violation shall be considered an institutional violation; however, the student-athlete's eligibility shall not be affected. *(Adopted: 1/11/97)*

12.5.2.2 Use of a Student-Athlete's Name or Picture without Knowledge or Permission. If a student-athlete's name or picture appears on commercial items (e.g., T-shirts, sweatshirts, serving trays, playing cards, posters) or is used to promote a commercial product sold by an individual or agency without the student-athlete's knowledge or permission, the student-athlete (or the institution acting on behalf of the student-athlete) is required to take steps to stop such an activity in order to retain his or her eligibility for intercollegiate athletics. Such steps are not required in cases in which a student-athlete's photograph is sold by an individual or agency (e.g., private photographer, news agency) for private use. *(Revised: 1/11/97, 5/12/05)*

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

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

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

12.5.2.3.3 Promotional Contests. Receipt of a prize for winning an institutional or noninstitutional promotional activity (e.g., making a half-court basketball shot, being involved in a money scramble) by a prospective or enrolled student-athlete (or a member of his or her family) does not affect his or her eligibility, provided the prize is won through a random drawing in which all members of the general public or the student body are eligible to participate. *(Revised: 1/9/96 effective 8/1/96, 3/25/05, 6/12/07)*

12.5.2.4 Other Promotional Activities. A student-athlete may not participate in any promotional activity that is not permitted under Bylaw 12.5.1. *(Adopted: 11/1/01)*

12.5.3 Media Activities.

(a) **During the Playing Season.** During the playing season, a student-athlete may appear on radio and television programs (e.g., coaches' shows) or engage in writing projects when the student-athlete's appearance or participation is related in any way to athletics ability or prestige, provided the student-athlete does not receive any remuneration for the appearance or participation in the activity. The student-athlete shall not make any endorsement, expressed or implied, of any commercial product or service. The student-athlete may, however, receive actual and necessary expenses directly related to the appearance or participation in the activity. A student-athlete participating in media activities during the playing season may not miss class, except for class time missed in conjunction with away-from-home competition or to participate in a conference-sponsored media day. *(Revised: 1/16/93, 1/14/97, 1/9/06, 4/27/06)*

(b) **Outside the Playing Season.** Outside the playing season, a student-athlete may participate in media activities (e.g., appearance on radio, television, in films or stage productions or participation in writing projects) when such appearance or participation is related in any way to athletics ability or prestige, provided the student-athlete is eligible academically to represent the institution and does not receive any remuneration for such appearance or participation. The student-athlete may not make any endorsement, expressed or implied, of any commercial product or service. The student-athlete may, however, receive legitimate and normal expenses directly related to such appearance or participation, provided the source of the expenses is the entity sponsoring the activity. *(Revised: 1/16/93, 1/14/97)*

12.5.4 Use of Logos on Equipment, Uniforms and Apparel. A student-athlete may use athletics equipment or wear athletics apparel that bears the trademark or logo of an athletics equipment or apparel manu-

facturer or distributor in athletics competition and pre- and postgame activities (e.g., celebrations on the court, pre- or postgame press conferences), provided the following criteria are met. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, they shall not affect the student-athlete's eligibility. *(Revised: 1/11/94, 1/10/95, 1/9/96 effective 8/1/96)*

(a) Athletics equipment (e.g., shoes, helmets, baseball bats and gloves, batting or golf gloves, hockey and lacrosse sticks, goggles and skis) shall bear only the manufacturer's normal label or trademark, as it is used on all such items for sale to the general public; and *(Revised: 1/10/95)*

(b) The student-athlete's institution's official uniform (including numbered racing bibs and warm-ups) and all other items of apparel (e.g., socks, head bands, T-shirts, wrist bands, visors or hats, swim caps and towels) shall bear only a single manufacturer's or distributor's normal label or trademark (regardless of the visibility of the label or trademark), not to exceed 2 1/4 square inches in area (rectangle, square, parallelogram) including any additional material (e.g., patch) surrounding the normal trademark or logo. The student-athlete's institution's official uniform and all other items of apparel shall not bear a design element similar to the manufacturer's trademark/logo that is in addition to another trademark/logo that is contrary to the size restriction. *(Revised: 1/11/94, 1/10/95, 2/16/00)*

12.5.4.1 Laundry Label. If an institution's uniform or any item of apparel worn by a student-athlete in competition contains washing instructions on the outside of the apparel on a patch that also includes the manufacturer's or distributor's logo or trademark, the entire patch must be contained within a four-sided geometrical figure (rectangle, square, parallelogram) that does not to exceed 2 1/4 square inches. *(Adopted: 1/10/95)*

12.5.4.2 Pre- or Postgame Activities. The restriction on the size of a manufacturer's or distributor's logo is applicable to all apparel worn by student-athletes during the conduct of the institution's competition, which includes any pre- or postgame activities (e.g., postgame celebrations on the court, pre- or postgame press conferences) involving student-athletes. *(Adopted: 1/10/95)*

12.5.4.3 Outside Team Uniforms and Apparel. The provisions of Bylaw 12.5.4-(b) do not apply to the official uniforms and apparel worn by outside teams.

12.5.4.4 Title-Sponsor Recognition. Racing bibs and similar competition identification materials (e.g., bowl-game patches) worn by participants may include the name of the corporate sponsor of the competition, provided the involved commercial company is the sole title sponsor of the competition.

12.6 FINANCIAL DONATIONS FROM OUTSIDE ORGANIZATIONS

12.6.1 Professional Sports Organizations.

12.6.1.1 To Intercollegiate Event. A professional sports organization may not serve as a financial sponsor of intercollegiate competition. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the student-athlete's eligibility. *(Adopted: 1/10/92, Revised: 8/5/04)*

12.6.1.1.1 Exception—Sports Other Than Football and Men's Basketball. In sports other than football and men's basketball, an institution's marketing department may enter into a reciprocal contractual relationship with a professional sports organization for the specific purpose of marketing and promoting an institutionally sponsored sport. *(Adopted: 4/29/04 effective 8/1/04)*

12.6.1.2 Developmental Funds to NCAA. A professional sports organization may provide funds for intercollegiate athletics developmental purposes in a particular sport (e.g., officiating expenses, research and educational projects, the conduct of summer leagues, purchase of equipment). However, such funds shall be provided in an unrestricted manner and administered through the Association's national office.

12.6.1.3 To Institution, Permissible. A member institution may receive funds from a professional sports organization, provided: *(Revised: 4/29/04 effective 8/1/04)*

(a) The money is placed in the institution's general fund and used for purposes other than athletics;

(b) The money is placed in the institution's general scholarship fund and commingled with funds for the assistance of all students generally; or

(c) The money is received by the institution as a result of a reciprocal contractual marketing relationship and is placed in the athletics department's budget for the specific purpose of marketing and promoting any institutionally sponsored sport other than football and men's basketball. *(Adopted: 4/29/04 effective 8/1/04)*

12.6.1.4 To Institution, Nonpermissible. A member institution shall not accept funds from a professional sports organization if:

(a) The funds are for the purpose of recognizing the development of a former student-athlete in a particular sport. The receipt of such funds by an institution would make additional money available that could benefit student-athletes and thus result in student-athletes indirectly receiving funds from a professional sports organization;

(b) The money, even though not earmarked by the donor, is received and credited to institutional funds for the financial assistance of student-athletes generally; or

(c) The money is placed in the institution's general fund and credited to the athletics department for an unspecified purpose.

12.6.1.5 Revenues Derived from Pro-Am Events. The distribution of revenues from an event involving an intercollegiate athletics team and a professional sports team (e.g., a baseball game in which a member institution's team plays against a professional baseball team) or pro-am event (e.g., golf, tennis) that results in a member institution's receiving a share of receipts from such a contest is permitted, provided the institution has a formal agreement with the professional sports team regarding the institution's guarantee or share of receipts and the contractual terms are consistent with agreements made by the professional team or individuals for similar intercollegiate or nonprofessional competition.

12.6.1.6 Promotion of Professional Athletics Contests. A member institution may host and promote an athletics contest between two professional teams from recognized professional sports leagues as a fundraising activity for the institution. *(Revised: 1/9/96 effective 8/1/96)*

12.6.2 Organizations (Nonprofessional Sports Organizations).

12.6.2.1 Individual Athletics Performance. A member institution shall not accept funds donated from a nonprofessional sports organization based on the place finish of a student-athlete or the number of student-athletes representing the institution in an event. However, the organization may donate an equal amount of funds to every institution with an athlete or team participating in a particular event.

12.6.2.2 Individual and Team Rankings. A member institution may accept funds donated to its athletics program from a nonprofessional sports organization based on an individual's or a team's national or regional ranking. *(Revised: 1/9/06 effective 8/1/06)*

12.6.2.3 Academic Performance. A member institution may accept funds donated to its athletics program from a nonprofessional sports organization based on an individual's or a team's academic performance (e.g., the number of academic all-American award recipients).

BYLAW, ARTICLE 13

Recruiting

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13.01 GENERAL PRINCIPLES

13.01.1 Eligibility Effects of Recruiting Violation. The recruitment of a student-athlete by a member institution or any representative of its athletics interests in violation of the Association's legislation, as acknowledged by the institution or established through the Association's enforcement procedures, shall result in the student-athlete becoming ineligible to represent that institution in intercollegiate athletics. The Committee on Student-Athlete Reinstatement may restore the eligibility of a student involved in such a violation only when circumstances clearly warrant restoration. A student is responsible for his or her involvement in a violation of NCAA regulations during the student's recruitment, and involvement in a major violation (see Bylaw 19.02.2.2) may cause the student to become permanently ineligible for intercollegiate athletics competition at that institution.

13.01.2 Institutional Responsibility in Recruitment. A member of an institution's athletics staff or a representative of its athletics interests shall not recruit a prospective student-athlete except as permitted by this Association, the institution and the member conference, if any.

13.01.3 Off-Campus Recruiting. In-person, off-campus recruiting is limited to authorized athletics department staff members, and limitations may be placed on the number of staff members who are permitted to recruit off campus (see Bylaws 13.1.2.3 and 13.1.2.5).

13.01.4 Recruiting by Representatives of Athletics Interests. Representatives of an institution's athletics interests (as defined in Bylaw 13.02.13) are prohibited from making in-person, on- or off-campus recruiting contacts, or written or telephonic communications with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians. Specific examples of exceptions to the application of this regulation are set forth in Bylaw 13.1.2.2 (see Bylaw 13.1.3.5.1.1).

13.01.5 Compliance with Legislation for Emerging Sports. Beginning with the first year of the Association's identification of an emerging sport for women (see Bylaw 20.02.5), the institution shall comply fully in that program with all applicable recruiting legislation set forth in Bylaw 13. *(Adopted: 1/10/95, Revised: 2/24/03)*

13.01.6 Additional Recruiting Restrictions. The Committee on Academic Performance shall have the authority to determine the circumstances that would require an institution or team that fails to satisfy the academic performance program to apply additional recruiting restrictions. The Committee on Academic Performance shall establish and annually publish to the membership such circumstances under which the additional restrictions apply (see Bylaw 23). *(Adopted: 4/29/04 effective 8/1/04)*

13.02 DEFINITIONS AND APPLICATIONS

13.02.1 Camps.

13.02.1.1 Diversified Sports Camp. A diversified sports camp is a camp that offers a balanced camping experience, including participation in seasonal summer sports and recreational activities, without emphasis on instruction, practice or competition in any particular sport.

13.02.1.2 Specialized Sports Camp. A specialized sports camp is a camp that places special emphasis on a particular sport or sports and provides specialized instruction.

13.02.2 Competition Site. The "competition site" is the facility in which athletics competition is actually conducted, including any dressing room or meeting facility used in conjunction with the competition.

13.02.3 Contact. A contact is any face-to-face encounter between a prospective student-athlete or the prospective student-athlete's parents, relatives or legal guardians and an institutional staff member or athletics representative during which any dialogue occurs in excess of an exchange of a greeting. Any such face-to-face encounter that is prearranged (e.g., staff member positions himself or herself in a location where contact is possible) or that takes place on the grounds of the prospective student-athlete's educational institution or at the site of organized competition or practice involving the prospective student-athlete or the prospective student-athlete's high school, preparatory school, two-year college or all-star team shall be considered a contact, regardless of whether any conversation occurs. However, an institutional staff member or athletics representative who is approached by a prospective student-athlete or the prospective student-athlete's parents, relatives or legal guardians at any location shall not use a contact, provided the encounter was not prearranged and the staff member or athletics representative does not engage in any dialogue in excess of a greeting and takes appropriate steps to immediately terminate the encounter. *(Revised: 1/11/94 effective 8/1/94)*

13.02.3.1 Evaluation Activities During Contact Period—Football. [FBS/FCS] In football, a visit to a prospective student-athlete's high school, preparatory school or two-year college, or an evaluation at any site that occurs during a contact period shall constitute a contact (for all prospective student-athletes in that sport at the educational institution) for that particular week even if no contact is made with a prospective student-athlete. *(Adopted: 1/11/94 effective 8/1/94, Revised: 1/10/95 effective 8/1/95)*

13.02.4 Recruiting Periods.

13.02.4.1 Contact Period. A contact period is a period of time when it is permissible for authorized athletics department staff members to make in-person, off-campus recruiting contacts and evaluations.

13.02.4.2 Evaluation Period. An evaluation period is a period of time when it is permissible for authorized athletics department staff members to be involved in off-campus activities designed to assess the academic qualifications and playing ability of prospective student-athletes. No in-person, off-campus recruiting contacts shall be made with the prospective student-athlete during an evaluation period.

13.02.4.3 Quiet Period. A quiet period is a period of time when it is permissible to make in-person recruiting contacts only on the institution's campus. No in-person, off-campus recruiting contacts or evaluations may be made during the quiet period.

13.02.4.4 Dead Period. A dead period is a period of time when it is not permissible to make in-person recruiting contacts or evaluations on or off the institution's campus or to permit official or unofficial visits by prospective student-athletes to the institution's campus. The provision of complimentary admissions to a prospective student-athlete during a dead period is prohibited, except as provided in Bylaw 13.7.2.5 for a prospective student-athlete who visits an institution as part of a group. During a dead period, a coaching staff member may not serve as a speaker at or attend a meeting or banquet at which prospective student-athletes are in attendance, except as provided in Bylaw 13.1.9.1, and may not visit a prospective student-athlete's educational institution. It remains permissible, however, for an institutional staff member to write or telephone a prospective student-athlete during a dead period. *(Revised: 1/11/94)*

13.02.4.4.1 Exception—Women's Volleyball. In women's volleyball, an institutional coaching staff member may have incidental contact with a two-year college prospective student-athlete who is attending and being honored at the annual American Volleyball Coaches Association (AVCA) awards banquet, provided no recruiting conversation occurs. *(Adopted: 10/30/03)*

13.02.5 Enrolled Student-Athlete. An enrolled student-athlete is an individual whose enrollment was solicited by a member of the athletics staff or other representative of athletics interests with a view toward the student's ultimate participation in the intercollegiate athletics program. Any other student becomes a student-athlete only when the student reports for an intercollegiate squad that is under the jurisdiction of the athletics department.

13.02.6 Evaluation. Evaluation is any off-campus activity designed to assess the academic qualifications or athletics ability of a prospective student-athlete, including any visit to a prospective student-athlete's educational institution (during which no contact occurs) or the observation of a prospective student-athlete participating in any practice or competition at any site. *(Revised: 1/10/91 effective 8/1/91, 1/11/94 effective 8/1/94)*

13.02.6.1 Exception—Football. In football, any evaluation that occurs during a contact period by a coaching staff member is a countable contact per Bylaw 13.02.3.1 rather than a countable evaluation. *(Adopted: 1/10/95 effective 8/1/95)*

13.02.6.2 Evaluation Days—Football, Softball and Women's Volleyball. An evaluation day is defined as one coach engaged in the evaluation of any prospective student-athlete on one day (12:01 a.m. to midnight). Two coaches making evaluations on the same day shall use two evaluation days. The combined total of such days for all staff members shall not exceed 42 in football (54 for U.S. service academies), 50 in softball and 80 in women's volleyball. *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/12/99 effective 8/1/99, 4/27/00 effective 8/1/01, 4/25/02 effective 8/1/02, 4/28/05 effective 8/1/05, 1/14/08 effective 8/1/08, 4/14/08)*

13.02.7 Recruiting-Person Days—Men's Basketball. In men's basketball, a recruiting-person day is defined as one coach engaged in an off-campus recruiting activity of a men's basketball prospective student-athlete, including a prospective student-athlete who has signed a National Letter of Intent (or the institution's written offer of admission and/or financial aid), on one day (12:01 a.m. to midnight); two coaches engaged in recruiting activities on the same day shall use two recruiting-person days. Men's basketball staff members shall not exceed 130 recruiting-person days during the academic year contact and evaluation periods. *(Adopted: 4/28/05 effective 8/1/05, Revised: 3/28/07, 5/9/08)*

13.02.7.1 Tournament Application. Each day of a tournament or tier of a tournament in which a coach engages in off-campus evaluation activity shall count as a separate recruiting-person day. *(Adopted: 12/12/06)*

13.02.8 Recruiting-Person Days—Women's Basketball. In women's basketball, a recruiting-person day is defined as one coach engaged in an off-campus recruiting activity of a women's basketball prospective student-athlete, including a prospective student-athlete who has signed a National Letter of Intent (or the institution's written offer of admission and/or financial aid), on one day (12:01 a.m. to midnight); two coaches engaged in recruiting activities on the same day shall use two recruiting-person days. Women's basketball staff members shall not exceed 100 recruiting-person days during the academic year contact and evaluation periods. *(Adopted: 4/28/05 effective 8/1/05, Revised: 1/8/07 effective 8/1/07, 3/27/07, 5/9/08)*

13.02.8.1 Tournament Application. Each day of a tournament or tier of a tournament in which a coach engages in off-campus evaluation activity shall count as a separate recruiting person day. *(Adopted: 12/12/06)*

13.02.9 Home. In general, a prospective student-athlete's "home" is the prospective student-athlete's legal residence, or the community of the educational institution in which the prospective student-athlete is enrolled while residing there.

13.02.10 National Letter of Intent. The National Letter of Intent referred to in this bylaw is the official document administered by the Collegiate Commissioners Association and used by subscribing member institutions to establish the commitment of a prospective student-athlete to attend a particular institution.

13.02.11 Prospective Student-Athlete. A prospective student-athlete is a student who has started classes for the ninth grade. In addition, a student who has not started classes for the ninth grade becomes a prospective student-athlete if the institution provides such an individual (or the individual's relatives or friends) any financial assistance or other benefits that the institution does not provide to prospective students generally. An individual remains a prospective student-athlete until one of the following occurs (whichever is earlier):

(a) The individual officially registers and enrolls in a minimum full-time program of studies and attends classes in any term of a four-year collegiate institution's regular academic year (excluding summer); or

(b) The individual participates in a regular squad practice or competition at a four-year collegiate institution that occurs before the beginning of any term; or *(Revised: 1/11/89, 1/10/90)*

(c) The individual officially registers and enrolls and attends classes during the summer prior to initial enrollment. *(Adopted: 4/28/05, Revised: 1/17/09)*

13.02.11.1 Application. An individual who is no longer considered a prospective student-athlete per Bylaw 13.02.11-(c) shall not be subject to the contact limitations in Bylaw 13 and shall be considered a student-athlete for purposes of Bylaw 16. The individual is still a prospective student-athlete for purposes of applying the remaining provisions of Bylaw 13 and other bylaws. *(Adopted: 4/28/05)*

13.02.11.2 Institutional Orientation Session. A recruited prospective student-athlete who has signed a National Letter of Intent (NLI) [or, for an institution that does not use the NLI in a particular sport or for a prospective student-athlete who is not eligible to sign an NLI (e.g., four-year college transfer), the institution's written offer of admission and/or financial aid] and has reported to an institutional orientation session that is open to all incoming students within 14 calendar days prior to the opening day of classes of a regular academic term shall not be subject to the contact restrictions in Bylaw 13 and shall be considered a student-athlete for purposes of Bylaw 16 as of the opening day of the orientation session. *(Adopted: 4/30/09)*

13.02.12 Recruiting. Recruiting is any solicitation of a prospective student-athlete or a prospective student-athlete's relatives (or legal guardians) by an institutional staff member or by a representative of the institution's athletics interests for the purpose of securing the prospective student-athlete's enrollment and ultimate participation in the institution's intercollegiate athletics program.

13.02.12.1 Recruited Prospective Student-Athlete. Actions by staff members or athletics representatives that cause a prospective student-athlete to become a recruited prospective student-athlete at that institution are: *(Revised: 1/10/90, 1/11/94 effective 8/1/94 for those students entering a collegiate institution on or after 8/1/94, 1/10/05 effective 8/01/05)*

(a) Providing the prospective student-athlete with an official visit; *(Adopted: 1/11/94 effective 8/1/94 for those students entering a collegiate institution on or after 8/1/94)*

(b) Having an arranged, in-person, off-campus encounter with the prospective student-athlete or the prospective student-athlete's parents, relatives or legal guardians; *(Adopted: 1/11/94 effective 8/1/94 for those students entering a collegiate institution on or after 8/1/94)*

(c) Initiating or arranging a telephone contact with the prospective student-athlete, the prospective student-athlete's relatives or legal guardians on more than one occasion for the purpose of recruitment; or *(Revised: 1/11/94 effective 8/1/94 for those students entering a collegiate institution on or after 8/1/94)*

(d) Issuing a National Letter of Intent or the institution's written offer of athletically related financial aid to the prospective student-athlete. Issuing a written offer of athletically related financial aid to a prospective student-athlete to attend a summer session prior to full-time enrollment does not cause the prospective student-athlete to become recruited. *(Adopted: 1/10/05 effective 8/1/05, Revised: 12/13/05)*

13.02.13 Representative of Athletics Interests. A "representative of the institution's athletics interests" is an individual, independent agency, corporate entity (e.g., apparel or equipment manufacturer) or other organization who is known (or who should have been known) by a member of the institution's executive or athletics administration to: *(Revised: 2/16/00)*

(a) Have participated in or to be a member of an agency or organization promoting the institution's intercollegiate athletics program;

(b) Have made financial contributions to the athletics department or to an athletics booster organization of that institution;

(c) Be assisting or to have been requested (by the athletics department staff) to assist in the recruitment of prospective student-athletes;

(d) Be assisting or to have assisted in providing benefits to enrolled student-athletes or their families; or

(e) Have been involved otherwise in promoting the institution's athletics program.

13.02.13.1 Duration of Status. Once an individual, independent agency, corporate entity or other organization is identified as such a representative, the person, independent agency, corporate entity or other organization retains that identity indefinitely. *(Revised: 2/16/00)*

13.02.14 Telephone Calls. All electronically transmitted human voice exchange (including videoconferencing and videophones) shall be considered telephone calls. *(Adopted: 1/10/95; Revised, 1/9/96 effective 8/1/96, 1/14/97, 4/27/00 effective 8/1/00, 9/6/00, 4/29/04 effective 8/1/04, 4/26/07 effective 8/1/07)*

13.02.15 Visits by Prospective Student-Athletes.

13.02.15.1 Official Visit. An official visit to a member institution by a prospective student-athlete is a visit financed in whole or in part by the member institution.

13.02.15.2 Unofficial Visit. An unofficial visit to a member institution by a prospective student-athlete is a visit made at the prospective student-athlete's own expense. The provision of any expenses or entertainment valued at more than $100 by the institution or representatives of its athletics interests shall require the visit to become an official visit, except as permitted in Bylaws 13.5 and 13.7. *(Revised: 2/22/07, 5/9/08)*

13.1 CONTACTS AND EVALUATIONS

Recruiting contacts (per Bylaw 13.02.3) and telephone calls by institutional staff members or representatives of the institution's athletics interests are subject to the provisions set forth in this bylaw. *(Revised: 1/10/91 effective 7/1/91, 6/13/08)*

13.1.1 Contactable Individuals.

13.1.1.1 Time Period for Off-Campus Contacts—General Rule. Off-campus recruiting contacts shall not be made with an individual (or his or her relatives or legal guardians) before July 1 following the completion of his or her junior year in high school (July 7 after the junior year in high school in women's ice hockey and July 15 after the junior year in high school women's gymnastics). U.S. service academy exceptions to this provision are set forth in Bylaw 13.16.1. *(Revised: 1/10/91 effective 7/1/91, 1/11/94 effective 3/15/94, 1/10/95, 1/14/97 effective 5/1/97, 10/28/97, 4/26/01 effective 8/1/01, 4/29/04 effective 8/1/04, 4/28/05, 1/9/06, 2/26/07, 6/13/08, 4/30/09)*

13.1.1.2 Two-Year College Prospective Student-Athletes. A prospective student-athlete who was not a qualifier as defined in Bylaw 14.02.9.1 and who is enrolled in the first year of a two-year college may not be contacted in person on or off an institution's campus for recruiting purposes.

13.1.1.3 Four-Year College Prospective Student-Athletes. An athletics staff member or other representative of the institution's athletics interests shall not make contact with the student-athlete of another NCAA or NAIA four-year collegiate institution, directly or indirectly, without first obtaining the written permission of the first institution's athletics director (or an athletics administrator designated by the athletics director) to do so, regardless of who makes the initial contact. If permission is not granted, the second institution shall not encourage the transfer and the institution shall not provide athletically related financial assistance to the student-athlete until the student-athlete has attended the second institution for one academic year. If permission is granted to contact the student-athlete, all applicable NCAA recruiting rules apply. *(Revised: 1/10/91, 1/16/93, 1/11/94, 4/26/01, 4/29/04 effective 8/1/04)*

13.1.1.3.1 Hearing Opportunity. If the institution decides to deny a student-athlete's request to permit any other institution to contact the student-athlete about transferring, or if the institution delays a response to the request or indicates that permission will be granted at a later date, the institution shall inform the student-athlete in writing that he or she, upon request, shall be provided a hearing conducted by an institutional entity or committee outside of the athletics department (e.g., the office of student affairs; office of the dean of students; or a committee composed of the faculty athletics representative, student-athletes and nonathletics faculty/staff members). The institution shall have established reasonable procedures for promptly hearing such a request. *(Adopted: 1/11/94, Revised: 9/18/07)*

13.1.1.3.2 Student-Athlete Withdrawn from Four-Year College. A member institution may contact a student-athlete who has withdrawn officially from a four-year collegiate institution without obtaining permission from the first institution only if at least one academic year has elapsed since the withdrawal.

13.1.1.3.2.1 Exception—Official Church Mission. An institution shall not contact a student-athlete who has begun service on an official church mission without obtaining permission from the institution from which the student-athlete withdrew prior to beginning his or her mission if the student-athlete signed a National Letter of Intent (NLI) and attended the institution (with which he or she signed the NLI) as a full-time student. If such a student-athlete has completed his or her official church mission and does not enroll full time in a collegiate institution within one calendar year of completion of the mission, an institution may contact the student-athlete without obtaining permission from the first institution. *(Adopted: 1/17/09 effective 8/1/09)*

13.1.1.3.3 Transfer from Institution Placed on Probation by Committee on Infractions. It is not necessary for an institution to obtain permission in writing to recruit a student-athlete at an institution that has been placed on probation with sanctions that preclude it from competing in postseason competition during the remaining seasons of the student-athlete's eligibility. However, the student-athlete's institution must be notified of the recruitment and may establish reasonable restrictions related to the contact (e.g., no visits during class time), provided such restrictions do not preclude the opportunity for the student-athlete to discuss transfer possibilities with the other institution [see Bylaw 14.8.2-(c)]. *(Adopted: 1/10/92, Revised: 1/9/06 effective 8/1/06)*

13.1.1.3.4 Transfer from Institution Ineligible for Postseason Competition—Academic Performance Program. On approval by the Committee on Academic Performance, an institution may contact a student-athlete at another institution whose team is ineligible for postseason competition during the remaining seasons of the student-athlete's eligibility due to sanctions pursuant to the Academic Performance Program, without obtaining written permission from the other institution. The student-athlete's institution must be notified of the recruitment and may establish reasonable restrictions related to the contact (e.g., no visits during class time), provided such restrictions do not preclude the opportunity for the student-athlete to discuss transfer possibilities with the other institution [see also Bylaw 14.8.2-(e)]. *(Adopted: 1/9/06 effective 8/1/06)*

13.1.1.3.5 Transfer While Ineligible Due to Positive Drug Test. If a student-athlete who is declared ineligible due to a positive drug test administered by the NCAA transfers to another NCAA institution, the institution from which the student-athlete transferred must notify the new institution of the student-athlete's ineligibility (see Bylaw 18.4.1.5.1.3). *(Adopted: 1/14/97 effective 8/1/97)*

13.1.2 Permissible Recruiters.

13.1.2.1 General Rule. All in-person, on- and off-campus recruiting contacts with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians shall be made only by authorized institutional staff members. Such contact, as well as correspondence and telephone calls, by representatives of an institution's athletics interests is prohibited except as otherwise permitted in this section. Violations of this bylaw involving individuals other than a representative of an institution's athletics interests shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Revised: 8/5/04)*

13.1.2.1.1 Off-Campus Recruiters. An institutional staff member is not permitted to recruit off campus until he or she has been certified on an annual basis as to knowledge of applicable recruiting rules per Bylaw 11.5.1.1. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Adopted: 1/10/91 effective 8/1/92, Revised: 4/27/00)*

13.1.2.2 General Exceptions. This regulation is not applicable to:

(a) **Admissions Program.** Off-campus recruiting contacts made by an institution's regular admissions program representative and directed at all prospective students including nonathletes.

(b) **Coach Who Is Prospective Student-Athlete's Parent or Legal Guardian.** Recruiting contact and evaluation limitations do not apply to a coaching staff member who is the parent (or legal guardian) of a participant in any activity being observed (e.g., practices, contests or camps), provided the attendance by the coaching staff member at such activity does not involve any personal contact with any other participating prospective student-athlete. *(Revised: 1/10/95, 1/14/97 effective 8/1/97)*

(c) **Spouse of Prospective Student-Athlete's Coach.** Recruiting contact and evaluation limitations do not apply to a coaching staff member observing a contest that involves prospective student-athletes coached by his or her spouse, provided the attendance by the coaching staff member at such a contest does not involve any personal contact with any prospective student-athlete participating in the contest. *(Adopted: 1/11/94)*

(d) **Established Family Friend/Neighbor.** Contacts made with a prospective student-athlete by an established family friend or neighbor, it being understood that such contacts are not made for recruiting purposes and are not initiated by a member of an institution's coaching staff.

(e) **Spouse of Staff Member**

(1) **On Campus.** A spouse of an institutional staff member on campus.

(2) **Off Campus during Official Visit.** A spouse of an athletics department staff member during a prospective student-athlete's official visit and within a 30-mile radius of the institution's main campus during the prospective student-athlete's official visit.

(f) **Interpreter.** An interpreter present during an institution's in-person, off-campus contact with a prospective student-athlete or the prospective student-athlete's parents (or legal guardians), provided that if the institution is involved in making the arrangements for the use of the interpreter, the interpreter must be a faculty member or a professional interpreter. It is not permissible for the interpreter to be an enrolled student-athlete, a family member of an enrolled student-athlete or a representative of the institution's athletics interests. *(Adopted: 1/11/97)*

(g) **Unavoidable Incidental Contact.** An unavoidable incidental contact made with a prospective student-athlete by representatives of the institution's athletics interests, provided the contact is not prearranged by the representative or an athletics department staff member, does not take place on the grounds of the prospective student-athlete's educational institution or at the sites of organized competition and practice involving the prospective student-athlete or the prospective student-athlete's team (high school, preparatory school, two-year college or all-star team), is not made for the purpose of recruitment of the prospective student-athlete, and involves only normal civility.

(h) **Permissible Pre-enrollment Activities.** Contacts between a prospective student-athlete and an athletics representative regarding permissible pre-enrollment activities (e.g., a discussion of summer-employment arrangements that occurs after the prospective student-athlete's signing of the National Letter of Intent).

13.1.2.3 General Restrictions—Staff Members and Governing Board. The following are additional restrictions that apply to an institution's staff members and governing board. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Revised: 4/27/00)*

(a) **Institutional Staff Members—Off-Campus Contacts.** Only those coaches permitted to recruit off campus as specified in Bylaw 11.7 may contact prospective student-athletes off campus. Institutional staff members (e.g., faculty members) may contact prospective student-athletes for recruiting purposes in all sports, on campus, or within 30 miles of campus during the prospective student-athlete's official visit. *(Revised: 1/10/91 effective 8/1/91, 4/28/05, 5/26/06)*

(b) **Board of Governors/Regents.** Recruiting contacts on or off campus between a member of the institution's board of governors (or regents) and a prospective student-athlete are not permissible.

13.1.2.4 Other Restrictions, Athletics Representatives. The following are additional restrictions that apply to athletics representatives:

(a) **Telephone Conversation.** An athletics representative of a member institution may speak to a prospective student-athlete via the telephone only if the prospective student-athlete initiates the telephone conversation and the call is not for recruiting purposes. Under such circumstances, the representative must refer questions about the institution's athletics program to the athletics department staff;

(b) **Observing Prospective Student-Athlete's Contest.** An athletics representative may view a prospective student-athlete's athletics contest on his or her own initiative, subject to the understanding that the athletics representative may not contact the prospective student-athlete on such occasions;

(c) **Evaluation of Prospective Student-Athlete.** An athletics representative may not contact a prospective student-athlete's coach, principal or counselor in an attempt to evaluate the prospective student-athlete; and

(d) **Visiting Prospective Student-Athlete's Institution.** An athletics representative may not visit a prospective student-athlete's educational institution to pick up film/videotape or transcripts pertaining to the evaluation of the prospective student-athlete's academic eligibility or athletics ability.

13.1.2.5 Off-Campus Contacts or Evaluations. Only those coaches who are identified by the institution, in accordance with Bylaws 11.7.2.2, 11.7.3.2 and 11.7.4 may contact or evaluate prospective student-athletes off campus. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; how-

ever, such violations shall not affect the prospective student-athlete's eligibility. *(Revised: 1/10/91 effective 8/1/92, 8/5/04, 5/26/06)*

13.1.2.5.1 Written Certification. A member institution shall certify in writing and have on file a list of those coaches who are permitted to contact or evaluate prospective student-athletes off campus. *(Revised: 5/26/06)*

13.1.2.5.2 Department-Wide Responsibilities. An athletics department staff member who has department-wide responsibilities (e.g., recruiting coordinator) may not contact or evaluate prospective student-athletes off campus unless the staff member is counted as a countable coach in the applicable sport (see Bylaw 11.7.1.2 for restrictions related to recruiting coordination functions). *(Revised: 5/26/06)*

13.1.2.6 Head Coach Restrictions—Bowl Subdivision Football. [FBS]

13.1.2.6.1 Off-Campus Contact. [FBS] In bowl subdivision football, the head coach may make in-person, off-campus contact with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians only during one calendar day. It is permissible for this contact to occur both at the site of the prospective student-athlete's educational institution and away from the institutional grounds. During such contact, the head coach may be accompanied by an assistants who otherwise are required to observe the restrictions contained in the bylaws. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Revised: 1/10/92 effective 8/1/92, 8/5/04, 12/15/06)*

13.1.2.6.2 Spring Evaluation Period. [FBS] In bowl subdivision football, during the April 15 through May 31 evaluation period, the head coach shall not engage in off-campus recruiting activities, participate in an off-campus coaching clinic, visit a prospective student-athlete's educational institution for any reason or meet with a prospective student-athlete's coach at an off-campus location. *(Adopted: 1/14/08, Revised: 1/17/09)*

13.1.2.7 Student-Athlete. The following conditions apply to recruiting activities involving enrolled student-athletes: *(Revised: 5/29/08)*

(a) **Off-Campus Contacts.** Off-campus, in-person recruiting contacts that are unavoidable incidental contacts between enrolled student-athletes (or other enrolled students) and a prospective student-athlete are permissible if such contacts do not occur at the direction of a coaching staff member. If unavoidable incidental contact occurs between a student-athlete and a prospective student-athlete (even at the prospective student-athlete's high school), such contact is permissible, provided the institution had no prior knowledge of the occurrence of the contact. *(Revised: 5/29/08)*

(b) **Transportation and Expenses.** An institution may not provide an enrolled student-athlete with transportation or expenses to recruit a prospective student-athlete except for those expenses specified in Bylaw 13.6.7.5 when the student-athlete serves as a student host. *(Revised: 8/5/04, 5/29/08)*

(c) **Written Correspondence.** It is permissible for an enrolled student-athlete to engage in written correspondence, provided it is not done at the direction or expense of the member institution. *(Revised: 5/29/08)*

13.1.2.7.1 Effect of Violation. A violation of Bylaw 13.1.2.7 shall be considered an institutional violation per Constitution 2.8.1; however, the prospective student-athlete's eligibility shall not be affected. (See Bylaw 16.01.1.1 for violations involving student-athletes.) *(Adopted: 8/5/04, Revised: 5/29/08)*

13.1.2.8 Talent Scout. An institution may not pay any costs incurred by an athletics talent scout or a representative of its athletics interests in studying or recruiting prospective student-athletes. An institution may not provide any such person a fee or honorarium and thereby claim the person as a staff member entitled to expense money. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Revised: 8/5/04)*

13.1.2.8.1 Employment Prohibition. An institution may not employ an individual for the primary purpose of recruiting or evaluating prospective student-athletes and designate the individual as a coach if he or she does not reside in the institution's general locale. Such an individual would be considered an athletics talent scout rather than a regular institutional staff member.

13.1.2.8.2 Expense Prohibition. An institution may not pay expenses (other than meals provided in the institution's home community) for representatives of its athletics interests to visit its campus for the purpose of becoming familiar with the institution's academic and athletics programs and campus facilities in order to represent the institution better when recruiting prospective student-athletes. The provision of such expenses would be considered payment of costs incurred by athletics talent scouts.

13.1.3 Telephone Calls.

13.1.3.1 Time Period for Telephone Calls—General Rule. Telephone calls to an individual (or his or her relatives or legal guardians) may not be made before July 1 following the completion of his or her junior year in high school (subject to the exceptions below); thereafter, staff members shall not make such telephone calls more than once per week. *(Revised: 1/10/91 effective 7/1/91, 1/16/93, 1/9/96 effective 8/1/96, 4/22/98, 4/26/01, 4/29/04 effective 8/1/04, 4/28/05 effective 8/1/05, 1/9/06, 6/13/08)*

13.1.3.1.1 Exception—Football. [FBS/FCS] In football, one telephone call to an individual (or the individual's relatives or legal guardians) may be made from April 15 through May 31 of the individual's junior year in high school. Additional telephone calls to an individual (or the individual's relatives or legal guardians) may not be made before September 1 of the beginning of the individual's senior year in high school; thereafter, such telephone contact is limited to once per week outside of a contact period. During a contact period, such telephone contact may be made at the institution's discretion. *(Revised: 1/10/91 effective 7/1/91, 1/16/93, 1/11/94 effective 3/15/94, 1/10/95, 1/14/97 effective 5/1/97, 10/28/97, 1/8/07)*

13.1.3.1.2 Exception—Men's Basketball. In men's basketball, an institution is permitted to make one telephone call per month to an individual (or the individual's relatives or legal guardians) on or after June 15 of the individual's sophomore year in high school through July 31 of the individual's junior year in high school. An institution is permitted to make two telephone calls per week to an individual (or the individual's relatives or legal guardians) beginning August 1 prior to the individual's senior year in high school. An institution is permitted to make one telephone call per week to a two-year or four-year college prospective student-athlete (or the prospective student-athlete's relatives or legal guardians). *(Adopted: 11/1/01 effective 4/1/02, Revised: 4/29/04 effective 8/1/04, 4/28/05 effective 8/1/05, 1/9/06)*

13.1.3.1.3 Exception—Women's Basketball. In women's basketball, telephone calls may be made to an individual (or the individual's relatives or legal guardians) as follows: *(Adopted: 4/22/98, Revised: 11/1/01 effective 4/1/02, 4/28/05 effective 8/1/05, 10/17/05)*

(a) One telephone call during the month of April of the individual's junior year in high school on or after the Thursday after the conclusion of the NCAA Division I Women's Final Four. *(Revised: 10/27/06)*

(b) One telephone call during the month of May of the individual's junior year in high school. *(Revised: 10/27/06)*

(c) One telephone call on or after June 1 through June 20 of the individual's junior year in high school. *(Revised: 10/27/06)*

(d) One telephone call on or after June 21 through June 30 of the individual's junior year in high school. *(Revised: 10/27/06)*

(e) Three telephone calls during the month of July following the individual's junior year in high school, with no more than one telephone call per week [see Bylaw 13.1.7.2.2-(c)]. *(Revised: 10/27/06)*

(f) Thereafter, one telephone call per week. *(Revised: 10/27/06)*

13.1.3.1.3.1 Additional Restrictions—Additional Communication with a Parent or Legal Guardian Who Serves on Staff of a Nonscholastic Team. An institution may not have any additional communication with a parent or legal guardian of a prospective student-athlete who serves on the staff of his or her daughter's nonscholastic team unless the parent or legal guardian also serves as a head coach of his or her daughter's scholastic team and the additional communication is unrelated to recruitment of his or her daughter. *(Revised: 10/27/06)*

13.1.3.1.3.2 Additional Restrictions—July Evaluation Periods. In women's basketball, during the July evaluation periods, all communication with a prospective student-athlete, the prospective student-athlete's relatives or legal guardians, the prospective student-athlete's coach or any individual associated with the prospective student-athlete as a result of the prospective student-athlete's participation in basketball, directly or indirectly, is prohibited. *(Revised: 4/28/05 effective 8/1/05)*

13.1.3.1.3.2.1 Exception—Communication After National Letter of Intent Signing or Other Written Commitment. In women's basketball, an institution may communicate with a prospective student-athlete (or the prospective student-athlete's relatives, legal guardians or coach) during the July evaluation periods, provided the prospective student-athlete has graduated from high school and signed a National Letter of Intent with the institution. For an institution not using the National Letter of Intent in women's basketball or for those prospective student-athletes not eligible to sign the National Letter of Intent, communication may occur during the July evaluation periods, provided the prospective student-athlete has graduated from high school and signed the institution's written offer of admission and/or financial aid. *(Adopted: 1/14/08)*

13.1.3.1.4 Exception—Men's Ice Hockey. In men's ice hockey, an institution is permitted to make one telephone call per month to an individual (or the individual's relatives or legal guardians) on or after June 15 at the conclusion of the individual's sophomore year in high school through July 31 after the individual's junior year in high school. An institution is permitted to make one telephone call per week to an individual (or the individual's relatives or legal guardians) beginning August 1 following completion of the individual's junior year in high school. *(Adopted: 4/26/07)*

13.1.3.1.5 Exception—Women's Ice Hockey. In women's ice hockey, an institution is permitted to make one telephone call to an individual (or the individual's relatives or guardians) who is a resident of a foreign country on or after July 7 through July 31 following the completion of the individual's sophomore year in high school. An institution is permitted to make one telephone call per week to an individual (or the individual's relatives or legal guardians) beginning July 7 following completion of the individual's junior year in high school. *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/26/07, 4/30/09)*

13.1.3.1.6 Application of Telephone Call Limitations. Once an institution reaches the applicable limit on telephone calls to a prospective student-athlete (or the prospective student-athlete's relatives or legal guardians) for a particular time period (e.g., one per month, one per week, two per week), the institution may not initiate an additional telephone call during the same time period, even if no direct conversation occurs during the additional call (e.g., voicemail message). *(Adopted: 12/13/05)*

13.1.3.1.7 Effect of Violations. Violations of Bylaw 13.1.3.1 and its subsections involving the first occasion when a staff member exceeds the permissible number of telephone calls during a given week (when it is otherwise permissible to call) shall be considered an institutional violation per Constitution 2.8.1 and shall not affect the prospective student-athlete's eligibility. *(Adopted: 8/5/04)*

13.1.3.2 Additional Regulations.

13.1.3.2.1 During Conduct of Athletics Contest. Telephone calls to a prospective student-athlete (or the prospective student-athlete's relatives or legal guardians) may not be made during the conduct of any of the institution's intercollegiate athletics contests in that sport from the time the institution's team reports on call at the competition site at the direction of the coach until the competition has concluded and the team has been dismissed by the coach. *(Revised: 1/16/93, 1/9/96, 1/8/09)*

13.1.3.2.2 Telephone Calls Initiated by Prospective Student-Athlete at His or Her Expense. Institutional coaching staff members (see Bylaw 13.1.3.4.1) may receive telephone calls placed by a prospective student-athlete at the prospective student-athlete's own expense at any time, including before July 1 following the prospective student-athlete's junior year in high school. *(Adopted: 1/10/92, Revised: 1/10/95, 8/14/02, 12/12/06)*

13.1.3.3 Exceptions.

13.1.3.3.1 Official-Visit Exception. Institutional coaching staff members (see Bylaw 13.1.3.4.1) may make unlimited telephone calls to a prospective student-athlete during the five days immediately preceding the prospective student-athlete's official visit (per Bylaw 13.6) to that institution. If more than one call per week occurs under this exception and a scheduled official visit is cancelled due to circumstances beyond the control of the prospective student-athlete or the institution (e.g., trip is canceled by the prospective student-athlete, inclement weather conditions), such calls shall not be considered institutional violations and shall not affect the prospective student-athlete's eligibility. However, the institution shall submit a report to the conference office noting the cancellation of the official visit and the reasons for such cancellation. *(Adopted: 1/10/92, Revised: 4/26/01, 12/12/06)*

13.1.3.3.2 Letter-of-Intent Signing-Date Exception. Institutional coaching staff members (see Bylaw 13.1.3.4.1) may make unlimited telephone calls to a prospective student-athlete on the initial date for the signing of the National Letter of Intent and during the two days immediately following the initial signing date. *(Adopted: 1/10/92, Revised: 12/12/06)*

13.1.3.3.2.1 Football Exception. [FBS/FCS] In football, institutional coaching staff members may make unlimited telephone calls to prospective student-athletes during the period 48 hours before and 48 hours after 7 a.m. on the initial signing date for the National Letter of Intent. *(Adopted: 1/10/92, Revised: 12/12/06, 12/15/06)*

13.1.3.3.3 Telephone Calls After National Letter of Intent Signing or Other Written Commitment. After the calendar day on which a prospective student-athlete signs a National Letter of Intent, there shall be no limit on the number of telephone calls by the institution with which the prospective student-athlete has signed. For an institution not using the National Letter of Intent in a particular sport, or for a prospective student-athlete who is not eligible to sign a National Letter of Intent (e.g., four-year college transfer), there shall be no limit on the number of telephone calls to a prospective student-athlete or the prospective student-athlete's relatives or legal guardians by that institution after the calendar day on which the prospective student-athlete signs the institution's written offer of admission and/or financial aid. *(Adopted: 2/9/95, Revised: 11/12/97, 4/29/04)*

13.1.3.3.4 Off-Campus Contact Exception. Institutional coaching staff members (see Bylaw 13.1.3.4.1) may make unlimited telephone calls to a prospective student-athlete on the day a permissible, in-person, off-campus contact occurs with the prospective student-athlete. *(Adopted: 1/10/92, Revised: 1/16/93, 12/12/06)*

13.1.3.4 Permissible Callers.

13.1.3.4.1 Institutional Coaching Staff Members—General Rule. All telephone calls made to and received from a prospective student-athlete (or the prospective student-athlete's parents, legal guardians or coaches) must be made and received by the head coach or one or more of the assistant coaches who count toward the numerical limitations in Bylaw 11.7.4 (see Bylaw 11.7.1.2). In bowl subdivision football and women's rowing, such telephone calls also may be made and received by a graduate assistant coach, provided the coach has successfully completed the coaches' certification examination per Bylaw 11.5.1.1. *(Revised: 1/10/95, 1/9/96 effective 8/1/96, 1/12/04 effective 8/1/04, 4/27/06 effective 8/1/06, 5/26/06, 12/12/06, 12/15/06)*

13.1.3.4.1.1 Exceptions—Prior to National Letter of Intent Signing or Other Written Commitment. Prior to a prospective student-athlete signing a National Letter of Intent or the institution's written offer of admission and/or financial aid, the following institutional staff members may make telephone calls to or receive telephone calls from a prospective student-athlete (or the prospective student-athlete's parents or legal guardians) as specified: *(Adopted: 4/27/06 effective 8/1/06, Revised: 1/14/08 effective 8/1/08)*

(a) **President or Chancellor/Faculty Athletics Representative/Director of Athletics/Senior Woman Administrator.** It is permissible for an institution's chancellor or president, faculty athletics representative, director of athletics and senior woman administrator to return (as opposed to initiate) telephone calls from a prospective student-athlete (or the prospective student-athlete's parents or legal guardians). Under such circumstances, there are no restrictions on the content of the conversation that may occur during the call; however, any return call is subject to any applicable limitations on the number of telephone calls that an institution may place to prospective student-athlete. *(Adopted: 6/8/99, Revised: 3/8/06, 4/27/06 effective 8/1/06, 4/24/08)*

(b) **Academic Advisors.** It is permissible for academic advisors (including academic advisors within the athletics department) to make calls to or receive calls from a prospective student-athlete (or the prospective student-athlete's parents or legal guardians) related to admissions or academic issues, subject to any applicable limitation on the number of telephone calls an institution may place to prospective student-athletes. *(Adopted: 1/10/95, Revised: 4/27/06 effective 8/1/06)*

(c) **Compliance Administrators.** It is permissible for a compliance administrator to return telephone calls from a prospective student-athlete with no limit on the timing or number of such telephone calls, provided the calls relate only to compliance issues. *(Adopted: 1/14/97, Revised: 1/9/06 effective 8/1/06, 4/27/06 effective 8/1/06, 1/14/08 effective 8/1/08)*

13.1.3.4.1.2 Exception—Noncoaching Staff Members and Noncountable Coaches—After National Letter of Intent Signing or Other Written Commitment. After the calendar day on which a prospective student-athlete signs a National Letter of Intent, a noncoaching institutional staff member or a coach who does not count toward the numerical limitations in Bylaw 11.7.4 may make telephone calls to or receive telephone calls from the prospective student-athlete (or the prospective student-athlete's parents or legal guardians). For an institution not using the National Letter of Intent in a particular sport, or for a prospective student-athlete who is not eligible to sign a National Letter of Intent (e.g., four-year college transfer), a noncoaching institutional staff member or a coach who does not count toward the numerical limitations in Bylaw 11.7.4 may make telephone calls to or receive telephone calls from a prospective student-athlete (or the prospective student-athlete's parents or legal guardians) after the calendar day on which the prospective student-athlete signs the institution's written offer of admission and/or financial aid. *(Adopted: 1/14/08 effective 8/1/08, Revised: 8/8/08)*

13.1.3.5 Nonpermissible Callers.

13.1.3.5.1 Representatives of Athletics Interests. Representatives of an institution's athletics interests (as defined in Bylaw 13.02.13) are prohibited from making telephonic communications with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians.

13.1.3.5.1.1 Prospective Student-Athlete Initiates Call. An athletics representative of a member institution may speak to a prospective student-athlete via the telephone only if the prospective student-athlete initiates the telephone conversation and the call is not for recruiting purposes. Under such circumstances, the representative must refer questions about the institution's athletics program to the athletics department staff.

13.1.3.5.2 Enrolled Student-Athletes. Enrolled student-athletes or other enrolled students shall not make or participate in telephone calls to prospective student-athletes at the direction of a coaching staff member or financed by the institution or a representative of its athletics interests; however, they may receive telephone calls at the expense of the prospective student-athlete on or after July 1 following the completion of the prospective student-athlete's junior year in high school. An enrolled student-athlete may receive telephone calls made at the expense of a prospective student-athlete prior to July 1 following the completion of the prospective student-athlete's junior year in high school, provided there is no direct or indirect involvement by athletics department staff. *(Revised: 1/10/91 effective 7/1/91, 1/14/08 effective 8/1/08)*

13.1.3.5.2.1 Admissions Program Exception. Telephone calls made by enrolled students (excluding student-athletes) pursuant to an institution's regular admissions program directed at all prospective students shall be permissible. *(Revised: 1/10/91 effective 7/1/91)*

13.1.3.6 Collect and Toll-Free Telephone Calls. Institutional coaching staff members (see Bylaw 13.1.3.4.1) may accept collect and toll-free (e.g., 1-800, 1-888) telephone calls placed by prospective student-athletes and prospective student-athletes' parents and legal guardians, provided the calls are placed not earlier than July 1 following completion of the prospective student-athlete's junior year in high school. *(Adopted: 1/10/92, Revised: 1/11/94, 12/12/06)*

13.1.3.6.1 Exception—Men's Basketball. In men's basketball, institutional coaching staff members may accept collect telephone calls placed by a prospective student-athlete and the prospective student-athlete's parents and legal guardians, provided the calls are placed not earlier than the conclusion of the prospective student-athlete's sophomore year in high school. The institution may use a toll-free number to receive such calls from a prospective student-athlete and the prospective student-athlete's parents or legal guardians. *(Adopted: 11/1/01 effective 4/1/02, Revised: 5/30/06, 12/12/06)*

13.1.3.6.2 Exception—Women's Basketball. In women's basketball, institutional coaching staff members may accept collect and toll-free telephone calls placed by a prospective student-athlete and the prospective student-athlete's parents and legal guardians, provided the calls are not placed earlier than the date on which an institution may begin placing telephone calls to the prospective student-athlete (see Bylaw 13.1.3.1.3). *(Adopted: 11/1/07)*

13.1.4 Recruiting Calendars. Recruiting calendars specify the dates for the applicable recruiting periods in the applicable sports. (See Bylaw 30.10 for a complete listing of the calendars.) *(Revised: 4/25/02 effective 8/1/02, 12/5/05, 11/1/07 effective 8/1/08)*

13.1.4.1 Contact Period Exception. An institution that does not subscribe to the National Letter of Intent in a particular sport and has an official admissions notification date (the date when all applicants are notified whether they are admitted) that occurs after the end of the final contact period of the academic year may extend the final contact period of the academic year through 30 days after the institution's official admissions notification date. The institution remains subject to all dead periods that occur during the extended contact period and may not exceed the maximum number of contacts permitted in the particular sport. *(Revised: 4/27/06)*

13.1.5 Visit to Prospective Student-Athlete's Educational Institution.

13.1.5.1 Football and Basketball. In football and basketball, institutional staff members may visit a prospective student-athlete's educational institution on not more than one occasion during a particular week within a contact period, regardless of the number of prospective student-athletes enrolled in the institution or whether any prospective student-athlete is contacted on that occasion. *(Revised: 1/11/94 effective 8/1/94)*

13.1.5.1.1 Approval by Executive Officer. All such visits that will occur during the portion of the day when classes are being conducted for all students must receive the approval of the executive officer (or the executive officer's designated representative) of the prospective student-athlete's educational institution. *(Revised: 1/14/97)*

13.1.5.1.2 Visits During Contact Period—Football. [FBS/FCS] In football, one contact per prospective student-athlete is permitted during each week of the contact period as specified in Bylaw 30.10.3 either at the prospective student-athlete's educational institution or any other location (e.g., prospective student-athlete's home). A visit to the prospective student-athlete's educational institution and any other location (e.g., prospective student-athlete's home) during the same calendar day shall be considered one contact. *(Adopted: 1/10/92 effective 8/1/92, Revised: 1/11/94 effective 8/1/94, 12/15/06)*

13.1.5.1.3 Visits During Evaluation Period—Basketball. In basketball, institutional staff members may visit a prospective student-athlete's educational institution on not more than one occasion during a particular week within an evaluation period that occurs during the academic year. During the July evaluation period, there are no limitations on the number of times an institutional staff member may visit a prospective student-athlete's educational institution. *(Adopted: 1/11/94 effective 8/1/94, Revised: 8/12/97, 9/15/97)*

13.1.5.1.3.1 Tournament Exception. In basketball, visiting a prospective student-athlete's educational institution on consecutive days during a particular week to observe a tournament or tier of a tournament shall count as a single visit (see Bylaws 13.1.8.14 and 13.1.8.14.1). *(Revised: 1/11/94 effective 8/1/94)*

13.1.5.1.4 Multiple-Sport Athlete. If a prospective student-athlete is a multisport athlete being recruited by the same institution for more than one sport, one of which is football or basketball, all staff members from the same institution are permitted only one visit per week to the prospective student-athlete's educational institution, and all visits must take place on the same day of the week.

13.1.5.1.5 Competition Not Involving Educational Institution Visited. An institution does not use its one visit per week to an educational institution if the coach observes competition between prospective student-athletes who do not attend that institution and the coach does not engage in recruitment activities with any prospective student-athlete who attends the institution where the competition is being conducted. *(Adopted: 1/16/93)*

13.1.5.2 Sports Other Than Football and Basketball. In sports other than football and basketball, visits to a prospective student-athlete's educational institution that will occur during that portion of the day when classes are being conducted for all students must receive the approval of the executive officer (or the executive officer's designated representative) of the prospective student-athlete's educational institution. *(Adopted: 1/11/94 effective 8/1/94, Revised: 1/14/97)*

13.1.6 Contacts. *(Revised: 1/11/94 effective 8/1/94, 1/9/96 effective 8/1/96, 1/14/97 effective 8/1/97, 1/12/99 effective 8/1/99, 4/27/00 effective 8/1/00, 11/1/01 effective 4/1/02, 3/10/04, 6/10/04)*

13.1.6.1 Sports Other Than Football and Basketball. In sports other than football and basketball, each institution is limited to seven recruiting opportunities (contacts and evaluations combined) per prospective student-athlete (see Bylaw 13.1.6.5). During the senior year of high school, not more than three of the seven opportunities may be off-campus contacts at any site and shall include contacts with the prospective student-athlete's relatives or legal guardians, but shall not include contacts made during an official visit per Bylaw 13.6. *(Adopted: 9/12/03, Revised: 3/10/04, 1/9/06)*

13.1.6.2 Football. [FBS/FCS] In football, each institution shall be limited to six in-person, off-campus recruiting contacts per prospective student-athlete at any site and shall include contacts made with the prospective student-athlete's relatives or legal guardians, but shall not include contacts made during an official visit per Bylaw 13.6. *(Adopted: 9/12/03, Revised: 12/15/06)*

13.1.6.3 Men's Basketball. In men's basketball, during the academic year, each institution shall be limited to seven recruiting opportunities (contacts and evaluations combined) per prospective student-athlete; however, during the prospective student-athlete's senior year, the institution is limited to not more than three in-person, off-campus contacts (see Bylaw 13.1.6.5). Men's basketball staff members shall not exceed 130 recruiting-person days during the academic year contact and evaluation periods. *(Adopted: 9/12/03, Revised: 4/28/05 effective 8/1/05, 5/9/08)*

13.1.6.4 Women's Basketball. In women's basketball, during the academic year, each institution shall be limited to five recruiting opportunities (contacts and evaluations combined) per prospective student-athlete; however, during the prospective student-athlete's senior year, the institution is limited to not more than three in-person, off-campus contacts (see Bylaw 13.1.6.5). Women's basketball staff members shall not exceed 100 recruiting-person days during the academic year contact and evaluation periods. *(Adopted: 9/12/03, Revised: 3/10/04, 4/28/05 effective 8/1/05, 1/8/07 effective 8/1/07, 5/9/08)*

13.1.6.4.1 Contact with Parent or Guardian Who Serves as Nonscholastic Coach. In-person off-campus contact with a parent or legal guardian of a prospective student-athlete who serves on the staff of his or her daughter's nonscholastic team shall count as a contact, unless the parent or legal guardian also serves as a head coach of his or her daughter's scholastic team and the contact is unrelated to recruitment of his or her daughter. *(Revised: 10/17/05)*

13.1.6.4.2 Additional Restrictions—July Evaluation Periods. In women's basketball, during the July evaluation periods, all communication with a prospective student-athlete, the prospective student-athlete's relatives or legal guardians, the prospective student-athlete's coach or any individual associated with the prospective student-athlete as a result of the prospective student-athlete's participation in basketball, directly or indirectly, is prohibited. *(Revised: 4/28/05 effective 8/1/05)*

13.1.6.5 Counting Contacts and Evaluations. Evaluations that occur during the academic year count against the permissible number of recruiting opportunities. Outside of the academic year, evaluations do not count against the annual number of recruiting opportunities. Contacts that occur with a prospective student-athlete count against the permissible number of total recruiting opportunities regardless of the time period (e.g., academic year or outside the academic year). All contacts and evaluations are subject to recruiting calendar restrictions.

13.1.6.6 On Same Day. Any number of contacts made during the same day (defined as 12:01 a.m. to midnight) shall count as one contact. *(Revised: 1/10/91 effective 8/1/91)*

13.1.6.7 Letter-of-Intent Signing. Any in-person, off-campus contact made with a prospective student-athlete for the purpose of signing a letter of intent or other commitment to attend the institution or attendance at activities related to the signing of a letter of intent or other commitment to attend the institution shall be prohibited. *(Revised: 1/10/95 effective 8/1/95)*

13.1.6.7.1 Delivery of Letter of Intent. In-person, off-campus delivery of a letter of intent by an institutional staff member shall be prohibited. The letter may be delivered by express mail, courier service, regular mail, electronic mail or facsimile machine. *(Adopted: 1/10/92, Revised: 1/10/95 effective 8/1/95, 11/22/04)*

13.1.6.8 Contacts After National Letter of Intent Signing or Other Written Commitment—Sports Other Than Women's Basketball and Football. In sports other than women's basketball and football, after the calendar day on which a prospective student-athlete signs a National Letter of Intent, there shall be no limit on the number of contacts by the institution with which the prospective student-athlete has signed. For an institution not using the National Letter of Intent in a particular sport, there shall be no limit on the number of contacts with the prospective student-athlete or the prospective student-athlete's relatives or legal guardians by that institution after the calendar day of the prospective student-athlete's signed acceptance of the institution's written offer of admission and/or financial aid. However, the following conditions continue to apply: *(Revised: 1/16/93, 1/11/94, 4/28/05 effective 8/1/05, 4/27/06, 1/14/08 effective 8/1/08, 4/24/08 effective 8/1/08)*

(a) Any contact at the prospective student-athlete's educational institution in men's basketball shall be confined to the permissible contact period and shall not exceed one visit per week; *(Revised: 1/14/08 effective 8/1/08, 4/24/08 effective 8/1/08)*

(b) No in-person, on- or off-campus contact may be made during a "dead period;" *(Revised: 1/10/92)*

(c) No on- or off-campus contact (including correspondence and telephone calls) may be made by a representative of the institution's athletics interests except those involving permissible pre-enrollment activities (e.g., a discussion of summer employment arrangements); and

(d) Contact at the site of a prospective student-athlete's competition shall continue to be governed by the provisions of Bylaw 13.1.7.2. Note: Contact with the prospective student-athlete's relatives or legal guardians at the site of the prospective student-athlete's competition shall be permitted (see Bylaw 13.1.7.2.2). *(Revised: 1/10/92)*

13.1.6.8.1 Contacts After National Letter of Intent Signing or Other Commitment—Women's Basketball. In women's basketball, after the calendar day on which the prospective student-athlete signs the National Letter of Intent (NLI), there shall be no limit on the number of contacts by the institution with which the prospective student-athlete has signed. For an institution not using the NLI in women's basketball or for those prospective student-athletes not eligible to sign the NLI (e.g., four-year college transfer), there shall be no limit on the number of contacts with the prospective student-athlete or the prospective student-athlete's relatives or legal guardians by that institution after the calendar day of the prospective student-athlete's signed acceptance of the institution's written offer of admission and/or financial aid. However, the following conditions continue to apply: *(Adopted: 4/28/05 effective 8/1/05)*

(a) No in-person, on- or off-campus contact may be made during a "dead period;"

(b) No on- or off-campus contact (including correspondence and telephone calls) may be made by a representative of the institution's athletics interests except those involving permissible pre-enrollment activities (e.g., discussion of summer employment arrangements); and

(c) Contact at the site of a prospective student-athlete's competition shall continue to be governed by the provisions of Bylaw 13.1.7.2. Note: Contact with the prospective student-athlete's relatives or legal guardians at the site of the prospective student-athlete's competition shall be permitted (see Bylaw 13.1.7.2.2).

13.1.6.8.2 Contacts After National Letter of Intent Signing or Other Written Commitment—Football. [FBS/FCS] In football, after the calendar day on which a prospective student-athlete signs a National Letter of Intent, there shall be no limit on the number of contacts by the institution with which the prospective student-athlete has signed. For an institution not using the National Letter of Intent in football, there shall be no limit on the number of contacts with the prospective student-athlete or the prospective student-athlete's relatives or legal guardians by that institution after the calendar day of the prospective student-athlete's signed acceptance of the institution's written offer of admission and/or financial aid. However, the following conditions continue to apply: *(Adopted: 4/24/08 effective 8/1/08)*

(a) Contact at the prospective student-athlete's educational institution shall be confined to the permissible contact period and the spring evaluation period (see Bylaw 30.10.3). Contact at the educational institution during the contact period shall not exceed one visit per week. A visit to the educational institution during the spring evaluation period that only includes contact with a signed prospective student-athlete shall be considered one of the institution's two permissible days at that institution (see Bylaw 13.1.8.9.2);

(b) No in-person, on- or off-campus contact may be made during a "dead period;"

(c) No on- or off-campus contact (including correspondence and telephone calls) may be made by a representative of the institution's athletics interests except those involving permissible pre-enrollment activities (e.g., discussion of summer employment arrangements); and

(d) Contact at the site of a prospective student-athlete's competition shall continue to be governed by the provisions of Bylaw 13.1.7.2. Note: Contact with the prospective student-athlete's relatives or legal guardians at the site of the prospective student-athlete's competition shall be permitted.

13.1.6.8.3 Effect of Violation. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, they shall not affect the prospective student-athlete's eligibility. *(Revised: 1/9/96 effective 8/1/96)*

13.1.6.9 Prohibited Practice Activities. A coaching staff member shall not engage in any practice activities (e.g., review of playbook, chalk talk, film review) with a prospective student-athlete. *(Adopted: 12/12/06)*

13.1.6.10 Post-High School Contacts. The contact limitations apply to the period in which the prospective student-athlete is enrolled in high school and the period beginning October 15 following the prospective student-athlete's completion of high school. *(Revised: 1/10/90)*

13.1.7 Contact Restrictions at Specified Sites.

13.1.7.1 Prospective Student-Athlete's Educational Institution. Any staff member desiring to contact a prospective student-athlete at the prospective student-athlete's high school, preparatory school or two-year college first shall obtain permission for such contact from that institution's executive officer (or the executive officer's authorized representative). Contact may be made only when such permission is granted. Institutions also are bound by this provision when recruiting international prospective student-athletes. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Revised: 8/5/04)*

13.1.7.2 Practice or Competition Site. Recruiting contact may not be made with a prospective student-athlete prior to any athletics competition in which the prospective student-athlete is a participant during the day or days of competition, even if the prospective student-athlete is on an official or unofficial visit. Contact includes the passing of notes or verbally relaying information to a prospective student-athlete by a third party on behalf of an institutional staff member and telephone calls. Such contact shall be governed by the following: *(Revised: 1/11/89, 1/10/91, 1/11/94, 1/9/96 effective 7/1/96, 9/18/07)*

(a) Contact shall not be made with the prospective student-athlete at any site prior to the contest on the day or days of competition; *(Revised: 1/11/89, 1/11/94)*

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

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

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

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

(f) Coaching staff members may not send electronic correspondence to a prospective student-athlete while he or she is on call for competition at the competition site (e.g., arena, stadium). Coaching staff members may send general correspondence (including electronic correspondence) to a prospective student-athlete while he or she is on call and not at the competition site or while the prospective student-athlete is at any location once he or she has been released by the appropriate authority, provided the general correspondence is sent directly to a prospective student-athlete (e.g., the front desk of the hotel, the prospective student-athlete's personal fax machine) and there is no additional party (e.g., camp employee, coach) involved in disseminating the correspondence (see Bylaw 13.4). For additional restrictions in basketball, see Bylaw 13.1.7.2.2. *(Revised: 4/3/02, 4/24/03, 3/23/06, 12/12/06)*

13.1.7.2.1 Effect of Violation. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Adopted: 8/5/04)*

13.1.7.2.2 Additional Restrictions—Men's and Women's Basketball. In men's and women's basketball, the following additional restrictions shall apply: *(Adopted: 4/3/02, Revised 4/24/03)*

(a) In men's basketball, contact shall not be made with a prospective student-athlete at any basketball event during the academic year that is not part of a prospective student-athlete's normal high school, preparatory school or two-year college season, or any event that is not approved, sanctioned, sponsored or conducted by the applicable state high school or two-year college association, National Federation of State High School Associations or the National Junior College Athletic Association. *(Revised: 4/24/03)*

(b) In men's basketball, all communication with a prospective student-athlete (including a prospective student-athlete who has signed a National Letter of Intent), the prospective student-athlete's relatives or legal guardians, the prospective student-athlete's coach or any individual associated with the prospective student-athlete as a result of the prospective student-athlete's participation in basketball, directly or indirectly, is prohibited during the time period in which the prospective student-athlete is participating in a summer certified event. However, printed materials (e.g., letters, recruiting brochures, questionnaires) may be sent via regular mail (see Bylaw 13.4.1) to a prospective student-athlete's home while the prospective student-athlete is participating in a summer certified event. An institutional coaching staff member may communicate at an event site with a prospective student-athlete who has signed a National Letter of Intent only if the prospective student-athlete is not participating in the event and is not associated with any team participating in the event (e.g., travels to the event at own expense, not under the authority of a coach at any time, does not participate in team functions). *(Revised: 6/20/02, 4/24/03, 4/28/05, 1/9/06 effective 8/1/06, 3/23/06, 4/23/08, 4/24/08 effective 8/1/08)*

(c) In women's basketball, during the July evaluation periods, all communication with a prospective student-athlete, the prospective student-athlete's relatives or legal guardians, the prospective student-

athlete's coach or any individual associated with the prospective student-athlete as a result of the prospective student-athlete's participation in basketball, directly or indirectly, is prohibited. *(Adopted: 4/28/05 effective 8/1/05, Revised: 3/23/06)*

13.1.7.2.2.1 Exception—Men's Basketball. In men's basketball, an institutional coaching staff member may have telephone contact with a prospective student-athlete's high school coach (or high school administrator) while the prospective student-athlete is participating in a summer certified event, provided the high school coach or administrator is not in attendance at that event. *(Adopted: 4/29/04 effective 8/1/04, Revised: 4/28/05 effective 8/1/05, 1/9/06 effective 8/1/06, 4/24/08 effective 8/1/08)*

13.1.7.2.2.2 Exception—Women's Basketball—Communication After National Letter of Intent Signing or Other Written Commitment. In women's basketball, an institution may communicate with a prospective student-athlete (or the prospective student-athlete's relatives, legal guardians or coach) during the July evaluation periods, provided the prospective student-athlete has graduated from high school and signed a National Letter of Intent with the institution. For an institution not using the National Letter of Intent in women's basketball or for those prospective student-athletes not eligible to sign the National Letter of Intent, communication may occur during the July evaluation periods, provided the prospective student-athlete has graduated from high school and signed the institution's written offer of admission and/or financial aid. *(Adopted: 1/14/08)*

13.1.7.2.3 Approved Events. It is permissible for athletics staff members who are responsible for conducting an approved athletics event (see Bylaw 13.11.3) involving prospective student-athletes to come in normal contact with participants; however, under no circumstances may recruitment take place.

13.1.7.2.4 Athletics Events Outside Contact Period—Football and Basketball. In-person contact with a prospective student-athlete shall not be made on or off the institution's campus at the site of practice or competition for any athletics event in which the prospective student-athlete participates outside the permissible contact periods in football and basketball. When a prospective student-athlete in football or basketball participates in an athletics contest or event (including a noninstitutional, private camp or clinic, but not an institutional camp or clinic) on an institution's campus outside of a contact period, it is not permissible for an authorized institutional staff member to have contact with the prospective student-athlete until the calendar day following his or her release from the contest or event. Further, if a prospective student-athlete is visiting an institution's campus immediately before or after participating in an athletics contest or event on the institution's campus, the prospective student-athlete must depart the locale of the institution the calendar day before or after the contest or event (see Bylaw 13.1.7). *(Revised: 1/11/89, 4/3/02, 6/1/07)*

13.1.7.2.5 Bowl Games. During a dead period, attendance by a prospective student-athlete at the site of an institution's bowl game practice session may occur only if the practice is open to the general public and the prospective student-athlete observes the practice only from an area reserved for that purpose for the general public. No contact between the prospective student-athlete and institutional staff members or representatives of the institution's athletics interests may occur. *(Adopted: 1/10/92)*

13.1.8 Limitations on Number of Evaluations. *(Adopted: 1/10/91 effective 8/1/91, Revised: 1/11/94 effective 8/1/94, 1/9/96 effective 8/1/96, 1/14/97 effective 8/1/97, 1/12/99 effective 8/1/99, 4/27/00 effective 8/1/00, 9/6/00, 11/1/01 effective 4/1/02)*

13.1.8.1 Visit (Without Contact) to Prospective Student-Athlete's Educational Institution. A visit (without contact) by a coaching staff member to a prospective student-athlete's educational institution counts as an evaluation for all prospective student-athletes in that sport at that educational institution. *(Adopted: 1/10/92)*

13.1.8.1.1 Competition Not Involving Educational Institution Visited. A member institution does not use an evaluation for prospective student-athletes at an educational institution if the coach observes competition at that institution between prospective student-athletes who do not attend that institution. *(Adopted: 1/11/94)*

13.1.8.2 Evaluations Are Sport Specific. The limitations on the number of evaluations in Bylaw 13.1.8 are sport specific; therefore, a prospective student-athlete being earnestly recruited [see Bylaw 15.5.9.7.1-(d)] by an institution in more than one sport may be evaluated on the permissible number of occasions in each of those sports during the academic year. Evaluations are counted against the sport of the coach making the evaluation. *(Adopted: 1/10/92)*

13.1.8.2.1 Recruiting Opportunities in Cross Country and Track and Field. An institution is limited to a total of seven recruiting opportunities (contacts and evaluations combined) during the academic year during which the prospective student-athlete competes in any or all of the sports of cross country and indoor and outdoor track and field, provided not more than three of the opportunities are contacts. *(Adopted: 1/16/93)*

13.1.8.3 Limitations on Number of Evaluations—Sports Other Than Football and Basketball. In sports other than football and basketball, during the academic year, each institution shall be limited to seven recruiting opportunities (contacts and evaluations combined) per prospective student-athlete and not more than three of the seven opportunities may be contacts (see Bylaws 13.1.6.1 and 13.1.6.5). *(Adopted: 9/12/03, Revised: 4/29/04, 1/9/06)*

13.1.8.4 Limitations on Number of Evaluations—Football. [FBS/FCS] In football, institutional staff members shall be limited to three evaluations during the academic year during which the prospective student-athlete competes or practices on any team. Not more than one evaluation may be used during the fall evaluation period and not more than two evaluations may be used during the April 15 through May 31 evaluation period. An authorized off-campus recruiter may use one evaluation to assess the prospective student-athlete's athletics ability and one evaluation to assess the prospective student-athlete's academic qualifications during the April 15 through May 31 evaluation period. If an institution's coaching staff member conducts both an athletics and an academic evaluation of a prospective student-athlete on the same day during the April 15 through May 31 evaluation period, the institution shall be charged with the use of an academic evaluation only and shall be permitted to conduct a second athletics evaluation of the prospective student-athlete on a separate day during the evaluation period. *(Adopted: 9/12/03)*

13.1.8.4.1 Head Coach Restriction—Spring Evaluation Period. [FBS] In bowl subdivision football, during the April 15 through May 31 evaluation period, the head coach shall not engage in off-campus recruiting activities, pariticpate in an off-campus coaching clinic, visit a prospective student-athlete's educational institution for any reason or meet with a prospective student-athlete's coach at an off-campus location. *(Adopted: 1/14/08, Revised: 1/17/09)*

13.1.8.5 Limitations on Number of Evaluations—Men's Basketball. In men's basketball, each institution shall be limited to seven recruiting opportunities (contacts and evaluations combined) during the academic year per prospective student-athlete; however, during the prospective student-athlete's senior year, the institution is limited to not more than three in-person, off-campus contacts (see Bylaws 13.1.6.3 and 13.1.6.5). Men's basketball coaching staff members shall not exceed 130 recruiting-person days during the academic year contact and evaluation periods. *(Adopted: 9/12/03, Revised: 4/28/05 effective 8/1/05, 5/9/08)*

13.1.8.6 Limitations on Number of Evaluations—Women's Basketball. In women's basketball, each institution shall be limited to five recruiting opportunities (contacts and evaluations combined) during the academic year per prospective student-athlete; however, during the prospective student-athlete's senior year, the institution is limited to not more than three in-person, off-campus contacts (see Bylaws 13.1.6.4 and 13.1.6.5). Women's basketball staff members shall not exceed 100 recruiting-person days during the academic year contact and evaluation periods. *(Adopted: 9/12/03, Revised: 4/29/04, 4/28/05 effective 8/1/05, 1/9/06, 1/8/07 effective 8/1/07, 5/9/08)*

13.1.8.7 On Same Day. Any number of evaluations or observations made during the same calendar day (defined as 12:01 a.m. to midnight) shall count as one evaluation. *(Adopted: 1/16/93)*

13.1.8.8 Basketball Evaluations. *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/27/00 effective 8/1/00, 4/27/00 effective 8/1/01, 11/1/01 effective 4/1/02, 4/3/02, 8/14/02, 10/31/02, 2/24/03, 3/10/04)*

(a) **Men's Basketball**. In men's basketball, each institution is limited to 130 recruiting-person days (see Bylaw 13.02.7) during the academic year contact and evaluation periods. *(Revised: 5/9/08)*

(1) **Fall Contact Period.** Evaluations at sites other than prospective student-athletes' educational institutions are prohibited during the fall contact period. Evaluations of live athletics activities shall be limited to:

(i) Regularly scheduled high school, preparatory school and two-year college contests/tournaments and practices; and

(ii) Regular scholastic activities involving prospective student-athletes enrolled only at the institution at which the regular scholastic activities occur. *(Revised: 4/28/05 effective 8/1/05, 7/5/06, 10/23/07)*

(2) **Academic Year Evaluation Period.** Evaluations of live athletics activities during the academic year evaluation period shall be limited to:

(i) Regularly scheduled high school, preparatory school and two-year college contests/tournaments and practices; and

(ii) Regular scholastic activities involving student-athletes enrolled only at the institution at which the regular scholastic activities occur. *(Revised: 4/28/05 effective 8/1/05, 10/23/07)*

(3) **March and April Contact Periods.** Evaluations at nonscholastic events are prohibited during these periods. Evaluations of live athletics activities during these periods shall be limited to:

(i) Regularly scheduled high school, preparatory school and two-year college contests/tournaments and practices; and

(ii) Regular scholastic activities involving prospective student-athletes enrolled only at the institution at which the regular scholastic activities occur. *(Adopted: 4/4/07, Revised: 10/23/07, 4/24/08 effective 8/1/08)*

(4) **Summer Evaluation Period.** During the summer evaluation period, a member of an institution's basketball coaching staff may attend institutional basketball camps per Bylaw 13.12.1.1; and non-

institutional organized events (e.g., camps, leagues, tournaments and festivals) that are certified per Bylaw 30.15. *(Revised: 10/23/07, 11/1/07)*

(5) **Predraft Camp Exception.** Evaluations conducted at National Basketball Association (NBA) official predraft camps are not included in the 130 recruiting-person days. *(Adopted: 4/28/05)*

(b) **Women's Basketball.** In women's basketball, each institution is limited to five recruiting opportunities (contacts and evaluations combined) per prospective student-athlete (see Bylaw 13.1.6.5). Women's basketball staff members shall not exceed 100 recruiting-person days during the academic year contact and evaluation periods. *(Revised: 1/8/07 effective 8/1/07, 5/9/08)*

(1) **Academic Year Evaluation Period.** Evaluations of live athletics activities during the academic year may occur at regularly scheduled high school, preparatory school and two-year college contests/tournaments and practices; and pick-up games and open gyms. Evaluations at nonscholastic events during the women's basketball prospective student-athlete's academic year shall only occur during the last full weekend (including Friday, Saturday and Sunday) of the fall contact period and the Friday, Saturday and Sunday of the spring evaluation period. *(Revised: 4/28/05 effective 8/1/05, 4/26/07, 10/23/07)*

(2) **Summer Evaluation Period.** During the summer evaluation period, a member institution's basketball coaching staff may attend noninstitutional nonorganized events (e.g., pick-up games), institutional basketball camps per Bylaw 13.12.1.1 and noninstitutional organized events (e.g., camps, leagues, tournaments and festivals) that are certified per Bylaw 30.16.

(c) **Coaches' Attendance at Basketball Events.** Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1 and shall not affect the prospective student-athlete's eligibility. *(Revised: 5/9/06)*

(1) **Men's Basketball.** Institutional coaching staff members are restricted during the academic year to attending regularly scheduled high school, preparatory school and two-year college contests/tournaments and practices and regular scholastic activities involving student-athletes enrolled only at the institution at which the regular scholastic activities occur. During the summer evaluation period, a member of an institution's basketball coaching staff may attend institutional basketball camps per Bylaw 13.12.1.1; and noninstitutional organized events (e.g., camps, leagues, tournaments, festivals) that are certified per Bylaw 30.15. It is permissible for coaches to attend organized team practices in preparation for a certified event only if such practice time has been designated by the organizer as part of the event. The basketball event certification program is not applicable to National Basketball Association (NBA) official predraft camps or noninstitutional organized events that are approved, sponsored or conducted by an applicable state, national or international governing body (e.g., intrastate and interstate high school basketball games, state high school all-star games, international competitions and practices associated with such contests). *(Revised: 5/9/06, 11/1/07, 10/23/07, 11/24/08)*

(2) **Women's Basketball.** During prescribed evaluation periods, institutional coaching staff members may attend regularly scheduled high school, preparatory school or two-year college contests/tournaments and practices; noninstitutional, nonorganized events (pick-up games); institutional basketball camps per Bylaw 13.12.1.1; and noninstitutional organized events (e.g., camps, leagues, tournaments, festivals) that are certified per Bylaw 30.16. It is permissible for coaches to attend organized team practices in preparation for a certified event only if such practice time has been designated by the organizer as part of the event. The basketball event certification program is not applicable to noninstitutional organized events that are approved, sponsored or conducted by an applicable state, national or international governing body (e.g., intrastate and interstate high school basketball games, state high school all-star games, international competitions and practices associated with such contests). *(Revised: 5/9/06, 10/23/07, 11/24/08)*

13.1.8.9 Football Evaluations.

13.1.8.9.1 Time Period for Counting Football Evaluations. [FBS/FCS] In football, the time period during which the three permissible evaluations may take place shall be from April 15 through April 14 of the following academic year. *(Adopted: 1/10/92 effective 5/1/92, Revised: 1/16/93, 4/27/00 effective 8/1/00)*

13.1.8.9.2 Limitations on the Number of Spring Evaluations. [FBS/FCS] In football, institutional staff members shall not visit a prospective student-athlete's educational institution on more than two calendar days during the spring evaluation period. A visit to a prospective student-athlete's educational institution that only includes contact with a signed prospective student-athlete during the spring evaluation period shall be considered one of the institution's two permissible days at that institution. *(Adopted: 1/10/91 effective 8/1/91, Revised: 4/27/00 effective 8/1/00, 1/14/08 effective 8/1/08, 4/24/08 effective 8/1/08)*

13.1.8.9.3 Evaluation Days. [FBS/FCS] In football, each institution is limited to 42 (54 for U.S. service academies) evaluation days (see Bylaw 13.02.6.2) during the fall evaluation period. *(Adopted: 4/25/02 effective 8/1/02, Revised: 8/14/02, 2/21/05, 5/1/05, 12/15/06, 2/22/08 effective 8/1/08, 4/14/08)*

13.1.8.9.4 Scholastic and Nonscholastic Activities. [FBS/FCS] In football, all live athletics evaluations shall be limited to:

(a) Regularly scheduled high school, preparatory school and two-year college contests and practices; and

(b) Regular scholastic activities involving prospective student-athletes enrolled only at the institution at which the regular scholastic activities occur; and *(Adopted: 1/9/06 effective 8/1/06, Revised: 1/14/08)*

(c) Events that are organized and conducted solely by the applicable state high school athletics association, state preparatory school association or state or national junior college athletics association. *(Adopted: 4/30/09 effective 8/1/09)*

13.1.8.9.4.1 Other Evaluation Events. [FBS/FCS] In football, institutional staff members shall not attend a recruiting event (other than those permitted pursuant to Bylaw 13.1.8.9.4) in which information (e.g., athletics or academic credentials, highlight or combine video) related to prospective student-athletes is presented or otherwise made available. *(Adopted: 4/30/09 effective 8/1/09)*

13.1.8.10 Evaluations in Team Sports. In team sports, an institution shall use an evaluation for each prospective student-athlete participating in a practice or contest observed by the institution's coach, even if a contact is made during the same day. An institution's coach who is attending an event in which prospective student-athletes from multiple educational institutions participate in drills (e.g., combine) shall use an evaluation only for each prospective student-athlete participating in the event that the coach observes engaging in the drills. In football, an observation that occurs during a permissible contact period shall count only as a contact per Bylaw 13.02.3.1. *(Revised: 6/28/04, 5/14/05)*

13.1.8.11 Evaluation Days—Softball. In softball, each institution is limited to 50 evaluation days (measured August 1 through July 31) per Bylaw 13.02.6.2, which do not include employment of coaches in instructional camps/clinics or the observation of prospective student-athletes participating in high school softball competition. *(Adopted: 1/12/99 effective 8/1/99, Revised: 6/8/99)*

13.1.8.12 Evaluation Days—Women's Volleyball. In women's volleyball, each institution is limited to 80 evaluation days (measured August 1 through July 31) per Bylaw 13.02.6.2. A coach's employment activities in instructional camps/clinics do not count toward the evaluation days limitation. A coach's involvement outside the contact/evaluation period with a local sports club per Bylaw 13.11.2.3 shall count toward the limit. *(Adopted: 4/25/02 effective 8/1/02, Revised: 1/8/07 effective 8/1/07)*

13.1.8.13 Evaluations in Individual Sports. An institution's coach who is attending a practice or event in which prospective student-athletes from multiple institutions participate in drills (e.g., combine) or competition in an individual sport on a specific day shall use an evaluation only for those participants who the coach observes engaging in practice or competition. The evaluation is counted even if a contact is made during the same day. *(Adopted: 1/10/92, Revised: 1/11/94 effective 8/1/94, 6/28/04, 5/4/05)*

13.1.8.14 Tournament Evaluations. Evaluation during each day of a tournament held during the academic year shall count as a separate evaluation except as follows (see Bylaw 13.1.5.1.3.1): *(Revised: 3/22/06)*

(a) Evaluation of multiple contests in a tournament that occurs on consecutive days (and normally at the same site) shall count as a single evaluation.

(b) Evaluation of multiple contests in a single tier of a tournament (e.g., sectional, district, regional) shall count as a single observation. If a particular tier of a tournament is subdivided into identifiable segments (e.g., conducted on different weekends), evaluation of contests in each identifiable segment counts as a single observation. *(Revised: 1/14/97)*

13.1.8.14.1 Other Multi-Day Events. Evaluations at a multiple-day event (e.g., jamboree, round robin, showcase) constitute separate evaluations for each day of the event unless the event is conducted in a tournament format in which a winner of the event is determined. *(Adopted: 12/13/05)*

13.1.8.15 Evaluations/Contact at Prospective Student-Athlete's Educational Institution. In sports other than football, if a coach makes an in-person recruiting contact at a prospective student-athlete's educational institution, all evaluations (other than observations of athletically related activities) made on that calendar day at the prospective student-athlete's educational institution shall not count among the permissible number of evaluations (set forth in Bylaw 13.1.8) for any prospective student-athlete at that institution in the applicable sport. In football, any evaluation activity that occurs during a permissible contact period shall count only as a contact per Bylaws 13.02.3.1 and 13.02.6.1. *(Adopted: 1/10/92,Revised: 1/10/95 effective 8/1/95, 10/14/06)*

13.1.8.16 Open Events in Which College Teams Compete. An institution does not use an evaluation if the institution's team competes in an open event (e.g., track and field meet) in which prospective student-athletes also compete. *(Adopted: 1/10/92)*

13.1.8.17 Evaluations After National Letter of Intent Signing or Other Written Commitment. After the calendar day on which a prospective student-athlete signs a National Letter of Intent, there shall be no limit on the number of evaluations by the institution with which the prospective student-athlete has signed. For an institution that does not use the National Letter of Intent, there shall be no limit on the number of evaluations with the prospective student-athlete after the calendar day of the prospective student-athlete's signed acceptance of the institution's written offer of admission and/or financial aid. *(Adopted: 1/10/95)*

13.1.8.18 Coaches' Attendance at Elite International Events. Coaching staff members may attend Olympic, Pan American, World Championships, World Cup or World University Games competition that occurs outside the permissible contact and evaluation periods. However, attendance at qualifying competition for such events, including tryouts, remains subject to the applicable recruiting calendars. *(Adopted: 1/9/06 effective 8/1/06)*

13.1.8.19 Evaluation of Individuals Prior to Ninth Grade. A coaching staff member may observe an individual who has not entered the ninth grade participating in athletically related activity, provided such observation occurs during a contact or evaluation period when it is permissible to evaluate prospective student-athletes. *(Adopted: 12/12/06)*

13.1.8.20 Effect of Violation. Violations of Bylaw 13.1.8 shall be considered institutional violations per Constitution 2.8.1; however, they shall not affect the prospective student-athlete's eligibility. *(Adopted: 4/22/98)*

13.1.9 Banquets, Meetings and NCAA Promotional Activities.

13.1.9.1 Banquets or Meetings at a Prospective Student-Athlete's Educational Institution. *(Revised: 4/15/09)*

(a) **Sports Other Than Football or Basketball.** In sports other than football and basketball, a coach may speak at a meeting or banquet (except for dead periods per Bylaw 13.02.4.4) at a prospective student-athlete's educational institution outside of a contact period or may speak at such a meeting or banquet during a contact period without using one of the institution's permissible contacts or evaluations, provided:

(1) The meeting or banquet is initiated and conducted by the educational institution;
(2) The coach does not make a recruiting presentation in conjunction with the appearance;
(3) The coach does not have any direct contact with any prospective student-athlete (or a prospective student-athlete's parents or legal guardians) in attendance; and
(4) The coach does not engage in any evaluation activities.

(b) **Basketball**

(1) **During a Contact Period.** In basketball, a coach who speaks at a meeting or banquet at a prospective student-athlete's educational institution during a contact period, uses the institution's once-per-week visit to a prospective student-athlete's educational institution and uses an evaluation for all basketball prospective student-athletes at that educational institution. The coach does not use a contact, provided he or she does not make a recruiting presentation in conjunction with the appearance and has no direct contact with any prospective student-athlete (or a prospective student-athlete's parents or legal guardians) in attendance.

(2) **Outside a Contact Period.** In basketball, a coach may speak at a meeting or banquet at a prospective student-athlete's educational institution outside a contact period without such attendance being considered an evaluation or a visit to a prospective student-athlete's educational institution (except for dead periods per Bylaw 13.02.4.4), provided: *(Revised: 5/18/05)*

(i) The meeting or banquet is initiated and conducted by the educational institution; *(Adopted: 2/22/01)*
(ii) The coach does not make a recruiting presentation in conjunction with the appearance;
(iii) The coach does not have direct contact with any prospective student-athlete (or a prospective student-athlete's parents or legal guardians) in attendance; and
(iv) The coach does not engage in any evaluation activities. *(Revised: 9/9/98)*

(c) **Football [FBS/FCS]**

(1) **During a Contact Period.** In football, a coach who speaks at a meeting or banquet at a prospective student-athlete's educational institution during a contact period, uses one of the institution's six in-person, off-campus recruiting contacts per prospective student-athlete and also uses the institution's once-per-week visit to a prospective student-athlete's educational institution (see Bylaws 11.7.2.2.1 and 11.7.3.2.1).

(2) **Outside a Contact Period.** In football, a coach may speak at a meeting or banquet at a prospective student-athlete's educational institution outside a contact period without such attendance being considered an evaluation or a visit to a prospective student-athlete's educational institution (except for dead periods per Bylaw 13.02.4.4), provided: *(Revised: 5/18/05)*

(i) The meeting or banquet is initiated and conducted by the educational institution; *(Adopted: 2/22/01)*
(ii) The coach does not make a recruiting presentation in conjunction with the appearance;
(iii) The coach does not have direct contact with any prospective student-athlete (or a prospective student-athlete's parents or legal guardians) in attendance; and
(iv) The coach does not engage in any evaluation activities (see Bylaws 11.7.2.2.1 and 11.7.3.2.1). *(Revised: 9/9/98)*

13.1.9.2 Banquets or Meetings at Locations Other Than a Prospective Student-Athlete's Educational Institution. A coach may speak at a meeting or banquet at which prospective student-athletes are in attendance at a location other than a prospective student-athlete's educational institution (except during a dead period per Bylaw 13.02.4.4) outside of a contact period or may speak at such a meeting or banquet during a contact period without using one of the institution's permissible contacts or evaluations, provided: *(Revised: 4/15/09)*

(a) The meeting or banquet is initiated and conducted by an entity other than the coach's institution;

(b) The coach does not make a recruiting presentation in conjunction with the appearance;

(c) The coach does not have any direct contact with any prospective student-athlete (or a prospective student-athlete's parents or legal guardians) in attendance; and

(d) The coach does not engage in any evaluation activities.

13.1.9.3 Postseason Game Exception. [FBS/FCS] A coach may speak at or attend a meeting or banquet (at which prospective student-athletes are in attendance) in conjunction with the institution's appearance in a postseason contest that occurs during a dead period only if the meeting or banquet is open to the general public, it is a scheduled activity associated with the contest, and the coach does not make a recruiting presentation or have any direct contact with any prospective student-athlete (or a prospective student-athlete's parents or legal guardians) in attendance. *(Adopted: 9/15/97)*

13.1.9.4 NCAA Promotional Activities Exception. An institution's coach may participate in NCAA promotional activities (e.g., autograph sessions, fan festivals, and opening ceremonies) at NCAA championship events, provided contacts with prospective student-athletes are not prearranged and recruiting activities do not occur. *(Adopted: 4/28/05)*

13.1.10 Funeral/Memorial Services. An institutional staff member may attend the funeral or memorial services of a student-athlete, a prospective student-athlete or a member of the student-athlete's or a prospective student-athlete's immediate family, at which prospective student-athletes also may be in attendance, provided no recruiting contact occurs. The involved prospective student-athlete must have signed a National Letter of Intent (NLI) with the institution, or for those institutions that do not subscribe to the NLI program, a written offer of admission and/or financial aid. *(Adopted: 4/28/05)*

13.1.11 Conference-Sponsored Sportsmanship Initiatives. A conference office may coordinate sportsmanship initiatives that may involve prospective student-athletes and their educational institutions subject to the following conditions (see Bylaws 13.4.4.4, 13.10.4 and 13.15.1.8): *(Adopted: 4/26/07 effective 8/1/07)*

(a) Any participating prospective student-athlete must attend a high school within a 30-mile radius of a conference member institution's campus;

(b) Any initiative that requires the actual presence of a prospective student-athlete shall not take place on an institution's campus; and

(c) An institution's student-athletes may participate, subject to the conditions of Bylaw 12.5.1.1.

13.2 OFFERS AND INDUCEMENTS

13.2.1 General Regulation. An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by prospective a student-athlete or his or her relatives or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability. *(Revised: 10/28/97, 11/1/00, 3/24/05)*

13.2.1.1 Specific Prohibitions. Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following:

(a) An employment arrangement for a prospective student-athlete's relatives;

(b) Gift of clothing or equipment;

(c) Cosigning of loans;

(d) Providing loans to a prospective student-athlete's relatives or friends;

(e) Cash or like items;

(f) Any tangible items, including merchandise;

(g) Free or reduced-cost services, rentals or purchases of any type;

(h) Free or reduced-cost housing;

(i) Use of an institution's athletics equipment (e.g., for a high school all-star game);

(j) Sponsorship of or arrangement for an awards banquet for high school, preparatory school or two-year-college athletes by an institution, representatives of its athletics interests or its alumni groups or booster clubs; and

(k) Expenses for academic services (e.g., tutoring, test preparation) to assist in the completion of initial-eligibility or transfer-eligibility requirements or improvement of the prospective student-athlete's academic profile in conjunction with a waiver request. *(Adopted: 4/23/08)*

13.2.1.2 Eligibility Ramifications—Restitution for Receipt of Improper Benefits. For violations of Bylaws 13.2.1 in which the value of the offer or inducement is $100 or less, the eligibility of the individual (prospective or enrolled student-athlete) shall not be affected conditioned upon the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self-report of the violation. *(Adopted: 10/28/97, Revised: 11/1/00)*

13.2.2 Awards to Prospective Student-Athletes. A member institution is limited to providing the following awards to prospective student-athletes: *(Adopted: 1/10/91)*

(a) Awards to prospective student-athletes for outstanding athletics accomplishments are prohibited, except as provided in (c) below;

(b) Awards to high school, preparatory school or two-year-college athletics teams in the name of an NCAA member institution are prohibited, regardless of the institution's involvement (or lack thereof) in the administration of the award; and

(c) Any award presented at regularly scheduled high school, preparatory school and two-year-college athletics contests or matches under the provisions of Bylaw 13.11.3.4 must be limited in value to $50 but may bear the institution's name and logo.

13.2.3 Employment of Prospective Student-Athletes.

13.2.3.1 Prior to Completion of Senior Year—Nonathletics Award Winners. An institution's athletics department may employ a prospective student-athlete who is not an athletics award winner and not recruited by the institution, provided the employment is arranged through normal institutional employment procedures (e.g., local newspaper, bulletin board listings). Any compensation received by the prospective student-athlete must be for work actually performed and commensurate with the going rate for such services in the locale. *(Adopted: 4/29/04, Revised: 6/10/04)*

13.2.3.2 Prior to Completion of Senior Year—Athletics Award Winners. An institution may employ a prospective student-athlete who is an athletics award winner in any department outside of intercollegiate athletics, provided the employment is arranged through normal institutional employment procedures (e.g., local newspaper, bulletin board listings) and without the intervention of any member of the institution's coaching staff. Any compensation received by the prospective student-athlete must be for work actually performed and commensurate with the going rate for such services in the locale. For purposes of this bylaw, institutional recreation programs, even if reporting to the athletics director, may be considered outside the intercollegiate athletics department. An institution may hire a prospective student-athlete, who is an athletics award winner, in its recreation programs, only if recreation and facility managers and no intercollegiate coaches are involved with the hiring and supervision of these employees. *(Adopted: 4/29/04 effective 8/1/04)*

13.2.3.3 After Completion of Senior Year. An institution may arrange for employment or employ any prospective student-athlete (regardless of athletics award winner status), provided the employment does not begin prior to the completion of the prospective student-athlete's senior year in high school. (See Bylaw 13.12.1.5.1.)

13.2.3.3.1 Two-Year College Prospective Student-Athletes. Once a prospective student-athlete has enrolled as a full-time student in a two-year college, the arrangement of employment by an institution for such a prospective student-athlete shall be permitted, provided the employment does not begin prior to the time period in which the prospective student-athlete has officially withdrawn from or has completed requirements for graduation at the two-year college. (See Bylaw 13.12.1.5.1.) *(Adopted: 1/12/99)*

13.2.3.4 Transportation to Summer Job. An institution or its representatives shall not provide a prospective student-athlete free transportation to and from a summer job unless it is the employer's established policy to transport all employees to and from the job site.

13.2.4 Loans to Prospective Student-Athletes. Arrangement of educational loans by an institution for a prospective student-athlete shall be permitted, provided the loan is not made prior to the completion of the prospective student-athlete's senior year in high school. Such loans must be from a regular lending agency and based on a regular repayment schedule.

13.2.5 Summer Housing for Prospective Student-Athletes. An institution may rent dormitory space to a prospective student-athlete during the summer months at the regular institutional rate, provided it is the institution's policy to make such dormitory space available on the same basis to all prospective students. An institution may arrange off-campus summer housing for a prospective student-athlete who has signed a National Letter of Intent and is enrolled in the institution's summer term prior to the student's initial full-time enrollment or is receiving athletically related financial aid to attend the institution's summer term prior to his or her initial full-time enrollment. *(Revised: 4/28/05 effective 8/1/05)*

13.2.6 Academic Support Services/Use of Training-Room Facilities. A prospective student-athlete who is enrolled in the institution's summer term prior to the student's initial, full-time enrollment at the certifying institution may be provided academic support services by the institution and also may use the institution's training-room facilities. *(Adopted: 1/11/94, Revised: 1/9/06, 1/14/08)*

13.2.7 Medical Expenses—Football.

13.2.7.1 Medical Expenses—Bowl Subdivision Football. [FBS] In bowl subdivision football, an institution may finance medical expenses (including rehabilitation and physical therapy expenses) for a prospective student-athlete who sustains an injury while participating in voluntary summer conditioning activities that are conducted by an institution's strength and conditioning coach with department-wide duties (see Bylaw 13.11.3.8.1). *(Adopted: 4/24/03 effective 5/1/03, Revised: 12/15/06)*

13.2.7.2 Medical Expenses—Championship Subdivision Football. [FCS] In championship subdivision football, an institution may finance medical expenses (including rehabilitation and physical therapy expenses) for a prospective student-athlete who sustains an injury while participating in voluntary summer conditioning activities that are conducted by an institution's strength and conditioning coach with department-wide duties or a countable coach who is a certified strength and conditioning coach (see Bylaw 13.11.3.8.2). *(Adopted: 4/24/03 effective 5/1/03, Revised: 4/29/04, 12/15/06, 5/4/09)*

13.2.8 Medical Expenses—Sports Other Than Football. In sports other than football, an institution may finance medical expenses (including rehabilitation and physical therapy expenses) for a prospective student-athlete who sustains an injury while participating in voluntary summer workouts conducted by an institution's strength and conditioning coach with department-wide duties (see Bylaws 13.11.3.9 and 13.11.3.10). *(Adopted: 4/29/04, Revised: 1/14/08, 4/30/09)*

13.2.9 Life-Threatening Injury or Illness. An institution may provide a donation (up to $100) to a charity on behalf of a prospective student-athlete or may provide other reasonable tokens of support (e.g., flowers) in the event of the death of the prospective student-athlete or the death or life-threatening injury or illness of a member of the prospective student-athlete's immediate family, provided the prospective student-athlete has signed a National Letter of Intent (NLI) with the institution, or for those institutions that do not subscribe to the NLI program, a written offer of admission and/or financial aid. *(Adopted: 1/12/04, Revised: 4/28/05, 5/26/06)*

13.2.10 Benefits for Prospective Student-Athlete's Family Members. An institutional staff member may provide a benefit to a member of the prospective student-athlete's family, provided: *(Revised: 5/11/05)*

(a) The family member has a pre-existing established relationship with the institutional staff member; and

(b) The benefit provided is consistent with the nature and level of benefits that the institutional staff member has provided to the family member prior to the prospective student-athlete starting classes for the ninth grade.

13.3 ADMISSIONS AND GRADUATION DATA, BANNED DRUG LIST AND INITIAL-ELIGIBILITY STANDARDS

13.3.1 Disclosure Report.

13.3.1.1 Report Publication. The Association's national office annually shall publish the admissions and graduation-rate data, academic progress rate and graduation success rate specified in Bylaws 30.1, 30.1.1 and 30.1.2 and shall identify the information on an institution-specific basis. *(Adopted: 1/10/90 effective immediately for data collection, effective 10/1/91 for disclosure, Revised: 1/9/06)*

13.3.1.2 Report Distribution. Member institutions shall provide to prospective student-athletes and to prospective student-athletes' parents or legal guardians the information contained within the report. The NCAA shall make a compilation of graduation data available to prospective student-athletes' guidance offices and high school and two-year college coaches via the NCAA Web site. The information shall be provided at the earliest opportunity after the institution's first arranged in-person encounter with the prospective student-athlete or upon request; however, in no event shall an institution provide the information later than the day prior to a prospective student-athlete's signed acceptance of the National Letter of Intent or signed acceptance of the institution's written offer of admission and/or financial aid. An institution may provide the information in hard copy or electronic form (e.g., electronic mail, link to Web site). Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Adopted: 1/10/90 effective immediately for data collection, effective 10/1/91 for disclosure, Revised: 1/10/92, 1/16/93, 4/27/00, 5/9/06, 5/4/09)*

The following Bylaw was revised January 17, 2009, and is effective August 1, 2010.

13.3.1.2 Report Distribution. The NCAA Eligibility Center shall provide the information contained within the report to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center and the Eligibility Center has received an institution's request to add the prospective student-athlete to the institution's institutional request list. The NCAA shall make a compilation of graduation data available to prospective student-athletes' guidance offices and high school and two-year college coaches via the NCAA Web site. *(Adopted: 1/10/90 effective immediately for data collection, effective 10/1/91 for disclosure; Revised: 1/10/92, 1/16/93, 4/27/00, 5/9/06, 1/17/09 effective 8/1/10, 5/4/09)*

13.3.2 Banned Drug List and Information about Nutritional Supplements.

13.3.2.1 Report Publication. The Association's national office annually shall publish the banned drug list and shall update the list on its Web site (see Bylaw 31.2.3.4). *(Adopted: 4/29/04 effective 8/1/04, Revised: 2/10/06)*

13.3.2.2 Report Distribution. Member institutions shall provide to all incoming prospective student-athletes and to prospective student-athletes' parents the NCAA banned drug list, or the NCAA Web site address at which the list is located, and information about nutritional supplements (see Bylaw 31.2.3.4). The information shall be provided at the earliest practical opportunity (e.g., after the institution's first arranged in-person encounter with the prospective student-athlete) or upon request; however, in no event shall an institution provide the information later than July 1 before the prospective student-athlete's initial enrollment at the institution. For a prospective student-athlete whose recruitment is initiated after July 1, the institution must send the banned drug list and information about nutritional supplements at the earliest opportunity. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Adopted: 4/29/04 effective 8/1/04)*

The following Bylaw was revised January 17, 2009, and is effective August 1, 2010.

13.3.2.2 Report Distribution. The NCAA Eligibility Center shall provide the NCAA banned drug list, and information about nutritional supplements (see Bylaw 31.2.3.4) to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center. *(Adopted: 4/29/04 effective 8/1/04, Revised: 1/17/09 effective 8/1/10)*

13.3.3 Notification of Initial-Eligibility Standards. Member institutions shall provide to high school prospective student-athletes and their parents or legal guardians information regarding the initial-eligibility standards contained in Bylaw 14.3. The information shall be provided at the earliest opportunity after the institution begins recruiting the prospective student-athlete, but not later than the day prior to the prospective student-athlete's signed acceptance of the National Letter of Intent or institution's written offer of admission and/or financial aid. An institution may provide the information in hard copy or electronic form (e.g., electronic mail, link to Web site). Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Adopted: 4/27/06 effective 8/1/06)*

The following Bylaw was revised January 17, 2009, and is effective August 1, 2010.

13.3.3 Notification of Initial-Eligibility Standards. The NCAA Eligibility Center shall provide information regarding the initial-eligibility standards contained in Bylaw 14.3 to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center. *(Adopted: 4/27/06 effective 8/1/06, Revised: 1/17/09 effective 8/1/10)*

13.4 RECRUITING MATERIALS

13.4.1 Recruiting Materials. In sports other than men's basketball and men's ice hockey, a member institution shall not provide recruiting materials, including general correspondence related to athletics, to an individual (or his or her parents or legal guardians) until September 1 at the beginning of his or her junior year in high school. In men's basketball and men's ice hockey, an institution shall not provide recruiting materials, including general correspondence related to athletics, to an individual (or his or her parents or legal guardians) until June 15 at the conclusion of his or her sophomore year in high school. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, they shall not affect the individual's eligibility. *(Revised: 1/10/91 effective 8/1/91, 1/10/92, 1/11/94 effective 8/1/94, 1/10/95 effective 8/1/95, 1/9/96 effective 7/1/96, 11/1/01 effective 4/1/02, 4/29/04 effective 8/1/04, 1/10/05, 4/28/05 effective 8/1/05, 4/26/07, 4/15/08, 6/13/08)*

13.4.1.1 Printed Recruiting Materials. As specified below, an institution may provide the following printed materials to prospective student-athletes, their parents or legal guardians, their coaches or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved: *(Adopted: 4/28/05 effective 8/1/05, Revised: 4/15/08)*

(a) **General Correspondence.** General correspondence, including letters and blank postcards issued by the U.S. postal service, may be sent only by mail. Attachments to general correspondence may only include materials printed on plain white paper with black ink that are not created for recruiting purposes, except for the additional printed materials listed in this section. All institutional staff members (e.g., faculty members, athletics department staff members and administrators) may prepare general correspondence. *(Revised: 3/8/06, 5/25/06, 12/12/06, 1/8/07 effective 8/1/07, 4/15/08, 4/24/08 effective 8/1/08)*

(b) **Business Cards.**

(c) **Camp Brochures.** Brochures are not restricted by content or design, but are restricted to a single two-sided sheet, not to exceed 17 by 22 inches in size when opened in full. Camp brochures may be provided to a prospective student-athlete at any time. (See also Bylaw 12.5.1.6). *(Revised: 4/15/08)*

(d) **Questionnaires.** An institution may provide questionnaires to a prospective student-athlete at any time. *(Revised: 4/14/08)*

(e) **Nonathletics Institutional Publications.** An institution may provide nonathletics institutional publications available to all students at any time (e.g., official academic, admissions and student-services publications published by the institution and available to all students).

(f) **NCAA Educational Material Published by the NCAA (e.g., NCAA Guide for the College-Bound Student-Athlete).** Such material may be provided to a prospective student-athlete at any time. *(Revised: 4/15/08)*

(g) **Athletics Publications.** An institution may produce a recruiting brochure or media guide (but not both). The publications may have only one color of print inside the cover and may not exceed 8 1/2 by 11 inches in size and 208 pages in length. An institution may not produce a separate media guide that is intended to supplement the one permissible recruiting brochure or media guide. Such supplemental information (e.g., historical information, records) may be posted on the institution's Web site and may be printed in black and white, and provided to the media. An institution may not create a portfolio of information (e.g., pictures) to be used in the recruiting process unless it is considered the institution's one permissible athletics recruiting publication. An institution may produce additional media publications for separate purposes (e.g., postseason media guide, spring football practice guide), provided the additional publications are not provided to prospective student-athletes (or their parents or legal guardians). *(Revised: 3/23/05, 4/28/05, 5/12/05, 4/15/08)*

(h) **Game Programs.** Game programs (which may not include posters) may be provided to prospective student-athletes only during official and unofficial recruiting visits and may not be mailed.

(i) **Pre-enrollment Information.** Necessary pre-enrollment information regarding orientation, conditioning, academics and practice activities, may be provided to a prospective student-athlete, provided he or she has signed a National Letter of Intent or institutional financial aid agreement or has been officially accepted for enrollment. (See Bylaw 13.4.2.5.) *(Adopted: 12/12/06)*

(j) **Institutional Note Cards.** Institutional note cards may not exceed 8 1/2 by 11 inches when opened in full. In addition, such cards may only contain the institution's name and logo or an athletics logo on the outside, must be blank on the inside (one side of the card when opened in full) when produced and may include only handwritten information (e.g., words, illustrations) on the inside when provided to the recipients. *(Adopted: 1/8/07 effective 8/1/07, Revised: 4/15/08, 4/13/09)*

(k) **Institutional Postcards.** The dimensions of an institutional postcard may not exceed 4 1/4 by 6 inches. In addition, a postcard may contain only the institution's name and logo or an athletics logo on one side when produced and may include only handwritten information, (e.g., words, illustrations) on the opposite side when provided to the recipients. *(Adopted: 1/14/09 effective 8/1/09)*

13.4.1.1.1 Express Mail Services. An institution is not permitted to use express mail delivery services and may only use first-class mail or a lesser rate of service (e.g., parcel post) with no extra services (e.g., certified mail, delivery confirmation) to provide permissible printed recruiting materials to prospective student-athletes, their parents or legal guardians, their coaches or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved, who reside within the 50 United States, other than the National Letter of Intent or other written admissions and/or financial aid commitment to attend the institution and necessary pre-enrollment information per Bylaw 13.4.1.1-(i). *(Adopted: 4/28/05 effective 8/1/05, Revised: 5/12/05, 1/14/08, 4/15/08)*

13.4.1.2 Electronic Transmissions. Electronically transmitted correspondence that may be sent to a prospective student-athlete (or the prospective student-athlete's parents or legal guardians) is limited to electronic mail and facsimiles. (See Bylaw 13.1.7.2.) All other forms of electronically transmitted correspondence (e.g., Instant Messenger, text messaging) are prohibited. Color attachments may be included with electronic mail correspondence sent to a prospective student-athlete, provided the attachment only includes information that is not created for recruiting purposes, except for items that are specifically permitted as printed recruiting materials (e.g., questionnaires). In addition, attachments shall not include any animation, audio or video clips and there shall be no cost (e.g., subscription fee) associated with sending the item attached to the electronic mail correspondence. *(Adopted: 4/28/05 effective 8/1/05, Revised: 12/12/06, 4/26/07 effective 8/1/07, 4/15/08)*

13.4.1.2.1 Exception—Electronic Transmissions After National Letter of Intent Signing or Other Written Commitment. After the calendar day on which a prospective student-athlete signs a National Letter of Intent, there shall be no limit on the forms of electronically transmitted correspondence sent to the prospective student-athlete or his or her parents or legal guardians by the institution with which the prospective student-athlete has signed. For an institution not using the National Letter of Intent in a particular sport, or for a prospective student-athlete who is not eligible to sign a National Letter of Intent (e.g., four-year college transfer), there shall be no limit on the forms of electronically transmitted correspondence sent to a prospective student-athlete or his or her parents or legal guardians by that institution after the calendar day on which the prospective student-athlete signs the institution's written offer of admission and/or financial aid. *(Adopted: 1/14/08)*

13.4.1.2.2 Exception—Electronic Transmissions After Receipt of Room or Tuition Deposit. On or after May 1 of a prospective student-athlete's senior year in high school, there shall be no limit on the forms of electronically transmitted correspondence that may be sent by an institution to the prospective student-athlete, provided the institution has received his or her room or tuition deposit in response to the institution's offer of admission. *(Adopted:1/17/09)*

13.4.1.3 Other Recruiting Materials. An institution may post recruiting materials not listed in Bylaw 13.4.1 on its Web site. General information (e.g., information not created for recruiting purposes) posted to an institution's Web site (e.g., press release, competition schedule) may be sent to a prospective student-athlete via electronic mail as an attachment or a hyperlink or such information may be printed on plain white paper with black ink and provided to a prospective student-athlete as an attachment to general correspondence, via facsimile or during any permissible on- or off-campus contact. *(Adopted: 4/28/05 effective 8/1/05, Revised: 1/17/09)*

13.4.1.4 Responding to Prospective Student-Athlete's Request. Institutional staff members (including athletics staff members) may respond to a prospective student-athlete's letter requesting information from an institution's athletics department prior to the permissible date on which an institution may begin to provide recruiting materials to a prospective student-athlete, provided the written response does not include information that would initiate the recruitment of the prospective student-athlete or information related to the institution's athletics program (e.g., the reply contains an explanation of current NCAA legislation or a referral to the admissions department). *(Revised: 5/26/06)*

13.4.2 Video/Audio Materials. A member institution may not produce video/audio materials to show or send to a prospective student-athlete except as specified in this section. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, they shall not affect the prospective student-athlete's eligibility. *(Adopted: 1/11/94 effective 8/1/94, Revised: 1/9/96 effective 8/1/96, 12/12/06, 1/8/07)*

13.4.2.1 Highlight/Video/Audio. An institution may show highlight video to highlight or play audio for prospective student-athlete or the prospective student-athlete's coach but may not send it to or leave it with the prospective student-athlete or coach. Highlight video/audio consists of "game clips" that contain informational material that is related to a particular event or sports season. Any narration on the highlight video/audio must relate specifically to the event or sports season. Highlight video/audio may include only clips of actual athletics contests and activities that occur on the day of the contest that are directly related to the contest (e.g., pregame player introductions, half-time band and cheerleader performances, locker-room talks, crowd reactions, sideline coaching staff activities, postgame on-field award presentations). The highlight video/audio may not include clips of other activities that are only indirectly related to the contests (e.g., team travel, team meals, entertainment activities, practice activities, institutional facilities). *(Adopted: 1/11/94 effective 8/1/94, Revised: 2/22/01)*

13.4.2.2 Media Available to All Students. Official academic admissions and student-services media produced by the institution and available to all students may be provided to prospective student-athletes.

13.4.2.3 Hall of Fame/Museum Video/Audio. A prospective student-athlete may tour an institution's athletics hall of fame or museum during a recruiting trip and view video or listen to audio related to the institution's athletics programs (even if such video/audio does not meet the definition of a highlight film), provided the facility is open to the general public on a year-round basis and the video/audio has been developed for the purpose of showing to the general public (as opposed to the recruitment of prospective student-athletes). *(Adopted: 2/11/98)*

13.4.2.4 Computer Recruiting Presentations. An institution may produce a computer recruiting presentation (e.g., using presentation software) to show to a prospective student-athlete during any permissible on- or off-campus contact. In addition, the presentation may be posted to the institution's Web site. Such a presentation may not include any video/audio component (except as permitted in Bylaw 13.4.2) and may not be personalized to include a prospective student-athlete's name, picture or likeness. Such a presentation may not be created by an entity outside the institution. *(Adopted: 1/8/07, Revised: 1/14/08)*

13.4.2.5 Pre-enrollment Information. An institution may provide any necessary pre-enrollment information regarding orientation, conditioning, academics and practice activities in a video format (e.g., video playbook, game clips) to a prospective student-athlete, provided he or she has signed a National Letter of Intent or institutional financial aid agreement or has been officially accepted for enrollment. [See Bylaw 13.4.1.1-(i).] *(Adopted: 12/12/06)*

13.4.3 Conference Restrictions. A member conference is precluded from providing recruiting materials to prospective student-athletes. Violations of this bylaw shall be considered violations committed by the conference; however, they shall not affect the prospective student-athlete's eligibility. *(Revised: 1/11/94 effective 8/1/94, 4/24/03 effective 8/1/03, 3/26/04)*

13.4.4 Advertisements and Promotions.

13.4.4.1 Recruiting Advertisements. The publication of advertising or promotional material, by or on behalf of a member institution, designed to solicit the enrollment of a prospective student-athlete is not permitted, except as provided in Bylaw 13.4.4.1.1. Accordingly, a member institution may not buy or arrange to have space in game programs or other printed materials published to provide information concerning the athletics participation or evaluation of prospective student-athletes (e.g., recruiting publications) for any purpose whatsoever, including advertisements, a listing of prospective or enrolled student-athletes who will attend the institution and

informative materials related to the institution. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, they shall not affect the prospective student-athlete's eligibility. *(Revised: 4/28/05 effective 8/1/05)*

13.4.4.1.1 Nonathletics Institutional Advertisements. An institution (or a third party acting on behalf of the institution) may publish nonathletics institutional advertisements or promotional material (e.g., use of signage, booths, kiosks and distribution of printed materials) at high school or two-year college athletics events provided: *(Adopted: 4/28/05 effective 8/1/05)*

(a) The funds generated by the advertisements or promotional materials are not used for the high school or two-year college's athletics program;

(b) The institution's athletics department is not involved in the advertisement or promotional activities;

(c) The advertisements or promotional materials do not contain athletics information (unless as noted in Bylaw 13.4.1-(e); and

(d) The institution documents the cost of the advertising and promotional activities.

13.4.4.1.2 Summer-Camp Advertisements. Advertisements for an institution's summer camp or clinic are permissible if placed in a periodical (other than a high school, two-year college or nonscholastic game program) that includes a camp directory that meets the following requirements: *(Revised: 1/11/94, 9/12/03)*

(a) The size (not to exceed one-half page) and format of such advertisements must be identical; and

(b) The camp directory must include multiple listings of summer camps on each page (at least two summer-camp advertisements of the same size must appear on each page).

13.4.4.2 Media Guides, Recruiting Brochures. A member institution may not develop a separate media guide or recruiting brochure to send to the media or alumni that does not meet the specification outlined in Bylaw 13.4.1-(g). Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, they shall not affect the prospective student-athlete's eligibility. *(Revised: 10/28/97)*

13.4.4.3 NCAA or Conference Championship Posters. An institution hosting an NCAA or conference championship may produce a poster promoting the championship and send it to a high school coach and/or his or her educational institution. It is not permissible to send such a poster to a prospective student-athlete. *(Adopted: 10/28/99, Revised: 4/6/00, 1/10/05 effective 8/1/05)*

13.4.4.3.1 NCAA or Conference Championship Promotional Materials. The NCAA or member conference [or a third party acting on behalf of the NCAA or member conference (e.g., host institution, host conference, or local organizing committee)] may produce and provide championship-promotional materials to any individual or group, provided the materials: *(Adopted: 1/10/05)*

(a) Are solely for the purpose of promoting the championship event rather than the host institution, and use factual information (e.g., date, time, location, identification of host school/conference, ticket information, photos of previous championships);

(b) Are not sent exclusively to prospective student-athletes;

(c) Are available to the general public; and

(d) Do not promote the institution's athletics program.

13.4.4.3.2 Effect of Violation. Violations of Bylaw 13.4.4.3 shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Adopted: 1/10/05)*

13.4.4.4 Conference-Sponsored Sportsmanship Initiatives. A conference office may buy or arrange to have space in game programs or other printed materials published to provide information concerning the athletics participation of prospective student-athletes, provided the content of the printed materials is limited exclusively to promoting sportsmanship, and the materials are not designed to solicit the enrollment of prospective student-athletes. In addition, a conference office may produce posters, limited exclusively to promoting sportsmanship, which may be sent to any educational institution. It shall not be permissible to send any printed materials related to a sportsmanship initiative (e.g., poster) to a prospective student-athlete. *(Adopted: 4/26/07 effective 8/1/07)*

13.4.4.5 Miscellaneous Promotions. Member institutions and their representatives of athletics interests are prohibited from financing, arranging or using recruiting aids (e.g., newspaper advertisements, bumper stickers, message buttons) designed to publicize the institution's interest in a particular prospective student-athlete. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, they shall not affect the prospective student-athlete's eligibility. *(Revised: 10/28/97)*

13.5 TRANSPORTATION

13.5.1 General Restrictions. An institution may not provide transportation to a prospective student-athlete other than on the official paid visit or, on an unofficial visit, to view a practice or competition site and other

institutional facilities and to attend a home athletics contest at any local facility when accompanied by an institutional staff member. During the official paid visit, transportation may be provided to view a practice or competition site and other institutional facilities located outside a 30-mile radius of the institution's campus. For violations of this bylaw in which the value of the offer or inducement is $100 or less, the eligibility of the individual (prospective or enrolled student-athlete) shall not be affected conditioned upon the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self-report of the violation. *(Revised: 1/11/89, 10/28/97, 11/1/00, 1/9/06 effective 8/1/06, 4/27/06)*

13.5.1.1 Nonpermissible Transportation. If nonpermissible transportation is provided, the institution may not avoid a violation of this rule by receiving reimbursement for mileage from the prospective student-athlete.

13.5.2 Transportation on Official Paid Visit.

13.5.2.1 General Restrictions. A member institution may pay the prospective student-athlete's actual round-trip transportation costs for his or her official visit to its campus from any location, provided the prospective student-athlete returns to the original point of departure, or if return transportation is provided to the prospective student-athlete's home, educational institution or site of competition, the cost does not exceed round-trip expenses from the prospective student-athlete's original point of departure. Use of a limousine or helicopter for such transportation is prohibited. *(Revised: 1/9/06, 5/26/06)*

13.5.2.2 Automobile Transportation. When a prospective student-athlete travels by automobile on an official paid visit, the institution may pay round-trip expenses to the individual incurring the expense (except the prospective student-athlete's coach as set forth in Bylaw 13.8.1.1) at the same mileage rate it allows its own personnel. Any automobile may be used by the prospective student-athlete, provided the automobile is not owned or operated or its use arranged by the institution or any representative of its athletics interests. *(Revised: 1/11/94)*

13.5.2.2.1 Prospective Student-Athlete's Friends and Relatives. A prospective student-athlete's friends, relatives or legal guardians may receive cost-free transportation to visit a member institution's campus only by accompanying the prospective student-athlete at the time the prospective student-athlete travels in an automobile to visit the campus.

13.5.2.2.2 Use of Automobile. The institution or representatives of its athletics interests shall not provide an automobile for use during the official visit by the prospective student-athlete or by a student host.

13.5.2.2.3 Coach Accompanying Prospective Student-Athlete and Parents and Legal Guardians. Except as permitted in Bylaw 13.5.2.4, coaching staff members shall not accompany a prospective student-athlete in the coach's sport to or from an official visit unless the prospective student-athlete travels only by automobile. If such transportation is used, the 48-hour period of the official visit shall begin when the coach begins transporting the prospective student-athlete and his or her parents or legal guardians, if applicable, to campus. A coach who makes an in-person, off-campus contact (any dialogue in excess of an exchange of a greeting) with that prospective student-athlete (or the prospective student-athlete's parents or legal guardians) during a permissible contact period prior to transporting the prospective student-athlete and his or her parents or legal guardians, if applicable, to campus for an official visit is charged with a countable contact. On completion of the 48-hour period, the coach shall terminate contact with the prospective student-athlete and his or her parents or legal guardians, if applicable, immediately. *(Adopted: 1/10/95 effective 8/1/95, Revised: 1/14/97 effective 8/1/97, 11/12/97, 1/14/08 effective 8/1/08)*

13.5.2.2.3.1 Football Championship Subdvision Exception. [FCS] In championship subdivision football, any member of an institution's athletics department (except a volunteer coach per Bylaw 11.01.5) who has been certified pursuant to a conference certification program may provide such transportation for a prospective student-athlete between the prospective student-athlete's home or educational institution and the member institution. *(Adopted: 1/10/91 effective 8/1/91, Revised: 12/15/06)*

13.5.2.2.4 On-Campus Transportation. An institution transporting a prospective student-athlete (and those accompanying a prospective student-athlete) around campus during the official visit must use institutional vehicles normally used to transport prospective students while visiting the campus. In addition, coaching staff members or student hosts may use personal vehicles to transport a prospective student-athlete (and those accompanying the prospective student-athlete) around campus during an official visit. *(Adopted: 8/5/04)*

13.5.2.3 Air Transportation. An institution providing air transportation to a prospective student-athlete to and from an official campus visit must use commercial transportation at coach-class airfare. Coaching staff members shall not accompany a prospective student-athlete to or from an official visit when air travel is used, except as permitted in Bylaw 13.5.2.4. *(Revised: 1/10/95 effective 8/1/95, 8/5/04)*

13.5.2.3.1 Ticket Discounts. An institution may not arrange payment of the airline ticket to allow a prospective student-athlete (or the prospective student-athlete's relatives, friends or legal guardians) to take advantage of ticket bonuses, rebates, refunds, upgrades or other benefits connected with the purchase of the ticket. *(Revised: 8/5/04)*

13.5.2.4 From Airport or Bus or Train Station. During the official visit, any member of an institution's athletics department staff may provide ground transportation for a prospective student-athlete and the prospective student-athlete's parents, relatives or legal guardians between the campus and any bus or train station or airport. If a prospective student-athlete is transported by a member of the institution's athletics department from an airport, bus or train station other than the major airport, bus or train station nearest to the institution, the 48-hour official visit period begins with the initiation of the ground transportation by the member of the institution's athletics department staff. *(Revised: 4/28/05, 7/27/07)*

13.5.2.5 Visiting Two or More Institutions. Two or more institutions to which a prospective student-athlete is making official visits on the same trip may provide travel expenses, provided there is no duplication of expenses, only actual and necessary expenses are provided, and the 48-hour visit limitation is observed at each institution.

13.5.2.6 Transportation of Prospective Student-Athlete's Relatives, Friends or Legal Guardians. An institution shall not permit its athletics department staff members or representatives of its athletics interests to pay, provide or arrange for the payment of transportation costs incurred by relatives, friends or legal guardians of a prospective student-athlete to visit the campus or elsewhere; however, an institution may:

(a) Provide automobile-mileage reimbursement to a prospective student-athlete on an official visit, even if relatives or friends accompany the prospective student-athlete; *(Revised: 1/11/94, 5/12/05)*

(b) Permit the parents or legal guardians of a prospective student-athlete to ride in an automobile driven by a coaching staff member for the purpose of providing ground transportation to a prospective student-athlete as part of an official visit; and *(Adopted: 1/14/08 effective 8/1/08)*

(c) Provide transportation between its campus and any bus or train station or airport for the parents, relatives or legal guardians of a prospective student-athlete making an official visit. *(Revised: 7/27/07)*

13.5.2.7 Eligibility Ramifications—Restitution for Receipt of Improper Benefits. For violations of Bylaw 13.5.2 in which the value of the transportation is $100 or less, the eligibility of the individual (prospective or enrolled student-athlete) shall not be affected conditioned upon the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self-report of the violation. *(Adopted: 10/28/97, Revised: 11/1/00)*

13.5.3 Transportation on Unofficial Visit. During any unofficial recruiting visit, the institution may provide the prospective student-athlete with transportation to view practice and competition sites in the prospective student-athlete's sport and other institutional facilities and to attend a home athletics contest at any local facility. An institutional staff member must accompany the prospective student-athlete during such a trip. Payment of any other transportation expenses, shall be considered a violation. For violations in which the value of transportation is $100 or less, the eligibility of the individual (prospective or enrolled student-athlete) shall not be affected conditioned upon the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self-report of the violation. *(Revised: 1/11/89, 4/27/00, 3/10/04, 4/28/05, 1/9/06 effective 8/1/06, 4/27/06)*

13.5.4 Transportation to Enroll or to Attend Required Orientation. An institution or its representatives shall not furnish a prospective student-athlete, directly or indirectly, with transportation to the campus for enrollment. However, it is permissible for any member of the institution's staff to provide: *(Revised: 4/26/01 effective 8/1/01)*

(a) Transportation from the nearest bus or train station or major airport to the campus on the occasion of the prospective student-athlete's initial arrival at the institution to attend classes for a regular term or for initial enrollment for the institution's summer term for a prospective student-athlete who has been awarded athletically related financial aid for his or her initial summer term; and *(Revised: 1/9/06)*

(b) Transportation from and to the nearest bus or train station or major airport on the occasion of the prospective student-athlete's arrival and departure from the institution to attend the institution's required new-student orientation, provided the prospective student-athlete has been accepted for admission to the institution.

13.6 OFFICIAL (PAID) VISIT

13.6.1 Institutional Policies. An institution must have written departmental policies related to official visits that apply to prospective student-athletes, student hosts, coaches and other athletics administrators that are approved by the institution's president or chancellor and kept on file at the institution and conference office. The institution is responsible for the development and enforcement of appropriate policies and penalties regarding specified areas, as identified by the NCAA Division I Board of Directors. The institution shall have an outside en-

tity (e.g., conference office) evaluate its policies related to official visits once every four years. The institution may be held accountable through the NCAA enforcement program for activities that clearly demonstrate a disregard for its stated policies. *(Adopted: 8/5/04, Revised: 3/8/06)*

13.6.2 Limitations on Official Visits.

13.6.2.1 One-Visit Limitation. A member institution may finance only one visit to its campus for a prospective student-athlete.

13.6.2.2 Number of Official Visits—Prospective Student-Athlete Limitation. A prospective student-athlete may take a maximum of five expense-paid visits, with no more than one permitted to any single institution. This restriction applies regardless of the number of sports in which the prospective student-athlete is involved and only for expense-paid visits to Divisions I or II institutions. *(Revised: 1/12/04)*

13.6.2.2.1 First Opportunity to Visit. A prospective student-athlete may not be provided an expense-paid visit earlier than the opening day of classes of the prospective student-athlete's senior year in high school. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Revised: 11/1/01 effective 4/1/02, 4/3/02, 8/5/04, 4/28/05, 5/12/05)*

13.6.2.2.2 July Evaluation Periods—Women's Basketball. In women's basketball, an institution may not provide an expense-paid visit to a prospective student-athlete during the July evaluation periods (see Bylaw 13.1.6.4.2). *(Adopted: 4/28/05 effective 8/1/05, Revised: 6/28/06)*

13.6.2.3 Post-High School Visits. The one-visit limitation and the limitations on total official visits apply separately to the period in which the prospective student-athlete is in high school and to the period beginning October 15 following the prospective student-athlete's completion of high school. Thus, a prospective student-athlete may be provided a maximum of 10 official visits—five while in high school and five beginning with the October 15 following the prospective student-athlete's completion of high school. A prospective student-athlete is not required to graduate from high school in order to receive a permissible post-high school visit. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Revised: 1/11/89, 1/10/90, 6/21/01, 1/12/04, 8/5/04)*

13.6.2.3.1 Nonqualifier in First Year. A person who is not a qualifier and who is enrolled at a two-year college may not be provided an expense-paid visit to a member institution until he or she has completed an academic year at a two-year college.

13.6.2.3.2 Transfer Student. If a student-athlete attending a four-year institution desires to transfer and that institution provides the permission required (per Bylaw 13.1.1.3), it is permissible for a second institution to provide the student-athlete one official visit to that institution's campus.

13.6.2.4 Visit to Off-Campus Contest. An institution may not provide a prospective student-athlete with transportation to attend an off-campus contest outside a 30-mile radius of the member institution's main campus. However, if an institution is required to play all of its home games in a given sport at a site located in a community other than its own because of conditions beyond its own control (e.g., fire, windstorm, earthquake or other disaster), the Legislative Council Subcommittee for Legislative Relief may grant permission to the institution to consider games played at the substitute site as on-campus competition. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Revised: 4/24/03, 8/5/04, 1/9/06 effective 8/1/06, 11/1/07 effective 8/1/08)*

13.6.2.5 Visit While Competing in Open Event. A host institution may pay the expenses of a recruited prospective student-athlete to participate in an established "open" event, provided the expenses of all other competitors in that event are paid; the expenses are not paid from athletics department (nonmeet) funds; and the expenses of the prospective student-athlete are limited to actual transportation, room and board. This trip shall be considered the one paid visit to the institution's campus with the prospective student-athlete remaining no more than 48 hours.

13.6.2.6 Number of Official Visits—Institutional Limitation. The total number of official visits a member institution may provide prospective student-athletes in the following sports on an annual basis (August 1 through July 31) shall be limited to: *(Revised: 11/12/97)*

(a) Football—56. *(Revised: 1/10/91 effective 8/1/91, 1/11/94 effective 8/1/94)*

(b) Basketball—12. *(Revised: 1/11/89, 1/10/91 effective 8/1/91, 1/11/94 effective 8/1/94)*

(c) Baseball—25. *(Adopted: 1/12/99 effective 8/1/99)*

13.6.2.6.1 Exception—National Service Academies—Football, Basketball and Baseball. The national service academies may provide 70 official visits in football, 56 of which may be provided prior to the initial National Letter of Intent signing date, 15 official visits in basketball, 12 of which may be provided prior to the initial National Letter of Intent signing date and 31 official visits in baseball, 25 of which may be provided prior to the National Letter of Intent signing date. *(Adopted: 1/10/95, Revised: 1/14/97 effective 8/1/97, 4/25/02 effective 8/1/02)*

13.6.2.6.2 Unused Visits—Football. [FBS/FCS] In football, an institution may retain a maximum of six unused visits from the previous academic year. Such visits may be used only during the following academic year. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/01 effective 8/1/02, 12/15/06)*

13.6.2.6.3 Exception—Institution That Does Not Subscribe to the National Letter of Intent. A member institution that does not subscribe to the National Letter of Intent may provide 70 official visits in football, 56 of which may be provided prior to the initial National Letter of Intent signing date. *(Adopted: 1/11/94 effective 8/1/94)*

13.6.2.6.4 Written Record Required. The institution must maintain a written record of the paid visits of its football, basketball and baseball prospective student-athletes. *(Revised: 1/12/99 effective 8/1/99)*

13.6.2.6.5 Multiple-Sport Prospective Student-Athletes. A prospective student-athlete in football and one or more other sports (including basketball or baseball) shall be counted against the visit limitation in football. A prospective student-athlete in basketball and one or more other sports (other than football) shall be counted against the visit limitation in basketball. A prospective student-athlete in baseball and one or more other sports (other than football or basketball) shall be counted against the visit limitation in baseball. *(Revised: 1/12/99 effective 8/1/99)*

13.6.2.6.6 Waiver of Institutional Limitation—Extraordinary Personnel Losses. The Legislative Council Subcommittee for Legislative Relief may grant a waiver of the limit on paid visits for an institution that has suffered extraordinary personnel losses to its football, basketball or baseball team from an accident or illness of a disastrous nature. *(Revised: 1/12/99 effective 8/1/99, 11/1/07 effective 8/1/08)*

13.6.2.6.7 Exception—Waiver of Institutional Limitation—Head Coaching Change. In baseball, basketball and football, an institution may provide additional official visits (up to 25 percent of the limitation for the particular sport) after a new head coach is hired, provided the previous head coach used 75 percent or more of the official visits permitted for that academic year. The Legislative Council Subcommittee for Legislative Relief may grant a waiver of the limit on paid visits for an institution that has made a head coaching change in football, basketball or baseball to provide additional paid visits in excess of 25 percent of the limitation for the particular sport after the institution has used all or nearly all of the permitted official visits in that sport. Such a waiver request shall be submitted by the institution's director of athletics. If the waiver request is granted, the subcommittee shall establish an appropriate additional number of visits. *(Adopted: 1/11/94 effective 8/1/94, Revised: 1/12/99 effective 8/1/99, 4/29/04, 11/1/07 effective 8/1/08)*

13.6.3 Requirements for Official Visit. The following requirements must be met before an institution may provide an official visit to a prospective student-athlete: *(Adopted: 4/26/07 effective 8/1/07)*

(a) A high school or preparatory school prospective student-athlete must present the institution with a score from a PSAT, SAT, PLAN or ACT taken on a national testing date under national testing conditions, except that a state-administered ACT may be used to meet the requirement. The score must be presented through a testing agency document, on a high school or preparatory school academic transcript (official or unofficial) or through the use of the applicable testing agency's automated-voice system. An international prospective student-athlete who requires a special administration of the PSAT, SAT, PLAN or ACT may present such a score upon the approval of the Academics Cabinet or the Initial-Eligibility Waivers Committee; *(Revised: 11/1/07 effective 8/1/08)*

(b) A prospective student-athlete must present this institution with a high school (or college) academic transcript;

(c) A high school or preparatory school prospective student-athlete must register with the NCAA Eligibility Center; and *(Revised: 5/9/07)*

(d) A high school or preparatory school prospective student-athlete must be placed on the institution's institutional request list (IRL) with the NCAA Eligibility Center. *(Revised: 5/9/07)*

13.6.3.1 NCAA Eligibility Center. A prospective student-athlete's fulfillment of these academic requirements may be certified by the NCAA Eligibility Center approved by the Executive Committee. *(Adopted: 4/26/07 effective 8/1/07)*

13.6.3.2 Eligibility Ramifications. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, they shall not affect the prospective student-athlete's eligibility. *(Adopted: 4/26/07 effective 8/1/07)*

13.6.4 Length of Official Visit. An official visit to an institution shall not exceed 48 hours. A prospective student-athlete may remain in the locale in which the institution is located after the permissible 48-hour period for reasons unrelated to the official visit, provided that at the completion of the 48-hour visit, the individual departs the institution's campus, and the institution does not pay any expenses thereafter, including the cost of return transportation to the prospective student-athlete's home. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. Additionally, if the prospective student-athlete does not return home prior to attending the institution, the one-way transportation to the campus would be considered a violation of Bylaw 13.5.4, which prohibits transportation to enroll. *(Revised: 1/9/96 effective 8/1/96, 8/5/04)*

13.6.4.1 48-Hour Period Defined. The 48-hour period of the official visit begins at the time the prospective student-athlete arrives on the institution's campus, rather than with the initiation of the prospective student-ath-

lete's transportation by a coach or the time of the prospective student-athlete's arrival at the airport or elsewhere in the community (see Bylaws 13.6.4.1.1 and 13.5.2.4). The prospective student-athlete's transportation to and from the campus must be without delay for personal reasons or entertainment purposes. The institution may not pay any expenses for entertainment (other than the actual and reasonable cost of meals) in conjunction with the prospective student-athlete's transportation. At the completion of the 48-hour visit, the prospective student-athlete must depart the institution's campus immediately; otherwise, the institution may not pay any expenses incurred by the prospective student-athlete upon departure from the institution's campus, including the cost of the prospective student-athlete's transportation home.

13.6.4.1.1 Coach Accompanying Prospective Student-Athlete. When a coach accompanies a prospective student-athlete on an official visit by automobile, per Bylaw 13.5.2.2.3, the 48-hour period shall begin when the coach begins transporting the prospective student-athlete to campus. A coach who makes an in-person, off-campus contact (any dialogue in excess of an exchange of a greeting) with the prospective student-athlete or the prospective student-athlete's parents during a permissible contact period prior to transporting the prospective student-athlete to campus for an official visit is charged with a countable contact. Upon completion of the 48-hour period, the coach shall terminate contact with the prospective student-athlete and his or her parents or legal guardians immediately. *(Adopted: 1/14/97 effective 8/1/97)*

13.6.4.2 Exception to 48-Hour Period for Extenuating Circumstances. An official visit may extend beyond 48 hours for reasons beyond the control of the prospective student-athlete and the institution (e.g., inclement weather conditions, natural disaster, flight delays or cancellations, airport security activity). In such instances, the institution shall submit a report to the conference office noting the details of the circumstances. *(Adopted: 4/26/07 effective 8/1/07)*

13.6.5 Transportation on Official Visit. For regulations relating to transportation on the official visit, see Bylaw 13.5.2.

13.6.6 Accommodations on Official Visit. A prospective student-athlete on an official visit shall be provided lodging and take meals as regular students normally do. Local commercial facilities may be used but at a scale comparable to that of normal student life and only within a 30-mile radius of the institution's campus. Lodging may not include special accessories (e.g., jacuzzis, suites) that are not available generally to all guests residing at the establishment. (See Bylaw 13.6.7.7 for restrictions on meals provided to prospective student-athletes on official visits.) *(Revised: 8/5/04)*

13.6.7 Entertainment/Tickets on Official Visit.

13.6.7.1 General Restrictions. An institution may provide entertainment, which may not be excessive, on the official visit only for a prospective student-athlete and the prospective student-athlete's parents (or legal guardians) or spouse and only within a 30-mile radius of the institution's main campus. Entertainment and contact by representatives of the institution's athletics interests during the official visit are prohibited. It is not permissible to entertain other relatives or friends (including dates) of a prospective student-athlete at any time at any site. For violations of this bylaw in which the value of the entertainment is $100 or less, the eligibility of the individual (prospective or enrolled student-athlete) shall not be affected conditioned upon the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self-report of the violation. *(Revised: 10/28/97, 11/1/00)*

13.6.7.1.1 Meals and Lodging While in Transit. It is permissible for an institution to pay a prospective student-athlete's actual costs for reasonable expenses (e.g., meals, lodging) incurred while traveling to and from campus on the official visit.

13.6.7.2 Complimentary Admissions. During the official visit, a maximum of three complimentary admissions to a home athletics event at any facility within a 30-mile radius of the institution's main campus in which the institution's intercollegiate team practices or competes may be provided to a prospective student-athlete. Such complimentary admissions are for the exclusive use of the prospective student-athlete and those persons accompanying the prospective student-athlete on the visit and must be issued only through a pass list on an individual-game basis. Such admissions may provide seating only in the general seating area of the facility used for conducting the event. Providing seating during the conduct of the event (including intermission) for the prospective student-athlete or those persons accompanying the prospective student-athlete in the facility's press box, special seating box(es) or bench area is specifically prohibited. *(Revised: 1/10/90 effective 8/1/90, 1/11/94, 10/28/97, 11/1/00, 4/26/01 effective 8/1/01, 4/24/03, 1/9/06, 4/24/08 effective 8/1/08)*

13.6.7.2.1 Exception—Nontraditional Family. If a prospective student-athlete is a member of a nontraditional family (e.g., divorce, separation), the institution may provide up to two additional complimentary admissions to the prospective student-athlete in order to accommodate the parents accompanying the prospective student-athlete (e.g., stepparents) to attend a home athletics event. *(Adopted: 4/24/08 effective 8/1/08)*

13.6.7.2.2 Conference Tournaments. A member institution may not provide complimentary admissions to a prospective student-athlete for a postseason conference tournament. The prospective student-athlete may purchase tickets only in the same manner as any other member of the general public. *(Revised: 1/10/91 effective 8/1/91)*

13.6.7.2.3 NCAA Championships or Other Postseason Contests. The provision of complimentary or reduced-cost admissions to prospective student-athletes for an NCAA championship (all rounds) or other postseason contests (e.g., bowl game, NAIA or NIT championship) constitutes excessive entertainment and is prohibited. The prospective student-athlete may purchase these tickets only in the same manner as any other member of the general public. *(Revised: 1/10/92)*

13.6.7.2.4 Purchase of Game Tickets in Same Locale. An institution may reserve tickets, only for the use of immediate family members accompanying a prospective student-athlete during an official visit and for seat locations adjacent to the complimentary seats being provided to the prospective student-athlete. These tickets must be purchased at face value. *(Adopted: 1/10/92)*

13.6.7.2.5 Exception. A member institution may provide complimentary admissions to a prospective student-athlete for a home athletics event that has been relocated outside a 30-mile radius of the institution's main campus due to the home facility inoperable conditions (e.g., construction or facility repairs), which result in the facility being unavailable for safe use. *(Adopted: 4/28/05)*

13.6.7.2.6 Effect of Violations. For violations of Bylaw 13.6.7.2 in which the value of the benefit is $100 or less, the eligibility of the individual (prospective or enrolled student-athlete) shall not be affected conditioned on the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self-report of the violation. *(Revised: 4/24/08 effective 8/1/08)*

13.6.7.3 Parking. An institution may arrange special on-campus parking for prospective student-athletes during an official visit. *(Adopted: 1/10/92)*

13.6.7.4 Cash to Prospective Student-Athlete. The institution or representatives of its athletics interests shall not provide cash to a prospective student-athlete for entertainment purposes.

13.6.7.5 Student Host. The student host must be either a current student-athlete or a student designated in a manner consistent with the institution's policy for providing campus visits or tours to prospective students in general. The institution may provide the following to a student host entertaining a prospective student-athlete: *(Revised: 8/5/04)*

(a) A maximum of $30 for each day of the visit to cover all actual costs of entertaining the student host(s) and the prospective student-athlete (and the prospective student-athlete's parents, legal guardians or spouse), excluding the cost of meals and admission to campus athletics events. The cost of entertainment of the institution's athletics department staff members who accompany the prospective student-athlete is also excluded. If an athletics department staff member serves as the prospective student-athlete's host, his or her entertainment costs must be included in the entertainment allowance. The entertainment allowance may not be used for the purchase of souvenirs, such as T-shirts or other institutional mementos. It is permissible to provide the student host with an additional $15 per day for each additional prospective student-athlete the host entertains; *(Revised: 1/10/90 effective 8/1/90, 1/9/96 effective 8/1/96, 5/12/05, 4/27/06)*

(b) Complimentary meals, provided the student host is accompanying the prospective student-athlete during the prospective student-athlete's official visit; and *(Adopted: 1/10/92, Revised: 2/23/09)*

(c) Complimentary admissions to campus athletics events, provided the student host is accompanying the prospective student-athlete to the events during the prospective student-athlete's official visit. *(Revised: 2/23/09)*

13.6.7.5.1 Eligibility Ramifications—Restitution for Receipt of Improper Benefits. For violations of Bylaw 13.6.7.5 in which the value of the benefits to the individual (prospective or enrolled student-athlete) is $100 or less, the eligibility of the individual shall not be affected conditioned on the individual repaying the value of the benefit to a charity of his or her choice. The individual, however shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self-report of the violation. *(Adopted: 10/28/97, Revised: 11/1/00)*

13.6.7.5.2 Multiple Hosts. If several students host a prospective student-athlete, the $30-per-day entertainment money may be used to cover the actual and necessary expenses incurred by the prospective student-athlete and all hosts. Only one student host per prospective student-athlete may be provided a free meal if restaurant facilities are used. Violations of this bylaw shall be considered institutional violations per

Constitution 2.8.1 and shall not affect the prospective student-athlete's eligibility. (See Bylaw 16.01.1 for the affect on an enrolled student-athlete's eligibility.) *(Revised: 1/10/92, 1/16/93, 1/9/96 effective 8/1/96, 4/24/03 effective 8/1/03, 3/26/04)*

13.6.7.5.3 Nonqualifier Prohibition. The student host must be enrolled in the member institution being visited by a prospective student-athlete. A nonqualifier (see Bylaw 14.02.10) may not serve as a student host during his or her first academic year in residence. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, they shall not affect the prospective or enrolled student-athlete's eligibility. *(Revised: 3/19/97, 4/24/03 effective 8/1/03, 3/26/04)*

13.6.7.5.4 Use of Automobile. The institution or representatives of its athletics interests shall not provide an automobile for use by the prospective student-athlete or the student host. For violations of this bylaw in which the value of the offer or inducement is $100 or less, the eligibility of the individual (prospective or enrolled student-athlete) shall not be affected conditioned upon the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self-report of the violations. *(Revised: 4/24/03 effective 8/1/03)*

13.6.7.6 Student Support Group Assisting in Recruiting. An institution may not provide a free meal or entertainment to a member of an institutional student support group that assists in the recruitment of a prospective student-athlete during an official visit unless the student is designated as the one student host for that prospective student-athlete. Any additional arrangement between the institution and members of such a support group (e.g., compensation, providing a uniform) is left to the discretion of the institution. *(Adopted: 1/16/93)*

13.6.7.7 Meals on Official Visit. The cost of actual meals, not to exceed three per day, on the official visit for a prospective student-athlete and the prospective student-athlete's parents, legal guardians, spouse or children need not be included in the $30-per-day entertainment expense. Meals must be comparable to those provided to student-athletes during the academic year. A reasonable snack (e.g., pizza, hamburger) may be provided in addition to the three meals. *(Adopted: 1/10/92, Revised: 1/11/94 effective 8/1/94, 1/10/95 effective 8/1/95, 8/5/04, 1/9/06)*

13.6.7.7.1 Entertainment at Staff Member's Home. A luncheon, dinner or brunch at the home of an institutional staff member (e.g., the athletics director, a coach, a faculty member or the institution's president) may be held for a prospective student-athlete on an official visit, provided the entertainment is on a scale comparable to that of normal student life, is not excessive in nature and occurs on only one occasion. *(Revised: 1/9/96)*

13.6.7.7.2 Eligibility Ramifications—Restitution for Receipt of Improper Benefits. For violations of Bylaw 13.6.7.7 in which the value of the excessive meals is $100 or less, the eligibility of the individual (prospective or enrolled student-athlete) shall not be affected conditioned upon the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self-report of the violation. *(Adopted: 10/28/97, Revised: 11/1/00)*

13.6.7.8 Normal Retail Cost. If a boat, snowmobile, recreational vehicle or similar recreational equipment (including those provided by an institutional staff member or a representative of the institution's athletics interests) is used to entertain a prospective student-athlete or the prospective student-athlete's parents (or legal guardians) and spouse, the normal retail cost of the use of such equipment shall be assessed against the $30-per-day entertainment figure; further, if such normal retail costs exceeds the $30-per-day entertainment allowance, such entertainment may not be provided. For violations of this bylaw in which the value of the offer or inducement is $100 or less, the eligibility of the individual (prospective or enrolled student-athlete) shall not be affected conditioned upon the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self-report of the violation. *(Adopted: 1/10/92, Revised: 1/9/96 effective 8/1/96, 4/24/03 effective 8/1/03)*

13.6.7.9 Activities During Official Visit. An institution may not arrange miscellaneous, personalized recruiting aids (e.g., personalized jerseys, personalized audio/video scoreboard presentations) and may not permit a prospective student-athlete to engage in any game-day simulations (e.g., running onto the field with the team during pregame introductions) during an official visit. Personalized recruiting aids include any decorative items and special additions to any location the prospective student-athlete will visit (e.g., hotel room, locker room, coach's office, conference room, arena) regardless of whether the items include the prospective student-athlete's name or picture. *(Adopted: 8/5/04, Revised: 5/14/05)*

13.6.7.10 Professional Tryout or Workout Activities. During an official visit, a prospective student-athlete may not attend events in which professional tryout or workout activities occur. (See Bylaw 13.7.2.8.) *(Adopted: 1/8/07)*

13.6.8 Entertainment on Official Visit for Spouse, Parent or Legal Guardian of Prospective Student-Athlete. A member institution shall limit entertainment and lodging on the prospective student-athlete's official visit to a prospective student-athlete, the prospective student-athlete's parents (or legal guardians) and spouse. An institution shall limit meals on the prospective student-athlete's official visit to a prospective student-athlete, the prospective student-athlete's parents (or legal guardians), spouse and children. *(Revised: 1/9/06)*

13.6.8.1 Eligibility Ramifications—Restitution for Receipt of Improper Benefits. For violations of Bylaw 13.6.8 in which the value of the excessive entertainment, meals and lodging is $100 or less, the eligibility of the individual (prospective or enrolled student-athlete) shall not be affected conditioned upon the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall be ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1. Documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self report of the violation. *(Adopted: 4/25/02 effective 8/1/02)*

13.6.9 Lodging for Additional Persons. Additional persons (e.g., prospective student-athlete's brother, sister, friend) may stay in the same room as the prospective student-athlete or parents, spouse or legal guardians of the prospective student-athlete, but the institution shall not pay the costs resulting from the additional occupants. The additional occupants shall not be prospective student-athletes being recruited by the institution. For violations of this bylaw in which the value of the offer or inducement is $100 or less, the eligibility of the individual (prospective or enrolled student-athlete) shall not be affected conditioned upon the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self-report of the violation. *(Adopted: 1/10/92, Revised: 4/24/03 effective 8/1/03)*

13.7 UNOFFICIAL (NONPAID) VISIT

13.7.1 Number Permitted. A prospective student-athlete may visit a member institution's campus at his or her own expense an unlimited number of times. A prospective student-athlete may make unofficial visits before his or her senior year in high school.

13.7.1.1 Exception—Men's Basketball. In men's basketball, a prospective student-athlete may not make unofficial visits during the month of July. *(Adopted: 11/1/01 effective 4/1/02)*

13.7.1.2 Exception—Women's Basketball. In women's basketball, a prospective student-athlete may not make unofficial visits during the July evaluation periods (see Bylaw 13.1.6.4.2). *(Adopted: 4/28/05 effective 8/1/05, Revised: 6/28/06)*

13.7.2 Entertainment/Tickets.

13.7.2.1 General Restrictions. During an unofficial visit, the institution may not pay any expenses or provide any entertainment except a maximum of three complimentary admissions (issued only through a pass list) to a home athletics event at any facility within a 30-mile radius of a member institution's main campus in which the institution's intercollegiate team practices or competes. Such complimentary admissions are for the exclusive use of the prospective student-athlete and those persons accompanying the prospective student-athlete on the visit and must be issued on an individual-game basis. Such admissions may provide seating only in the general seating area of the facility used for conducting the event. Providing seating during the conduct of the event (including intermission) for the prospective student-athlete or the prospective student-athlete's parents (or legal guardians) or spouse in the facility's press box, special seating box(es) or bench area is specifically prohibited. *(Revised: 1/10/90 effective 8/1/90, 1/11/94, 4/24/03)*

13.7.2.1.1 Meals. A prospective student-athlete on an unofficial visit to an institution may pay the actual cost of meals (or the regular cost of training-table meals) and eat with other prospective student-athletes who are on their official visits or with enrolled student-athletes.

13.7.2.1.1.1 Exception—Championship Subdivision Football. [FCS] A championship subdivision football program that restricts its total number of official visits to 25 may provide one meal to a football prospective student-athlete in the institution's on-campus student dining facilities without the visit counting as an official visit. The institution also may provide one meal to the prospective student-athlete's parents or legal guardians in the institution's on-campus student dining facilities without the visit counting as an official visit, provided it is the institution's normal policy to provide such a meal under similar circumstances to all prospective students' parents or legal guardians visiting the campus. A prospective student-athlete who is given such a meal may not also be provided by the institution with an official visit in any sport. *(Adopted: 1/11/94, Revised: 12/15/06)*

13.7.2.1.1.2 Exception—Sports Other Than Football and Basketball. In sports other than football and basketball, a prospective student-athlete visiting an institution's campus as part of an admissions event (open house) may be provided with one meal in the institution's on-campus student dining facility and may have contact with institutional coaching staff members only during such an event without the visit counting as an official visit. The institution must be able to certify that it is the institution's normal policy to provide such a meal to all prospective student-athletes (including nonathletes) attending the admissions event. *(Adopted: 1/14/97 effective 8/1/97)*

13.7.2.1.2 Housing—Lodging in Dormitories. A prospective student-athlete on an unofficial visit may stay in an enrolled student-athlete's dormitory room only if the prospective student-athlete pays the regular institutional rate for such lodging.

13.7.2.1.3 Transportation during Unofficial Visit. For regulations relating to transportation on an unofficial visit, see Bylaw 13.5.3.

13.7.2.1.4 Reserving Game Tickets. An institution may not reserve tickets (in addition to the permissible complimentary admissions) to be purchased by a prospective student-athlete (or individuals accompanying the prospective student-athlete) on an unofficial visit. Tickets may be purchased only in the same manner as any other member of the general public. *(Adopted: 1/10/92)*

13.7.2.1.5 Parking. An institution may not arrange special parking for prospective student-athletes to use while attending a member institution's campus athletics event during an unofficial visit. *(Adopted: 1/10/92)*

13.7.2.1.6 Academic Interviews. An athletics department staff member may arrange academic interviews for a prospective student-athlete on an unofficial visit.

13.7.2.1.7 Student Host. A student host used during an unofficial visit must either be a current student-athlete or a student who is designated in a manner consistent with the institution's policies for providing campus visits or tours to prospective students in general. *(Revised: 8/5/04)*

13.7.2.2 Home Games at Site Other than Regular Home Facility. If an institution schedules any regular-season home games at a site not designated as its regular home facility, the host institution may provide a maximum of three complimentary admissions to any such game for the exclusive use of a prospective student-athlete and those persons accompanying the prospective student-athlete. Tournament and postseason games are excluded. The institution shall not arrange or permit any other entertainment or payment of expenses, including transportation, except as permitted in Bylaw 13.5.3. *(Revised: 4/24/03)*

13.7.2.3 Conference Tournaments. A member institution may not provide complimentary admissions to a prospective student-athlete for a postseason conference tournament. The prospective student-athlete may purchase tickets only in the same manner as any other member of the general public. *(Revised: 1/10/91 effective 8/1/91)*

13.7.2.4 NCAA Championships or Other Postseason Contests. The provision of complimentary or reduced-cost admissions to prospective student-athletes for an NCAA championship (all rounds) or other postseason contests (e.g., bowl game, NAIA or NIT championship) constitutes excessive entertainment and is prohibited. The prospective student-athlete may purchase tickets to such events only in the same manner as any other member of the general public. *(Revised: 1/10/92)*

13.7.2.5 Visit Unrelated to Recruitment. The limitations on providing entertainment to a prospective student-athlete shall not extend to a visit to the institution's campus for a purpose having nothing whatsoever to do with the prospective student-athlete's athletics recruitment by the institution (e.g., band trip, fraternity weekend, athletics team's attendance at a sporting event with the high school coach). The institution's athletics department or representatives of its athletics interests may not be involved in any way with the arrangements for the visit, other than providing (in accordance with established policy) free admissions to an athletics event on a group basis, rather than personally to the prospective student-athlete.

13.7.2.6 Visit Related to National Student-Athlete Day or National Girls and Women in Sports Day. The limitations on providing entertainment to a prospective student-athlete shall not extend to a visit to the institution's campus for activities related to National Student-Athlete Day and National Girls and Women in Sports Day. *(Adopted: 1/14/97, Revised: 4/22/98 effective 8/1/98)*

13.7.2.7 Eligibility Ramifications—Restitution for Receipt of Improper Benefits. For violations of Bylaw 13.7.2 in which the value of the entertainment/tickets/meal is $100 or less, the eligibility of the individual (prospective or enrolled student-athlete) shall not be affected conditioned upon the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self-report of the violation. *(Adopted: 10/28/97, Revised: 11/1/00)*

13.7.2.8 Professional Tryout or Workout Activities. During an unofficial visit, a prospective student-athlete may not attend events in which professional tryout or workout activities occur. (See Bylaw 13.6.7.10.) *(Adopted: 1/8/07)*

13.7.3 Activities During Unofficial Visit. An institution may not arrange miscellaneous, personalized recruiting aids (e.g., personalized jerseys, personalized audio/visual scoreboard presentations) and may not permit a prospective student-athlete to engage in any game-day simulations (e.g., running onto the field with the team during pregame introductions) during an unofficial visit. Personalized recruiting aids include any decorative items and special additions to any location the prospective student-athlete will visit (e.g., hotel room, locker room, coach's office, conference room, arena) regardless of whether the items include the prospective student-athlete's name or picture. *(Adopted: 8/5/04, Revised: 5/14/05, 4/27/06)*

13.8 ENTERTAINMENT, REIMBURSEMENT AND EMPLOYMENT OF HIGH SCHOOL/COLLEGE-PREPARATORY SCHOOL/TWO-YEAR COLLEGE COACHES

13.8.1 Entertainment Restrictions. Entertainment of a high school, preparatory school or two-year college coach or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved shall be limited to providing a maximum of two complimentary admissions (issued only through a pass list) to home intercollegiate athletics events at any facility within a 30-mile radius of the institution's main campus, which must be issued on an individual-game basis. Such entertainment shall not include food and refreshments, room expenses, or the cost of transportation to and from the campus or the athletics event. It is not permissible to provide complimentary admissions to any postseason competition (e.g., NCAA championship, conference tournament, bowl game). An institutional coaching staff member is expressly prohibited from spending funds to entertain the prospective student-athlete's coach on or off the member institution's campus. For violations in which the value of the benefit is $100 or less, the eligibility of the prospective student-athlete shall not be affected conditioned on the prospective student-athlete (or the high school, college-preparatory school or two-year coach or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved) repaying the value of the benefit to a charity of his or her choice. However, the prospective student-athlete shall remain ineligible from the time the institution has knowledge of receipt of the impermissible benefit until the prospective student-athlete (or the high school, college-preparatory school or two-year coach or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved) repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the prospective student-athlete's (or the high school, college-preparatory school or two-year coach or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved) repayment shall be forwarded to the enforcement services staff. *(Revised: 4/3/02, 8/5/04, 4/28/05 effective 8/1/05)*

13.8.1.1 Transportation Reimbursement. An institution shall not reimburse a high school, preparatory school or two-year college coach for expenses incurred in transporting a prospective student-athlete to visit the campus.

13.8.1.2 Transportation to Off-Campus Contest. If a high school, preparatory school or two-year college coach transports members of his or her athletics squad to an off-campus site to watch NCAA member institutions compete, an institution may not reimburse the coach for the transportation costs or provide complimentary tickets for the coach or any of the team members.

13.8.1.3 Purchase of Game Tickets. An institution may not reserve tickets (in addition to the permissible complimentary admissions) to be purchased by high school, preparatory or two-year college coaches (or individuals accompanying them) to attend an institution's athletics contest. Tickets may be purchased only in the same manner as any other member of the general public. *(Adopted: 1/10/92)*

13.8.1.4 Noncoaching-Related Organization. If a high school, preparatory school or two-year college coach is a member of a noncoaching-related organization (e.g., state high school principals association, college fraternity alumni organization, institution's alumni association), an institution may entertain the group, provided there is no direct involvement by the institution's athletics department.

13.8.2 Material Benefits. Arrangements by an institution that involve a material benefit for a high school, preparatory school or two-year college coach, or for any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved, (e.g., the provision of a gift such as a tangible item bearing the institution's insignia, the offer to pay a portion of the coach's or other individual's personal expenses, compensation based on the number of campers sent to an institution's camp, or an arrangement to provide transportation for the coach or other individual) are prohibited. For violations in which the value of the benefit is $100 or less, the eligibility of the prospective student-athlete shall not be affected conditioned on the prospective student-athlete (or the high school, college-preparatory school or two-year coach or any other individual responsible for teaching or directing an activity in which a prospect is involved) repaying the value of the benefit to a charity of his or her choice. However, the prospective student-athlete shall remain ineligible from the time the

institution has knowledge of receipt of the impermissible benefit until the prospective student-athlete (or the high school, college-preparatory school or two-year coach or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved) repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the prospective student-athlete's (or the high school, college-preparatory school or two-year coach or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved) repayment shall be forwarded to the enforcement services staff. *(Revised: 8/5/04)*

13.8.2.1 Gifts at Coaches' Clinic. An institution may not provide gifts to high school, preparatory school or two-year college coaches in conjunction with its coaches' clinic or other events. This specifically prohibits the provision of a door prize to the coach, even if the cost of the prize is included in the cumulative admission fee (the admission fee charged to each person, when combined, would cover the cost of the prize). Materials (e.g., clipboards, file folders) may be provided to each person attending the clinic, provided the items are included in the registration or admission fee. *(Revised: 1/16/93, 1/11/94)*

13.8.3 Employment Conditions.

13.8.3.1 Employment in Athletically Related Institutional Activities—Basketball. An institution shall not employ (either on a salaried or a volunteer basis) an individual as a speaker or presenter at any athletically related institutional event or activity (e.g., booster club function, outside consultant) if that individual is involved in coaching prospective student-athletes or is associated with a prospective student-athlete as a result of the prospective student-athlete's participation in basketball. *(Adopted: 1/17/09)*

13.8.3.2 Graduate Teaching Assistants. A high school, preparatory school or two-year college coach who is enrolled in a bona fide postgraduate program at a member institution is permitted to receive legitimate compensation as a graduate teaching assistant.

13.8.3.3 Employment in Different Sport. A high school, preparatory school or two-year college coach who remains associated with the high school, preparatory school or two-year college in a coaching capacity in a different sport may be employed as a member of an institution's coaching staff. *(Revised: 3/16/07)*

13.8.3.4 Employment in Same Sport. A high school, preparatory school or two-year college coach who remains associated with the high school, preparatory school or two-year college in a coaching capacity in the same sport shall not be employed as a member of an institution's coaching staff.

13.8.3.4.1 Contract for Future Employment. A member institution is permitted to enter into a contractual agreement with a high school, preparatory school or two-year college coach for an employment opportunity that begins with the next academic year, provided the employment contract with the member institution is not contingent upon the enrollment of a prospective student-athlete and the coach does not begin any coaching duties (e.g., recruiting, selection of coaching staff) for the member institution while remaining associated with the high school, preparatory school or two-year college.

13.9 LETTER-OF-INTENT PROGRAMS, FINANCIAL AID AGREEMENTS

13.9.1 NCAA Eligibility Center Registration and Institutional Request List. An institution shall not provide a high school or preparatory school prospective student-athlete a written offer of athletically related financial aid (per Bylaw 15.3.2.3) until he or she has registered with the NCAA Eligibility Center and the institution has placed the prospective student-athlete on its institutional request list (IRL) with the NCAA Eligibility Center. *(Adopted: 4/26/07 effective 8/1/07)*

The following Bylaw was revised April 30, 2009, and is effective August 1, 2010.

13.9.1 Requirements for Offer of Athletically Related Financial Aid. The following requirements must be met before an institution may provide a written offer of athletically related financial aid (per Bylaw 15.3.2.3) to a prospective student-athlete: *(Adopted: 4/26/07 effective 8/1/07, Revised: 4/30/09 effective 8/1/10)*

(a) A high school or preparatory school prospective student-athlete must register with the NCAA Eligibility Center;

(b) A high school or preparatory school prospective student-athlete must be placed on the institution's institutional request list (IRL) with the NCAA Eligibility Center; and

(c) A high school, preparatory school or transfer (if applicable) prospective student-athlete must complete the amateurism certification questionnaire administered by the NCAA Eligibility Center.

13.9.2 Letter of Intent Restriction. A member institution may not participate in an institutional or conference athletics letter-of-intent program or issue an institutional or conference financial aid agreement that involves a signing date that precedes the initial regular (as opposed to early) signing date for the National Letter of Intent program in the same sport. However, an institution may permit a prospective student-athlete to sign an institutional or conference letter of intent during the National Letter of Intent early signing period in the applicable sport. *(Revised: 12/12/06, 4/26/07 effective 8/1/07)*

13.9.2.1 Mailing of Financial Aid Offer. An institutional or conference financial aid form may be included in the normal mailing of the National Letter of Intent, but none of the forms enclosed in the mailing may be signed by the prospective student-athlete prior to the initial signing date in that sport in the National Letter of Intent program.

13.9.2.2 Offer of Aid Before Signing Date. An institution may indicate in writing to a prospective student-athlete that an athletically related grant-in-aid will be offered by the institution; however, the institution may not permit the prospective student-athlete to sign a form indicating his or her acceptance of such an award before the initial signing date in that sport in the National Letter of Intent program.

13.9.3 Effect of Violation. Violations of Bylaw 13.9 and its subsections shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Adopted: 8/5/04)*

13.10 PUBLICITY

13.10.1 Presence of Media during Recruiting Contact. A member institution shall not permit a media entity to be present during any recruiting contact made by an institution's coaching staff member. Violations of this bylaw do not affect a prospective student-athlete's eligibility and are considered institutional violations per Constitution 2.8.1. *(Adopted: 1/9/96, Revised: 1/14/97)*

13.10.2 Comments Before Signing. Before the signing of a prospective student-athlete to a National Letter of Intent or an institution's written offer of admission and/or financial aid, a member institution may comment publicly only to the extent of confirming its recruitment of the prospective student-athlete. The institution may not comment generally about the prospective student-athlete's ability or the contribution that the prospective student-athlete might make to the institution's team; further, the institution is precluded from commenting in any manner as to the likelihood of the prospective student-athlete's signing with that institution. Violations of this bylaw do not affect a prospective student-athlete's eligibility and are considered institutional violations per Constitution 2.8.1. *(Revised: 1/14/97)*

13.10.2.1 Evaluations for Media, Recruiting Services. Athletics department staff members shall not evaluate or rate a prospective student-athlete for news media, scouting services or recruiting services prior to the prospective student-athlete's signed acceptance of the institution's written offer of admission as a student and/or written tender of financial assistance to be provided upon the prospective student-athlete's enrollment.

13.10.3 Radio/TV Show. A member institution shall not permit a prospective student-athlete or a high school, college preparatory school or two-year college coach to appear, be interviewed or otherwise be involved (in person or via film, audio tape or videotape) on:

(a) A radio or television program conducted by the institution's coach;

(b) A program in which the institution's coach is participating; or

(c) A program for which a member of the institution's athletics staff has been instrumental in arranging for the appearance of the prospective student-athlete or coach or related program material.

13.10.3.1 Effect of Violation. Violations of Bylaw 13.10.3 shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Adopted: 8/5/04)*

13.10.3.2 Announcer for Broadcast of Prospective Student-Athlete's Athletics Contest. A member of the athletics staff of a member institution may not serve as an announcer or commentator for any athletics contest in which a prospective student-athlete is participating, or appear (in person or by means of film, audio tape or videotape) on a radio or television broadcast of such contest. This restriction does not apply to contests involving national teams in which prospective student-athletes may be participants, including the Olympic Games. *(Revised: 1/10/95, 1/12/99)*

13.10.3.3 Game Broadcast/Telecast. A prospective student-athlete may not be interviewed during the broadcast or telecast of an institution's intercollegiate contest. A member institution may not permit a station telecasting a game to show a videotape of competition involving high school, preparatory school or two-year college prospective student-athletes.

13.10.4 Conference-Sponsored Sportsmanship Initiatives. It is permissible for a conference to broadcast at any time, and through any medium, a public service announcement that may include prospective student-athletes, provided the following criteria are met (see Bylaw 13.1.11): *(Adopted: 4/26/07 effective 8/1/07)*

(a) A conference office is responsible for development of the public service announcement;

(b) The scope of the public service announcement is limited exclusively to promoting sportsmanship; and

(c) The public service announcement is not designed to solicit the enrollment of prospective student-athletes.

13.10.5 Prospective Student-Athlete's Visit. A member institution shall not publicize (or arrange for publicity of) a prospective student-athlete's visit to the institution's campus. Further, a prospective student-athlete may not participate in team activities that would make the public or media aware of the prospective student-athlete's visit to the institution (e.g., running out of the tunnel with team, celebratory walks to or around the stadium/arena, on-field pregame celebrations). Violations of this bylaw do not affect a prospective student-athlete's eligibility and are considered institutional violations per Constitution 2.8.1. *(Revised: 1/14/97, 9/12/03)*

13.10.6 Introduction of Prospective Student-Athlete. An institution may not introduce a visiting prospective student-athlete at a function (e.g., the institution's sports award banquet or an intercollegiate athletics contest) that is attended by media representatives or open to the general public. Violations of this bylaw do not affect a prospective student-athlete's eligibility and are considered institutional violations per Constitution 2.8.1. *(Revised: 1/14/97)*

13.10.7 Intent to Enroll. A member institution shall not publicize (or arrange for publicity of) a prospective student-athlete's intention to accept its offer of financial assistance. Violations of this bylaw do not affect a prospective student-athlete's eligibility and are considered institutional violations per Constitution 2.8.1. *(Revised: 1/14/97)*

13.10.8 Photograph of Prospective Student-Athlete. It is permissible for an institution to photograph a prospective student-athlete during a campus visit to be used in the institution's permissible publicity and promotional activities (e.g., press release, media guide), but the photograph may not be provided to the prospective student-athlete. It is permissible for an institution to use a prospective student-athlete's photograph in printed institutional items (e.g., season-ticket brochure) that promote a sport's season in which the prospective student-athlete will participate as a student-athlete, provided the prospective student-athlete has signed a National Letter of Intent or the institution's written offer of admission and/or financial aid and the prospective student-athlete's name or photograph is not used in any promotional items that involve the purchase or receipt of commercial advertising (e.g., season-ticket advertisement in newspapers or on a billboard). Violations of this bylaw are considered institutional violations per Constitution 2.8.1 and shall not affect the prospective student-athlete's eligibility. *(Adopted: 1/16/93, Revised: 1/11/94, 4/24/03 effective 8/1/03, 3/26/04, 11/17/04)*

13.10.9 Media Releases Regarding Signing. Publicity released by an institution concerning a prospective student-athlete's commitment to attend the institution shall occur only after the prospective student-athlete has signed a National Letter of Intent or after the prospective student-athlete's signed acceptance of the institution's written offer of admission and/or financial aid. Such communications (with no limit on number or content) may be released to media outlets at the institution's discretion except as limited by Bylaw 13.10.9.2. However, an institution is prohibited from purchasing or receiving commercial advertising (e.g., print, media or billboard) to be used to identify a prospective student-athlete by name or picture. Violations of this bylaw do not affect a prospective student-athlete's eligibility and are considered institutional violations per Constitution 2.8.1. *(Revised: 1/14/97, 4/29/04 effective 8/1/04, 8/25/04)*

13.10.9.1 Video Clips. It shall be permissible for an institution to show video clips of a prospective student-athlete during its announcement of the prospective student-athlete's signing, provided such publicity occurs only after the prospective student-athlete has signed a National Letter of Intent or after the prospective student-athlete's signed acceptance of the institution's written offer of admission and/or financial aid. Other prospective student-athletes may appear in the video clips, provided the focus of the clips is related to the prospective student-athlete who has committed to the institution. *(Adopted: 2/16/00, Revised: 4/1/05)*

13.10.9.2 Announcement of All Signings. An institution may conduct one formal press conference on the institution's campus for the purpose of presenting the names of all prospective student-athletes in a sport who have signed a National Letter of Intent or accepted written offers of admission and/or financial aid from the institution, with the understanding that no prospective student-athletes (or their friends or relatives) may be in attendance at such an announcement. *(Adopted: 8/25/04, Revised: 4/1/05, 1/14/08)*

13.10.9.3 Independent Announcement by Prospective Student-Athlete. Press conferences to announce a signing may be arranged independently by the prospective student-athlete (or the prospective student-athlete's family), provided there is no arrangement or involvement whatsoever by the institution or representatives of its athletics interests.

13.10.9.4 Celebratory Functions. Coaching staff members may attend functions designed to celebrate the institution's signees in the applicable sport and may discuss prospective student-athletes who have signed commitments to attend the institution, including discussions with working media, provided the institution previously has released communications of the prospective student-athletes' commitments to attend the institution to media outlets. *(Adopted: 1/14/08)*

13.10.9.4.1 Highlight Video. An institution may produce a single highlight video (one per sport), which includes clips of prospective student-athletes who have signed a National Letter of Intent or accepted a written offer of admission and/or financial aid from the institution, to show in conjunction with celebratory functions. Other prospective student-athletes may appear in the video clips, provided the focus of the

clips is related to the prospective student-athlete who has committed to the institution. *(Adopted: 2/16/00, Revised: 1/14/08)*

13.10.9.5 Signings On Campus. An institution is responsible for signings on its campus (whether involving an individual or a group of prospective student-athletes). Any contact by the media with prospective student-athletes on campus during the time the prospective student-athlete signs a National Letter of Intent or tender of financial aid shall be considered to be prima facie evidence of institutional involvement in arranging media involvement and shall be prohibited.

13.11 TRYOUTS

13.11.1 Prohibited Activities. A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session or test/tryout) at which one or more prospective student-athletes (as defined in Bylaws 13.11.1.1 and 13.11.1.2) reveal, demonstrate or display their athletics abilities in any sport except as provided in Bylaws 13.11.2 and 13.11.3. *(Revised: 1/17/09)*

13.11.1.1 Definition of "Prospective Student-Athlete" for Tryout-Rule Purposes—Sports other than Men's Basketball. In sports other than men's basketball, for purposes of the tryout rule, the phrase "prospective student-athlete" shall include any individual who has started classes for the ninth grade and is not enrolled in the member institution at the time of the practice or test therein described. *(Revised: 1/11/89, 1/17/09)*

13.11.1.2 Definition of "Prospective Student-Athlete" for Tryout-Rule Purposes—Men's Basketball. In men's basketball, for purposes of the tryout rule, the phrase "prospective student-athlete" shall include any individual who has started classes for the seventh grade and is not enrolled in the member institution at the time of the practice or test therein described. *(Adopted: 1/17/09)*

13.11.1.3 Competition Against Prospective Student-Athletes. An institution's varsity intercollegiate team may compete against a two-year college team but may not compete against a high school or preparatory school team. An institution's varsity team may not participate in a contest against an outside team (e.g., nonscholastic team) that includes high school prospective student-athletes except for permissible contests while on a foreign tour, exempted contests against a foreign team in the United States and the U.S. national team. In individual sports, it is permissible for an institution's varsity team and an outside team that includes prospective student-athletes to participate in the same open event, provided the event either involves no team scoring or the event uses team scoring such that the institution's varsity team and the outside team are in separate scoring categories. Subvarsity teams are not bound by this prohibition. *(Revised: 1/9/06 effective 8/1/06, 2/26/07, 9/18/07)*

13.11.1.4 Competition in Conjunction with a High School, Preparatory School or Two-Year College. In the sports of basketball, football, gymnastics and volleyball, member institutions shall not permit competition between or among high schools, preparatory schools or two-year colleges to be conducted in conjunction with a intercollegiate athletics event (see Bylaw 13.15.1.5). *(Revised: 1/10/90, 1/10/95)*

13.11.1.4.1 Criteria. An intercollegiate contest may be scheduled on the same day as a high school, preparatory school or two-year college contest (without being considered to be scheduled "in conjunction" with that event) only if the college and high school, preparatory school or two-year college events are conducted in separate sessions, separate tickets are sold for the events, and the playing facility is cleared between the contests. *(Revised: 1/10/90, 1/10/95)*

13.11.1.5 Nonscholastic-Based Basketball. In basketball, a member of an institution's coaching staff or an institutional staff member with basketball-specific duties (e.g., director of basketball operations, manager, administrative personnel) may only participate in coaching activities involving a nonscholastic-based basketball team that includes the staff member's child or children and that is of the opposite gender than the institution's team with which the staff member is associated. A coaching staff member or an institutional staff member with basketball-specific duties may not participate on teams that include individuals with eligibility remaining or that include individuals of prospective student-athlete age or younger, regardless of the gender of the participants. *(Revised: 4/28/05 effective 8/1/05, 1/9/06)*

13.11.1.6 Tryout Events. A member institution or conference may not host, sponsor or conduct a tryout camp, clinic, group workout or combine (e.g., combination of athletics skill tests or activities) devoted to agility, flexibility, speed or strength tests for prospective student-athletes at any location. An institution or conference shall not host, sponsor or conduct any portion (e.g., instructional clinic) of an event that also includes agility, flexibility, speed or strength tests for prospective student-athletes that are conducted at a separate location. In sports other than football, a member institution's staff members may only attend (subject to sport-specific restrictions) such an event sponsored by an outside organization if the event occurs off the institution's campus and is open to all institutions (see Bylaw 13.1.8.9.4). *(Adopted: 1/10/92, Revised: 1/9/06 effective 8/1/06, 9/18/07)*

13.11.1.6.1 Exception—National Team Tryout Events. It is permissible for an institution to host national team tryout events conducted by the applicable national governing body. *(Adopted: 12/12/06)*

13.11.1.7 Effect of Violation. Violations of Bylaw 13.11 and its subsections shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Adopted: 8/5/04)*

13.11.2 Permissible Activities.

13.11.2.1 Preseason Practice and Competition. A student-athlete who is not enrolled, but who has been accepted for admission to the institution in a regular full-time program of studies, shall be permitted to engage in preseason practice and competition in fall sports or practice occurring in midyear between terms on the academic calendar, provided such practice is not used to determine whether aid is to be awarded.

13.11.2.2 Recreational Activities. A prospective student-athlete visiting a member institution may participate in physical workouts or other recreational activities during a visit to an institution's campus, provided such activities:

(a) Are not organized or observed by members of the athletics department coaching staff; and

(b) Are not designed to test the athletics abilities of the prospective student-athlete. *(Revised: 1/11/94)*

13.11.2.3 Local Sports Clubs. In sports other than basketball, an institution's coach may be involved in any capacity (e.g., as a participant, administrator or in instructional or coaching activities) in the same sport for a local sports club or organization located in the institution's home community, provided all prospective student-athletes participating in said activities are legal residents of the area (within a 50-mile radius of the institution). In all sports, an institution's coach may be involved in any capacity (e.g., as a participant, administrator or in instructional or coaching activities) in a sport other than the coach's sport for a local sports club or organization located in the institution's home community, provided all prospective student-athletes participating in said activities are legal residents of the area (within a 50-mile radius of the institution). Further, in club teams involving multiple teams or multiple sports, the 50-mile radius is applicable only to the team with which the institution's coach is involved; however, it is not permissible for the coach to assign a prospective student-athlete who lives outside the 50-mile area to another coach of the club. A coach also may be involved in activities with individuals who are not of a prospective student-athlete age, regardless of where such individuals reside. (In women's volleyball, see Bylaw 13.1.8.12 for regulations relating to a coach's involvement with a local sports club and the permissible number of evaluation days.) *(Revised: 1/10/90, 1/16/93, 9/6/00, 4/25/02 effective 8/1/02, 5/11/05)*

13.11.2.3.1 Exception. The 50-mile radius restriction shall not apply to a prospective student-athlete who resides outside a 50-mile radius of the institution, provided the institution documents that the local sports club is the closest opportunity for the prospective student-athlete to participate in the sport. *(Adopted: 1/9/06 effective 8/1/06)*

13.11.2.3.2 Legal Resident. A prospective student-athlete who relocates to an area within a 50-mile radius of the institution on a temporary basis (e.g., to participate on a club team or attend an institution while maintaining a permanent residence outside of the 50-mile radius) is not a legal resident of the area regardless of whether the prospective student-athlete meets legal standards of state or local residency for governmental purposes. *(Adopted: 9/18/07)*

13.11.2.3.3 Institutional Sponsorship of Local Sports Club. Neither an institution's athletics department nor an institution's athletics booster group may sponsor a local sports club that includes prospective student-athletes. It is permissible for a department of the institution that operates independent of the athletics department (e.g., physical education department, recreation department) to sponsor a local sports club that includes prospective student-athletes, provided no athletics department staff member is involved with the club team. *(Adopted: 1/16/93, Revised: 1/11/94)*

13.11.2.3.4 Women's Volleyball—Additional Restrictions. In women's volleyball, during a dead or quiet period, institutional coaching staff members may not coach a local sports club team at an off-campus competition where prospective student-athletes are present. However, it is permissible for an institution's coach to coach his or her own local sports club team in practice activities. *(Adopted: 4/28/05 effective 8/1/05)*

13.11.2.4 Sports Camps and Clinics. An institution's coach may be employed in sports camps, coaching schools and clinics per Bylaw 13.12 without violating the tryout rule.

13.11.2.5 Medical Examinations.

13.11.2.5.1 During Campus Visit. During a prospective student-athlete's official or unofficial visit to campus, a member institution, through its regular team or other designated physician, may conduct a medical examination to determine the prospective student-athlete's medical qualifications to participate in intercollegiate athletics, provided no athletics department staff member other than the athletics trainer is present, the examination does not include any test or procedure designed to measure the athletics agility or skill of the prospective student-athlete and the results of the examination are not used by the institution to deny admission of a prospective student-athlete who is otherwise qualified for admission under the institution's regular admissions criteria. *(Revised: 10/30/03 effective 8/1/04)*

13.11.2.5.1.1 Exception—National Service Academies. National service academies are not subject to the restrictions on medical examinations during a prospective student-athlete's visit to campus, set forth in Bylaw 13.11.2.5.1.

13.11.2.5.2 After Signing or Acceptance for Enrollment. It shall be permissible to administer medical examinations at any time to prospective student-athletes who either have signed the National Letter of Intent with the involved institution or have been accepted for enrollment in a regular full-time program

of studies at that institution, provided the examinations occur during an official paid visit, attendance at summer school per Bylaw 15.2.8 or a visit to the institution at the prospective student-athlete's own expense for any purpose. Such an examination may take place before or after, but not during, a prospective student-athlete's visit to the campus to attend a general orientation session pursuant to Bylaw 13.15.2.4. *(Revised: 1/14/97, 6/10/04)*

13.11.3 Tryout Exceptions.

13.11.3.1 Open Events. Participation by a prospective student-athlete in open events conducted by or held on the campus of a member institution shall not be considered tryouts. Competition shall be considered open if the competitive event itself is not classified by age group or level of educational institution represented, and the selection of participants is not limited except by number, by geographical area or on the basis of some objective standard of performance.

13.11.3.2 Activities Not Involving Institution's Staff. The use of a member institution's facilities for physical activities by a group that includes prospective student-athletes shall not be considered a tryout, provided the institution's athletics department staff members or representatives of its athletics interests are not involved in the conduct, promotion or administration of the activity (other than activities incidental to supervising the use of the facilities) and are subject to all applicable NCAA recruiting legislation (see Bylaw 13.11.1.5). *(Revised: 1/9/06 effective 8/1/06)*

13.11.3.3 State, Regional, National or International Training Programs. Participation by an institution's athletics department staff member in recognized state, regional, national or international training programs or competition organized and administered by the applicable governing body or athletics authority shall not be considered tryouts. A member institution's coaching staff member may not participate only in noncoaching activities (e.g., consultant, on-site coordinator, participant selection), except as provided in Bylaws 13.11.3.3.1, 13.11.3.3.2 and 13.11.3.3.3. *(Revised: 1/9/96, 11/10/97)*

13.11.3.3.1 U.S. Junior National Teams—Basketball. A coaching staff member who is a member of an official committee of USA Basketball may be involved in noncoaching activities (e.g., participant selection, on-site evaluation) involving prospective basketball student-athletes participating on U.S. Junior National teams. *(Adopted: 4/26/01)*

13.11.3.3.2 Coach/Prospective Student-Athlete Competition. It is permissible for an institution's coach to participate with or against prospective student-athletes in recognized state, regional, national or international training programs or competition, provided the competition is regularly scheduled under the authority of an outside sports organization and both the coach and the prospective student-athlete are eligible to enter the competition.

13.11.3.3.3 Administration of State Games. A member institution serving as the site of state games is permitted to involve its staff members in the administration of the event but may not be involved in the selection or assignment of participants and coaches participating in the event. *(Adopted: 1/10/91)*

13.11.3.4 High School, Preparatory School and Two-Year College Contests. Regularly scheduled high school, preparatory school and two-year-college athletics contests or matches, conducted by a member institution or sponsored jointly with an outside organization and held on the campus of a member institution, shall not be considered tryouts, provided the following conditions are met [see Bylaw 13.2.2-(c) for restrictions related to the provision of awards at such contests]:

(a) The opportunity to participate in the event is not limited to specific prospective student-athletes or educational institutions and all individual prospective student-athletes or educational institutions in a specific geographical area are eligible to compete (limited only by number, by institutional classification or on the basis of some objective standard of performance);

(b) The event appears on the schedules of the prospective student-athletes' educational institutions; and

(c) The event is conducted by a national sports federation of which the NCAA is a member or it has been approved prior to the season by the appropriate state or national authority.

13.11.3.5 High School, Preparatory-School and Two-Year College Practice and Competition. The regular or emergency use of a member institution's facilities by a high school, preparatory school or two-year-college athletics team for its normal practice activities (conducted solely by its coaches) or for regularly scheduled high school, preparatory school or two-year-college contests (conducted solely by those participating institutions) shall not be considered tryouts, provided the following conditions are met:

(a) The competition is approved by the appropriate state or national authority; and

(b) The member institution and representatives of its athletics interests are not involved in any way in the invitation or selection of participating schools or individuals.

13.11.3.6 Officiating. An institution's coach may officiate competition that involves prospective student-athletes, provided the competition is regularly scheduled under the authority of an outside sports organization.

13.11.3.7 Private Lessons—Women's Golf and Equestrian Exception. An institution's women's golf and equestrian coaches may teach private lessons to a prospective student-athlete in their respective sports, provided the following conditions are met: *(Revised: 4/28/05 effective 8/1/05)*

(a) The prospective student-athlete resides within a 50-mile radius of the institution's main campus;

(b) The coach makes lessons available to the general public;

(c) In women's golf, lessons are only provided to female prospective student-athletes and the coach is a teaching professional certified pursuant to the Ladies Professional Golf Association (LPGA) and/or Professional Golf Association (PGA) certification program; *(Revised: 4/28/05 effective 8/1/05)*

(d) Fees charged to the prospective student-athlete are at a rate commensurate with fees charged to all individuals;

(e) Fees charged to the prospective student-athlete are not paid by individuals or entities other than the prospective student-athlete or his or her parent or legal guardian; and

(f) The institution keeps on file in the office of the director of athletics documentation of the fee charged for the lessons and the name of any individual receiving any portion of the fee.

13.11.3.8 Voluntary Summer Conditioning—Football.

13.11.3.8.1 Voluntary Summer Conditioning—Bowl Subdivision Football. [FBS] In bowl subdivision football, a prospective student-athlete may engage in voluntary summer workouts conducted by an institution's strength and conditioning coach with department-wide duties and may receive workout apparel (on an issuance and retrieval basis), provided he: *(Adopted: 4/24/03 effective 5/1/03, Revised: 4/29/04, 5/31/06, 12/15/06, 1/14/08)*

(a) Has signed a National Letter of Intent or, for those institutions not using the National Letter of Intent or in the case of a four-year college prospective student-athlete, the prospective student-athlete has signed the institution's written offer of admission and/or financial aid; or

(b) Is enrolled in the institution's summer term prior to the student's initial full-time enrollment at the certifying institution (see Bylaws 13.2.7.1 and 17.11.6).

13.11.3.8.2 Voluntary Summer Conditioning—Championship Subdivision Football. [FCS] In championship subdivision football, a prospective student-athlete may engage in voluntary summer workouts conducted by an institution's strength and conditioning coach with department-wide duties or a countable coach who is a certified strength and conditioning coach, and may receive workout apparel (on an issuance and retrieval basis), provided he: *(Adopted: 4/24/03 effective 5/1/03, Revised: 4/29/04, 5/31/06, 12/15/06, 1/14/08, 5/4/09)*

(a) Has signed a National Letter of Intent or, for those institutions not using the National Letter of Intent or in the case of a four-year college prospective student-athlete, the prospective student-athlete has signed the institution's written offer of admission and/or financial aid; or

(b) Is enrolled in the institution's summer term prior to the student's initial full-time enrollment at the certifying institution (see Bylaws 13.2.7.2 and 17.11.6).

13.11.3.8.3 Mandatory Medical Examination. Prior to participation in any weight-training or conditioning workouts, a prospective student-athlete who will be a first-time participant shall be required to undergo a medical examination or evaluation administered or supervised by a physician (e.g., family physician, team physician). The examination or evaluation must have been administered within six months prior to participation in any weight-training or conditioning activity. *(Adopted: 1/8/07 effective 5/1/07)*

13.11.3.9 Voluntary Summer Conditioning—Basketball. In basketball, a prospective student-athlete may engage in voluntary summer workouts conducted by an institution's strength and conditioning coach with department-wide duties and may receive workout apparel (on an issuance and retrieval basis), provided he or she: *(Adopted: 4/29/04, 7/20/04, Revised: 1/14/08)*

(a) Has signed a National Letter of Intent; or

(b) Is enrolled in the institution's summer term prior to the student's initial full-time enrollment at the certifying institution (see Bylaw 13.2.8).

13.11.3.9.1 Mandatory Medical Examination. Prior to participation in any weight-training or conditioning workouts conducted by an institution's strength and conditioning coach, a prospective student-athlete who will be a first-time participant shall be required to undergo a medical examination or evaluation administered or supervised by a physician (e.g., family physician, team physician). The examination or evaluation must have been administered within six months prior to participation in any weight-training or conditioning activity. *(Adopted: 1/8/07 effective 5/1/07)*

13.11.3.10 Voluntary Summer Conditioning—Sports Other Than Football and Basketball. In sports other than football and basketball, a prospective student-athlete may engage in voluntary summer workouts conducted by an institution's strength and conditioning coach with department-wide duties and may receive workout apparel (on an issuance and retrieval basis), provided he or she is enrolled in the institution's summer term prior to the student's initial full-time enrollment at the certifying institution. *(Adopted: 4/30/09)*

13.11.3.10.1 Mandatory Medical Examination. Prior to participation in any weight-training or conditioning workouts conducted by an institution's strength and conditioning coach, a prospective student-athlete who will be a first-time participant shall be required to undergo a medical examination or evaluation administered or supervised by a physician (e.g., family physician, team physician). The examination or evaluation must have been administered within six months prior to participation in any weight-training or conditioning activity. *(Adopted: 4/30/09)*

13.11.3.11 Safety Exception—Summer Prior to Initial Full-Time Enrollment at the Certifying Institution. In sports in which the safety exception is applicable in Bylaw 17, a prospective student-athlete who is enrolled in a summer term prior to initial full-time enrollment at the certifying institution may participate in voluntary individual workouts in the presence of the institution's coach and in the institution's regular practice facility when the prospective student-athlete uses equipment related to the sport. The coach may provide safety or skill instruction but may not conduct the individual's workout. *(Adopted: 4/27/06)*

13.11.3.11.1 Mandatory Medical Examination. Prior to participation in any voluntary individual workouts pursuant to the safety exception, a prospective student-athlete who will be a first-time participant shall be required to undergo a medical examination or evaluation administered or supervised by a physician (e.g., family physician, team physician). The examination or evaluation must have been administered within six months prior to participation in any safety exception activity. *(Adopted: 1/8/07 effective 5/1/07)*

13.12 SPORTS CAMPS AND CLINICS

13.12.1 Institution's Sports Camps and Clinics.

13.12.1.1 Definition. An institution's sports camp or instructional clinic shall be any camp or clinic that is owned or operated by a member institution or an employee of the member institution's athletics department, either on or off its campus, and in which prospective student-athletes participate. *(Adopted: 1/11/89, Revised: 1/10/90, 4/26/01 effective 8/1/01)*

13.12.1.1.1 Definition of Prospective Student-Athlete—Men's Basketball. In men's basketball, for purposes of Bylaw 13.12, the phrase "prospective student-athlete" shall include any individual who has started classes for the seventh grade. *(Adopted: 1/17/09)*

13.12.1.1.2 Purposes of Camps or Clinics. An institution's sports camp or clinic shall be one that:

(a) Places special emphasis on a particular sport or sports and provides specialized instruction or practice and may include competition; *(Revised: 5/9/06)*

(b) Involves activities designed to improve overall skills and general knowledge in the sport; or

(c) Offers a diversified experience without emphasis on instruction, practice or competition in any particular sport. *(Adopted: 1/11/89, Revised: 1/10/90)*

13.12.1.1.3 Football. [FBS/FCS] An institution's football camp or clinic shall be conducted on the institution's campus, within the state in which the institution is located or, if outside the state, within a 50-mile radius of the institution's campus. In addition, an institution's football camp or clinic may be conducted only during two periods of 15 consecutive days in the months of June and July or any calendar week (Sunday through Saturday) that includes days of those months (e.g., May 28-June 3). The dates of the two 15-day periods must be on file in the office of the athletics director. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Revised: 4/28/05 effective 8/1/05, 1/9/06 effective 8/1/06, 1/8/07)*

13.12.1.1.4 Basketball. An institution's basketball camp or clinic shall be conducted only during the months of June, July and August, or any calendar week (Sunday through Saturday) that includes days of those months (e.g., May 28-June 3). Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Adopted: 1/8/07)*

13.12.1.2 Attendance Restriction. A member institution's sports camp or clinic shall be open to any and all entrants (limited only by number, age, grade level and/or gender). *(Revised: 1/11/89, 1/10/91, 1/11/94, 12/12/06)*

13.12.1.2.1 Exception—Football. In football, a "senior prospective student-athlete" shall not be permitted to enroll, participate or be employed at any such sports camp or clinic. *(Adopted: 1/10/95, Revised: 1/9/06 effective 8/1/06)*

13.12.1.2.1.1 Senior Prospective Student-Athlete Defined. For purposes of this legislation, a "senior prospective student-athlete" is a prospective student-athlete who is eligible for admission to a member institution or who has started classes for the senior year in high school. A preparatory school or two-year college student is considered to be a "senior prospective student-athlete" for purposes of this rule. *(Adopted: 1/10/95)*

13.12.1.2.1.2 No Physical Activity. A "senior prospective student-athlete" may attend a camp or clinic, provided the prospective student-athlete does not participate in any physical activities. *(Adopted: 1/10/95)*

13.12.1.3 Recruiting Calendar Exceptions. The interaction during sports camps and clinics between prospective student-athletes and those coaches employed by the camp or clinic is not subject to the recruiting calendar restrictions. However, an institutional staff member employed at any camp or clinic (e.g., counselor, director) is prohibited from recruiting any prospective student-athlete during the time period that the camp or clinic is conducted (from the time the prospective student-athlete reports to the camp or clinic until the conclusion of all camp activities). The prohibition against recruiting includes extending verbal or written offers of financial aid to any prospective student-athlete during his or her attendance at the camp or clinic. Other coaches wishing to attend the camp as observers must comply with appropriate recruiting contact and evaluation periods. In addition, institutional camps or clinics may not be conducted during a dead period. *(Revised: 4/3/02)*

13.12.1.4 Advertisements. Restrictions relating to advertisements of an institution's sports camps and clinics in recruiting publications are set forth in Bylaw 13.4. Such restrictions do not apply to sports camp and clinic advertisements in nonrecruiting publications (e.g., a member institution's game program). Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Revised: 8/5/04)*

13.12.1.5 Employment of Prospective Student-Athletes/No Free or Reduced Admission Privileges.

13.12.1.5.1 General Rule. An institution, members of its staff or representatives of its athletics interests shall not employ or give free or reduced admission privileges to a prospective student-athlete who is an athletics award winner or any individual being recruited by the institution per Bylaw 13.02.12.1. *(Revised: 3/10/04, 4/20/09)*

13.12.1.5.2 Payment of Expenses. A representative of an institution's athletics interests may not pay a prospective student-athlete's expenses to attend a member institution's sports camp or clinic.

13.12.1.5.3 Concession Arrangement.

13.12.1.5.3.1 Prospective Student-Athlete. An institution may not permit or arrange for a prospective student-athlete, at the prospective student-athlete's own expense, to operate a concession to sell items related to or associated with the institution's camp.

13.12.1.5.3.2 Enrolled Student-Athlete. A student-athlete, at the student-athlete's own expense, may not operate a concession to sell items related to or associated with his or her institution's camp to campers or others in attendance because such an arrangement would be considered an extra benefit. However, the institution may employ the student-athlete at a reasonable rate to perform such services for the camp.

13.12.1.5.4 Awards. Prospective student-athletes may receive awards from a member institution's sports camp or clinic with the understanding that the cost of such awards is included in the admissions fees charged for participants in the camp or clinic. *(Adopted: 1/10/92)*

13.12.1.5.5 Restitution. For violations of Bylaw 13.12.1.5 and its subsections in which the value of the benefit is $100 or less, the eligibility of the prospective student-athlete shall not be affected conditioned on the prospective student-athlete repaying the value of the benefit to a charity of his or her choice. However, the prospective student-athlete shall remain ineligible from the time the institution has knowledge of receipt of the impermissible benefit until the prospective student-athlete repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the prospective student-athlete's repayment shall be forwarded to the enforcement services staff. *(Adopted: 8/5/04)*

13.12.1.6 Educational Session. An institution's basketball sports camp or clinic must include an educational session presented in-person or in a video format detailing NCAA initial-eligibility standards and regulations related to gambling, agents and drug use to all camp and/or clinic participants. *(Adopted: 1/14/97, Revised: 1/13/03)*

13.12.2 Employment at Camp or Clinic.

13.12.2.1 Student-Athletes. A student-athlete who is employed in any sports camp or clinic must meet the following requirements:

(a) The student-athlete must perform duties that are of a general supervisory character in addition to any coaching or officiating assignments. *(Revised: 4/28/05)*

(b) Compensation provided to the student-athlete shall be commensurate with the going rate for camp or clinic counselors of like teaching ability and camp or clinic experience and may not be paid on the basis of the value that the student-athlete may have for the employer because of the athletics reputation or fame the student-athlete has achieved. It is not permissible to establish varying levels of compensation for a student-athlete employed in a sports camp or clinic based on the level of athletics skills of the student-athlete. *(Revised: 1/11/94)*

(c) A student-athlete who only lectures or demonstrates at a camp/clinic may not receive compensation for his or her appearance at the camp/clinic. *(Adopted: 1/11/94)*

13.12.2.1.1 Self-Employment. A student-athlete with remaining eligibility is not permitted to conduct his or her own camp or clinic.

13.12.2.1.2 Provision of Travel Expenses to All Employees. A student-athlete may receive actual travel expenses (including lodging and meals in transit and prepaid plane tickets or cash advances) only if such travel expenses are paid and procedures for reimbursement of expenses are used for all employees of the camp/clinic. Credit cards may not be provided to a student-athlete to pay such expenses. *(Adopted: 1/10/92)*

13.12.2.1.3 Cash Advances Based on Anticipated Earnings. In the case in which all employees do not receive travel expenses, a cash advance based on anticipated earnings may be provided to a student-athlete only if such advance does not exceed the estimated actual and necessary cost of travel or the student-athlete's estimated employment earnings, whichever is less, and such a benefit is available to all camp employees. *(Adopted: 1/10/92)*

13.12.2.1.4 Transportation from Coach or Representative of Athletics Interests. Actual transportation from an institution's coach or representative of its athletics interests may be provided to a student-athlete only if travel expenses are paid for all employees of the camp/clinic. *(Adopted: 1/10/92)*

13.12.2.1.5 Employment in Own Institution's Camp or Clinic—Sports Other Than Bowl Subdivision Football. In sports other than bowl subdivision football, a member institution (or employees of its athletics department) may employ its student-athletes as counselors in camps or clinics, provided the student-athletes do not participate in organized practice activities other than during the institution's playing season in the sport (see Bylaw 17.1.1). *(Revised: 1/11/94, 1/10/95, 1/10/05 effective 8/1/05, 4/28/05, 12/15/06)*

13.12.2.1.6 Employment in Camp or Clinic—Bowl Subdivision Football. [FBS]

13.12.2.1.6.1 Employment in Specialized Camp—Student-Athlete's Institution. [FBS] In bowl subdivision football, no member of an institution's football squad who has eligibility remaining may be employed or otherwise participate in that institution's football camp. *(Adopted: 1/10/95, Revised: 4/28/05 effective 8/1/05, 12/15/06)*

13.12.2.1.6.2 Employment in Specialized Camp—Other Than Student-Athlete's Institution. [FBS] In bowl subdivision football, a member of an institution's football squad who has eligibility remaining may be employed in any camp that specializes in football, other than his own institution's camp, provided not more than one football student-athlete from any one Division I institution is employed. *(Adopted: 1/10/95, Revised: 4/28/05 effective 8/1/05, 12/15/06)*

13.12.2.1.6.3 Employment in Diversified Sports Camp. [FBS] In bowl subdivision football, a member of an institution's football squad who has eligibility remaining may be employed as a counselor in any diversified camp, including a diversified camp conducted by the student-athlete's own institution, provided not more than one member with eligibility remaining of the previous year's football squad of any one Division I institution is employed. *(Adopted: 1/10/95, Revised: 4/28/05 effective 8/1/05, 12/15/06)*

13.12.2.1.7 Eligibility Ramifications—Restitution for Receipt of Improper Benefits. For violations of Bylaw 13.12.2 in which the value of the offer or inducement is $100 or less, the eligibility of the individual (prospective or enrolled student-athlete) shall not be affected conditioned upon the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional and violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self-report of the violation. *(Adopted: 4/24/03 effective 8/1/03)*

13.12.2.2 High School, Preparatory-School, Two-Year College Coaches or Other Individuals Involved with Prospective Student-Athletes. A member institution (or employees of its athletics department) may employ a high school, preparatory school or two-year-college coach or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved at its camp or clinic, provided: *(Revised: 1/11/94, 6/25/08)*

(a) The individual receives compensation that is commensurate with the going rate for camp counselors of like teaching ability and camp experience; and *(Revised: 6/25/08)*

(b) The individual is not paid on the basis of the value he or she may have for the employer because of his or her reputation or contact with prospective student-athletes. *(Adopted: 1/11/89, Revised: 6/25/08)*

13.12.2.2.1 Prohibited Compensation. A member institution may not compensate or reimburse a high school, preparatory school or two-year college coach based on the number of campers the coach sends to the camp.

13.12.2.2.2 Employment as a Speaker in an Institutional Camp or Clinic—Basketball. An institution shall not employ (either on a salaried or a volunteer basis) a speaker in any basketball camp or clinic (including a coaches clinic or a camp or clinic involving nonprospects) who is involved in coaching prospective student-athletes or is associated with a prospective student-athlete as a result of the prospective student-athlete's participation in basketball. Such an individual may be employed as a camp counselor, but may not perform speaking duties other than those normally associated with camp counselor duties (e.g., skill instruction). *(Adopted: 1/17/09)*

13.12.2.3 Athletics Staff Members. A member institution's athletics staff member may be involved in sports camps or clinics unless otherwise prohibited in this section.

13.12.2.3.1 Camp/Clinic Providing Recruiting or Scouting Service. No athletics department staff member may be employed (either on a salaried or a volunteer basis) in any capacity by a camp or clinic established, sponsored or conducted by an individual or organization that provides recruiting or scouting services concerning prospective student-athletes. This provision does not prohibit an athletics department staff member from participating in an officiating camp where participants officiate for, but are not otherwise involved in, a scouting services camp. *(Adopted: 1/11/89, Revised: 1/10/90, 1/10/92)*

13.12.2.3.2 Institutional/Noninstitutional Privately Owned Camps/Clinic—Basketball. In basketball, an institution's coach or noncoaching staff member with responsibilities specific to basketball may be employed only at his or her institution's camps or clinics. Participation in such camps or clinics is limited to the months of June, July and August or any calendar week (Sunday through Saturday) that includes days of those months (e.g., May 28-June 3). It is not permissible for a basketball coach or a noncoaching staff member with responsibilities specific to basketball to be employed at other institutional camps or clinics or at noninstitutional privately owned camps or clinics. *(Adopted: 4/28/05 effective 4/28/05 for men's basketball, 8/1/05 for women's basketball, Revised: 1/9/06 effective 8/1/06)*

13.12.2.3.3 Other Noninstitutional Privately Owned Camps/Clinics—Sports Other Than Basketball. In sports other than basketball, an institution's athletics department personnel may serve in any capacity (e.g., counselor, guest lecturer, consultant) in a noninstitutional, privately owned camp or clinic, provided the camp or clinic is operated in accordance with restrictions applicable to institutional camps (e.g., open to any and all entrants, no free or reduced admission to or employment of athletics award winners). In football, participation in such camps/clinics is limited to two periods of 15 consecutive days in the months of June and July or any calendar week (Sunday through Saturday) that includes days of those months (e.g., May 28-June 3). The dates of the two 15-day periods must be on file in the office of the athletics director. *(Revised: 4/28/05 effective 8/1/05, 5/26/06)*

13.12.2.3.4 Noncoaching Athletics Staff Members with Department-Wide Responsibilities. A noncoaching athletics staff member with department-wide responsibilities may present an educational session at a noninstitutional, privately owned camp/clinic that is not operated under the restrictions applicable to institutional camps/clinics, provided the staff member does not make a recruiting presentation. *(Adopted: 4/29/04 effective 8/1/04)*

13.12.2.3.5 Noninstitutional Fundamental Skills Camp/Clinic. An institution's athletics department personnel may serve in any capacity at a noninstitutional camp or clinic conducted under the following conditions: *(Adopted: 1/13/03)*

(a) The camp or clinic is designed to develop fundamental skills in a sport (rather than refine the abilities of skilled participants in the sport);

(b) The camp or clinic is open to the general public (except for restrictions in age or number of participants);

(c) The camp or clinic is conducted primarily for educational purposes and does not include material benefits for the participants (e.g., awards, prizes, merchandise, gifts);

(d) Participants do not receive a recruiting presentation; and

(e) All participants reside in the state in which the camp/clinic is located or within 100 miles of the camp/clinic.

13.12.2.3.6 Effect of Violation. Violations of Bylaw 13.12.2.3 and its subsections shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Adopted: 8/5/04)*

13.13 HIGH SCHOOL ALL-STAR GAMES

13.13.1 Coach Involvement. A member institution shall not permit any coach or athletics department staff member directly involved in the recruiting of prospective student-athletes to participate (directly or indirectly) in the management, coaching, officiating, supervision, promotion or participant selection of any all-star team or contest involving interscholastic participants or those who, during the previous school year, were members of high school athletics teams. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1 and shall not affect the prospective student-athlete's eligibility. *(Revised: 4/24/03 effective 8/1/03, 3/26/04)*

13.13.1.1 Previous Contractual Agreement. If a coach has made a contractual commitment to coach in a high school all-star game prior to being employed by a member institution and then becomes a member of the institution's staff before the game is held, the coach shall be obligated to observe this provision and disassociate himself or herself from the all-star game.

13.13.2 Use of Institutional Facilities. A member institution's facilities shall not be made available for a high school all-star game unless the provisions of Bylaw 13.11.3.2 are met (see Bylaw 30.2.1.4). Violations of this

bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Revised: 8/5/04)*

13.13.3 Use of Institutional Equipment. It is not permissible for an institution to provide its athletics equipment to a prospective student-athlete (e.g., for use in a high school all-star game). Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Revised: 8/5/04)*

13.14 USE OF RECRUITING FUNDS

13.14.1 Institutional Control. All funds for the recruiting of prospective student-athletes shall be deposited with the member institution, which shall be exclusively and entirely responsible for the manner in which such funds are expended.

13.14.2 Visiting a Prospective Student-Athlete. A member institution's athletics department staff member may visit a prospective student-athlete or the prospective student-athlete's relatives or legal guardians at any location for recruiting purposes. However, on any such visit, the staff member may not expend any funds other than the amount necessary for his or her own personal expenses.

13.14.3 Recruiting Services.

13.14.3.1 Published Recruiting Services. An institution may subscribe to a regularly published scouting service involving prospective student-athletes, provided this service is made available to all institutions desiring to subscribe and at the same fee rate for all subscribers.

13.14.3.2 Video Services. Member institutions are permitted to use video services, provided only regularly scheduled (regular season) high school or two-year college contests are involved. The institution may not contract with the service in advance to have a particular contest recorded or provided, and the service must be available to all institutions at the same cost. Off-campus observation of a prospective student-athlete via video made available by a scouting service is considered an evaluation activity and is subject to applicable evaluation regulations. *(Revised: 9/15/97)*

13.14.3.3 Effect of Violation. Violations of Bylaw 13.14.3 and its subsections shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Adopted: 8/5/04)*

13.14.4 Slush Funds. An institution shall not permit any outside organization, agency or group of individuals to use, administer or expend funds for recruiting prospective student-athletes, including the transportation and entertainment of, and the giving of gifts or services to, prospective student-athletes or their relatives, legal guardians or friends.

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.

13.14.4.2 Company Funds. The use of a company's funds to pay the expenses incurred in transporting a prospective student-athlete to the campus constitutes the use of pooled resources.

13.14.5 Alumni Organizations. Bona fide alumni organizations of an institution may sponsor luncheons, teas or dinners at which prospective students (athletes and nonathletes) of that immediate locale are guests. A member institution's area alumni organization may be considered a bona fide part of that institution, provided such an organization is accredited by the president or chancellor of the institution and meets these additional terms and conditions: *(Revised: 3/8/06)*

(a) A staff member of the institution periodically shall inspect the financial records of the alumni organization and certify that the expenditures comply with the rules and regulations of the NCAA and the conference(s), if any, of which the institution is a member; and

(b) A club official shall be designated by the president or chancellor as the institution's official agent in the administration of the club's funds, and said club official shall file regular reports to the institution relating the manner in which the club funds have been spent in the recruiting of student-athletes. *(Revised: 3/8/06)*

13.14.5.1 Subject to NCAA Rules. When an alumni organization is certified by the president or chancellor as being a bona fide part of the institution, said organization becomes subject to all of the limitations placed upon the member institution by NCAA legislation. A violation of such legislation by any member of the alumni organization shall be a violation by the member institution. *(Revised: 3/8/06)*

13.14.5.2 Effect of Violation. Violations of Bylaw 13.14.5 and its subsections shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Adopted: 8/5/04)*

13.15 PRECOLLEGE EXPENSES

13.15.1 Prohibited Expenses. An institution or a representative of its athletics interests shall not offer, provide or arrange financial assistance, directly or indirectly, to pay (in whole or in part) the costs of the prospective

student-athlete's educational or other expenses for any period prior to his or her enrollment or so the prospective student-athlete can obtain a postgraduate education. For violations of Bylaw 13.15 in which the value of the benefit received directly by the prospective student-athlete is $100 or less, the eligibility of the prospective student-athlete shall not be affected conditioned on the prospective student-athlete repaying the value of the benefit to a charity of his or her choice. However, the prospective student-athlete shall remain ineligible from the time the institution has knowledge of receipt of the direct impermissible benefit until the prospective student-athlete repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the prospective student-athlete's repayment shall be forwarded to the enforcement staff. *(Revised: 8/5/04)*

13.15.1.1 Extent of Prohibition. The provisions of Bylaw 13.15.1 apply to all prospective student-athletes, including those who have signed a National Letter of Intent or an institutional offer of admission or financial aid.

13.15.1.2 Fundraising for High School Athletics Program. An institution may not provide funding, directly or through paid advertisements, to benefit a high school athletics program. Violations of this bylaw do not affect a prospective student-athlete's eligibility and are considered institutional violations per Constitution 2.8.1. *(Adopted: 1/10/92, Revised: 4/26/01)*

13.15.1.2.1 Involvement by Local Representatives of Institution's Athletics Interests. A representative of an institution's athletics interests may provide funding to benefit a high school athletics program located in the community in which the athletics representative resides, provided: *(Adopted: 1/10/92)*

(a) The representative acts independently of the institution;

(b) The funds are distributed through channels established by the high school or the organization conducting the fundraising activity; and

(c) The funds are not earmarked directly for a specific prospective student-athlete.

13.15.1.3 College Use of High School Facility. An institution may not contribute to a high school or its athletics booster club any funds realized from an athletics contest played or a practice held at a high school facility, except actual and necessary expenses for rental of the facility.

13.15.1.4 State High School Association Use of Member Institution's Facilities. An institution may permit a state high school association to use its facilities to host state high school championship events at a reduced rate. *(Adopted: 4/28/05)*

13.15.1.5 High School Contest in Conjunction with College Competition. A high school contest held in conjunction with an institution's intercollegiate contest shall be governed by the following: *(Revised: 1/10/90, 1/10/95)*

(a) It shall involve a sport other than basketball, football, gymnastics or volleyball;

(b) It shall be regularly scheduled and approved by the appropriate state high school authority;

(c) The member institution shall not provide the high school with any financial compensation, including transportation expenses or a guarantee or percentage of the income realized from the contest; and

(d) The only expenses the member institution may incur are the operating and maintenance costs associated with its facility's use for the high school contest.

13.15.1.6 Donation of Equipment.

13.15.1.6.1 Athletics Equipment. A member institution may not provide athletics equipment to a high school. However, a member institution is permitted to provide athletics equipment to bona fide youth organizations (e.g., the YMCA, YWCA, boy scout troops, girl scout troops, a summer recreation league) that may consist of some prospective student-athletes, provided the issuance of equipment is in accordance with the institution's regular policy regarding the discarding of equipment. Further, only those organizations within a 30-mile radius of the campus may be provided such equipment by the institution. Violations of this bylaw do not affect a prospective student-athlete's eligibility and are considered institutional violations per Constitution 2.8.1. *(Revised: 4/26/01)*

13.15.1.6.1.1 Exception—Women's Rowing. An institution may loan rowing equipment to a high school's or junior club program's women's team on an issuance and retrieval basis and may permit high schools' and junior club programs' women's teams to use its rowing facilities for practice and/or competition. *(Adopted: 1/9/96 effective 8/1/96)*

13.15.1.6.1.2 Donation of Used Athletics Equipment to Foundation. An institution may donate used athletics equipment to a nonprofit foundation established to distribute such equipment to high schools, provided the request for such donations is initiated by the foundation and the institutions have no part in selecting the high schools that are to receive the equipment. *(Adopted: 1/11/94)*

13.15.1.6.2 Nonathletics Equipment. A member institution may provide nonathletics equipment (e.g., a computer) to a high school, provided there is no athletics department involvement and the equipment is not used to benefit only the high school's athletics program. *(Adopted: 1/10/91)*

13.15.1.7 Ticket Sales. It is not permissible for a member institution to compensate a high school, preparatory school or two-year college for selling tickets to the institution's athletics contests. Specifically, the member

institution may not provide such forms of compensation as a guarantee, a percentage of the income realized from the sale of the tickets or any other form of commission for providing such services.

13.15.1.8 Conference-Sponsored Sportsmanship Initiatives. A conference may provide actual and necessary expenses that are directly associated with implementing a conference-sponsored sportsmanship initiative as described in Bylaws 13.1.11, 13.4.4.4 and 13.10.4. *(Adopted: 4/26/07 effective 8/1/07)*

13.15.1.9 Academic Services. An institution shall not provide academic expenses or services (e.g., tutoring, test preparation) to assist a prospective student-athlete in completing initial-eligibility or transfer-eligibility requirements or in improving his or her academic profile in conjunction with a waiver request. *(Adopted: 4/23/08)*

13.15.2 Permissible Expenses.

13.15.2.1 ACT and SAT Scores. An institution may pay a fee required by the appropriate testing agency to obtain a prospective student-athlete's official ACT or SAT scores. *(Adopted: 1/10/90)*

13.15.2.2 Collect and Toll-Free Telephone Calls. Institutional coaching staff members (see Bylaw 13.1.3.4.1) may accept collect and toll-free (e.g., 1-800, 1-888) telephone calls placed by prospective student-athletes and prospective student-athletes' parents and legal guardians, provided the calls are placed no earlier than July 1 following completion of the prospective student-athlete's junior year in high school. *(Adopted: 1/10/91 effective 7/1/91, Revised: 1/10/92, 1/11/94, 12/12/06)*

13.15.2.3 Institution Providing Items to Athletics Youth Groups for Fundraising. An institution may provide items to assist in the fundraising efforts of athletics youth groups composed of individuals who have not started classes for the ninth grade without causing such individuals to become prospective student-athletes per Bylaw 13.02.11. *(Adopted: 1/10/95)*

13.15.2.4 Student Orientation Sessions. An institution may pay on-campus expenses (e.g., meals, lodging) for prospective student-athletes to attend institutional orientation sessions conducted for all students. However, an institution may provide on-campus expenses to student-athletes to attend orientation sessions for a particular group of students selected on a basis unrelated to athletics ability only if the institution is providing expenses on a uniform basis to all members of that particular group. An institutional staff member may provide transportation from and to the nearest bus or train station or major airport to the campus on the occasion of the prospective student-athlete's arrival or departure from the institution to attend the institution's required new-student orientation, provided the prospective student-athlete has been accepted for admission to the institution. *(Adopted: 1/10/95, Revised: 1/9/96, 4/26/01 effective 8/1/01)*

13.15.2.5 Use of Bands Comprised of Prospective Student-Athletes. An institution may hire a band (e.g., marching band, pep band) comprised of prospective student-athlete-aged individuals to perform at its regular-season home contests and/or postseason home or away-from-home contests, provided the band is paid commensurate with the going rate in that locale for similar services and the organization providing the band is located within 150 miles of the competition site. *(Adopted: 11/1/01 effective 8/1/02)*

13.16 U.S. SERVICE ACADEMY EXCEPTIONS

13.16.1 Contacts.

13.16.1.1 During Junior Year in High School. Authorized athletics staff members of the U.S. Air Force, Military, Coast Guard, Merchant Marine and Naval Academies, where Congressionally required institutional procedures applying to all prospective cadets and midshipmen, regardless of athletics ability, are in conflict with the Association's legislation governing telephonic and off-campus recruiting contacts, may make in-person, telephonic and off-campus contacts during a prospective student-athlete's junior year in high school. Sport-specific recruiting calendar restrictions apply to off-campus contacts, except, in football, authorized staff members may make in-person off-campus contact with a prospective student-athlete during the spring evaluation period of the prospective student-athlete's junior year in high school, including contact at the prospective student-athlete's educational institution. The total number of contacts, including those after the prospective student-athlete's junior year, shall not exceed the number permitted in the applicable sport. *(Revised: 4/24/08)*

13.16.1.2 After National Letter-of-Intent Signing Date. There shall be no limit on the number of recruiting contacts with the prospective student-athlete, the prospective student-athlete's relatives or legal guardians (consistent with the provisions of Bylaws 13.1.6.8 and 13.1.6.8.1) made by a national service academy to which the prospective student-athlete has applied for admission after the National Letter of Intent signing date in the sport.

13.16.1.3 Freshmen at Summer Enrollment Programs. Freshmen entering the official summer enrollment program of one of the four national service academies (U.S. Air Force, Coast Guard, Military and Naval Academies) shall be considered student-athletes of a senior collegiate institution and may not be contacted by other member institutions without permission from the athletics director of the service academy.

13.16.2 Evaluation Days—Football. In football, each national service academy is limited to 54 evaluation days (see Bylaw 13.02.6.2) during the fall evaluation period. *(Adopted: 4/14/08)*

13.16.3 Precollege Expenses. The Legislative Council Subcommittee for Legislative Relief may approve waivers of Bylaw 13.15, provided such waivers are limited to procedures involving preparation for entrance into one of the U.S. service academies (see Bylaw 30.18.1.1). *(Revised: 11/1/07 effective 8/1/08)*

BYLAW, ARTICLE 14

Eligibility: Academic and General Requirements

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14.01 GENERAL PRINCIPLES

14.01.1 Institutional Responsibility. An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements, and the institution has certified the student-athlete's eligibility. A violation of this bylaw in which the institution fails to certify the student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition. *(Revised: 1/14/08)*

14.01.2 Academic Status. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall be enrolled in at least a minimum full-time program of studies, be in good academic standing and maintain progress toward a baccalaureate or equivalent degree. *(Revised: 5/29/08)*

14.01.2.1 Good Academic Standing. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall be in good academic standing as determined by the academic authorities who determine the meaning of such phrases for all students of the institution, subject to controlling legislation of the conference(s) or similar association of which the institution is a member. *(Revised: 5/29/08)*

14.01.2.1.1 Additional Application—Baseball. In baseball, a student-athlete who fails to meet the requirements of good academic standing at the beginning of an institution's fall term shall not be eligible for competition during the remainder of the academic year. *(Adopted: 4/26/07 effective 8/1/08)*

14.01.3 Compliance with Other NCAA and Conference Legislation. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall be in compliance with all applicable provisions of the constitution and bylaws of the Association and all rules and regulations of the institution and the conference(s), if any, of which the institution is a member. A violation of this bylaw that relates only to a violation of a conference rule shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility. Specific attention is called to legislation affecting eligibility in the following areas. *(Revised: 10/27/06)*

14.01.4 Compliance with Legislation for Emerging Sports.

14.01.4.1 Seasons of Competition. Beginning with the second year of the Association's identification of an emerging sport for women (see Bylaw 20.02.5), the institution shall comply fully in that program with all applicable seasons-of-competition legislation set forth in Bylaw 14.2. *(Adopted: 1/10/95, Revised: 2/24/03)*

14.01.4.2 Initial, Continuing and General Eligibility Requirements. Beginning with the third year of the Association's identification of an emerging sport for women (see Bylaw 20.02.5), the institution shall fully comply in that program with all applicable initial, continuing and general eligibility legislation set forth in Bylaw 14. *(Adopted: 1/10/95, Revised: 2/24/03)*

14.02 DEFINITIONS AND APPLICATIONS

14.02.1 Branch School. A branch school is an educational institution that usually offers two years of college work, does not award degrees independently, and is wholly controlled and operated by a four-year, degree-granting parent institution.

14.02.2 Church Mission, Official. An official church mission is one that is established by the church of which the individual is a member and that results in the individual being unable to attend a collegiate institution during the period of the mission. *(Revised: 1/9/06)*

14.02.3 Collegiate Institution. A collegiate institution (for purposes of NCAA legislation) is an institution of higher education that:

(a) Is accredited at the college level by an agency or association recognized by the Secretary of the Department of Education and legally authorized to offer at least a one-year program of study creditable toward a degree; or *(Revised: 1/10/90, 8/8/02)*

(b) Conducts an intercollegiate athletics program, even though the institution is not accredited at the college level and authorized to offer at least a one-year program of study creditable toward a degree; or *(Revised: 8/8/02)*

(c) Is located in a foreign country.

14.02.4 Education-Impacting Disability. An education-impacting disability is a current impairment that has a substantial educational impact on a student's academic performance and requires accommodation. *(Adopted: 8/8/08)*

14.02.5 Exception. An exception is the granting of relief from the application of a specific regulation (e.g., the residence requirement for a transfer student to become eligible for competition). The action granting the exception may be taken solely by the certifying institution, based on evidence that the conditions on which the exception is authorized have been met (see Bylaw 14.02.13). *(Revised: 11/1/07 effective 8/1/08)*

14.02.6 Good Academic Standing and Progress Toward Degree. The phrases "good academic standing" and "progress toward degree" are to be interpreted at each member institution by the academic officials who determine the meaning and application of such phrases for all students, subject to the controlling regulations of the institution; the conference(s) (or similar associations), if any, of which the institution is a member, and applicable NCAA legislation (see Bylaw 14.4).

14.02.7 Intercollegiate Competition. Intercollegiate competition occurs when a student-athlete in either a two-year or a four-year collegiate institution: *(Revised: 1/10/95)*

(a) Represents the institution in any contest against outside competition, regardless of how the competition is classified (e.g., scrimmage, exhibition or joint practice session with another institution's team) or whether the student is enrolled in a minimum full-time program of studies; *(Revised: 1/10/91)*

(b) Competes in the uniform of the institution or, during the academic year, uses any apparel (excluding apparel no longer used by the institution) received from the institution that includes institutional identification; or *(Revised: 1/16/93, 1/11/94, 1/9/06)*

(c) Competes and receives expenses (e.g., transportation, meals, room or entry fees) from the institution for the competition.

14.02.7.1 Exempted Events. Participation in events listed in Bylaw 16.8.1.3-(a) and (b) is exempted from the application of this legislation. *(Revised: 1/10/92)*

14.02.8 National Team. A national team is one selected, organized and sponsored by the appropriate national governing bodies of the U.S. Olympic Committee (or, for student-athletes representing another nation, the equivalent organization of that nation, or, for student-athletes competing in a non-Olympic sport, the equivalent organization of that sport). The selection for such a team shall be made on a national qualification basis, either through a defined selective process or by actual tryouts, publicly announced in advance. In addition, the international competition in question shall require that the entrants officially represent their respective nations, although it is not necessary to require team scoring by nation.

14.02.9 Participation in Intercollegiate Athletics. Participation in intercollegiate athletics occurs when a student-athlete either practices in a sport (see Bylaw 17.02.1) or competes in a sport, as defined in Bylaw 14.02.7. Eligibility rules for competition may differ from those for practice.

14.02.10 Qualification Status.

14.02.10.1 Qualifier. A qualifier is a student who, for purposes of determining eligibility for financial aid, practice and competition, has met all of the following requirements (see Bylaw 14.3):

(a) Graduation from high school;

(b) Successful completion of a required core curriculum consisting of a minimum number of courses in specified subjects;

(c) Specified minimum grade-point average in the core curriculum; and

(d) Specified minimum SAT or ACT score.

14.02.10.2 Nonqualifier. A nonqualifier is a student who has not graduated from high school or who, at the time specified in the regulation (see Bylaw 14.3), has not successfully completed the required core-curriculum or has not presented the required minimum core-curriculum grade-point average and/or the corresponding SAT/ACT score required for a qualifier.

14.02.11 Residence. Residence is enrollment in a full-time academic program (as defined by the institution) at a collegiate institution during a regular term of an academic year. To satisfy an academic year of residence, a student shall meet the requirements of Bylaw 14.5.1.1. A summer term may not be used to satisfy a term of residence.

14.02.12 Transfer Student. A transfer student, in the application of NCAA eligibility requirements, is a student who transfers from any collegiate institution after having met any one of the conditions set forth in Bylaw 14.5.2.

14.02.13 Waiver. A waiver is an action exempting an individual or institution from the application of a specific regulation. A waiver requires formal approval (e.g., an NCAA committee or a conference, as specified in the legislation) based on evidence of compliance with the specified conditions or criteria under which the waiver is authorized or extenuating circumstances (see Bylaw 14.02.5). *(Revised: 11/1/07 effective 8/1/08)*

14.1 GENERAL ELIGIBILITY REQUIREMENTS

14.1.1 Postseason and Regular-Season Competition. To be eligible for regular-season competition, NCAA championships, and for postseason football bowl games licensed by the Association, the student-athlete shall meet all general eligibility requirements.

14.1.2 Validity of Academic Credentials. As a condition and obligation of membership, it is the responsibility of a member institution to determine the validity of the information on which the eligibility of a student-athlete is based. Therefore, it is the responsibility of a member institution to determine whether a transcript is valid for purposes of applying appropriate NCAA legislation to the eligibility of a student-athlete when the institution receives notification, or otherwise has cause to believe, that a student-athlete's high school, preparatory school or two-year college transcript is not valid.

14.1.2.1 High School Review Committee. The High School Review Committee shall have the authority to establish policies and procedures related to the academic review of high schools and to determine the validity of a high school (e.g., core courses, curriculum, grades) for the purpose of meeting initial-eligibility requirements. A review may result in a determination that a high school shall not be used for the purpose of meeting initial-eligibility requirements. The policies and procedures for the review and determination of the validity of a high school shall be approved by the Academics Cabinet. (See Bylaw 21.6.4.) *(Adopted: 1/8/07, Revised: 11/1/07 effective 8/1/08)*

14.1.2.2 Student Records Review Committee. The Student Records Review Committee shall have the authority to establish policies and procedures related to the review of a prospective student-athlete's academic credentials and to determine the validity of a prospective student-athletes' academic credentials for the purpose of meeting initial-eligibility requirements. A review may result in a determination that a prospective student-athlete's academic credentials shall not be used for the purpose of meeting initial-eligibility requirements. The policies and procedures for the review of academic credentials and the determination of the validity of such credentials shall be approved by the Academics Cabinet. (See Bylaw 21.6.5.) *(Adopted: 1/8/07, Revised: 11/1/07 effective 8/1/08)*

14.1.2.3 NCAA Eligibility Center. An institution shall use the NCAA Eligibility Center approved by the Executive Committee to determine the initial eligibility of a student-athlete. *(Adopted: 1/19/93 effective 8/1/94 for student-athletes first entering a collegiate institution on or after 8/1/94, Revised: 1/10/95, 3/10/04, 4/27/06 for those student-athletes whose initial collegiate enrollment occurs in the 2006-07 academic year and thereafter, 1/8/07, 5/9/07)*

14.1.2.3.1 Institutional Responsibility. An institution is responsible for promptly reporting all discrepancies in information used in a student-athlete's initial-eligibility certification to the NCAA Eligibility Center. Discrepancies in information include, but are not limited to, corrections, additions, potential academic misconduct with regard to high schools attended, grades, completion of coursework or test scores. *(Adopted: 4/27/06, Revised: 5/9/07)*

14.1.3 Student-Athlete Statement.

14.1.3.1 Content and Purpose. Prior to participation in intercollegiate competition each academic year, a student-athlete shall sign a statement in a form prescribed by the Legislative Council in which the student-athlete submits information related to eligibility, recruitment, financial aid, amateur status, previous positive drug tests administered by any other athletics organization and involvement in organized gambling activities related to intercollegiate or professional athletics competition under the Association's governing legislation. Failure to complete and sign the statement shall result in the student-athlete's ineligibility for participation in all intercollegiate competition. Violations of this bylaw do not affect a student-athlete's eligibility if the violation occurred due to an institutional administrative error or oversight, and the student-athlete subsequently signs the form; however, the violation shall be considered an institutional violation per Constitution 2.8.1. *(Revised: 1/10/92 effective 8/1/92, 1/14/97, 2/19/97, 4/24/03, 11/1/07 effective 8/1/08)*

14.1.3.2 Administration. The institution shall administer this form individually to each student-athlete prior to the individual's participation in intercollegiate competition each year. Details about the content, administration and disposition of the statement are set forth in Bylaw 30.12.

14.1.3.3 Institutional Responsibility—Notification of Positive Test. The institution shall promptly notify in writing the NCAA vice president for educational affairs regarding a student-athlete's disclosure of a previous positive test for banned substances administered by any other athletics organization. *(Adopted: 1/14/97 effective 8/1/97)*

14.1.4 Drug-Testing Consent Form.

14.1.4.1 Content and Purpose. Each academic year, a student-athlete shall sign a form maintained by the Committee on Competitive Safeguards and Medical Aspects of Sports and approved by the Legislative Council in which the student consents to be tested for the use of drugs prohibited by NCAA legislation. Failure to complete and sign the consent form prior to practice or competition, or before the Monday of the fourth week of classes (whichever occurs first) shall result in the student-athlete's ineligibility for participation (practice and competition) in all intercollegiate athletics (see Constitution 3.2.4.7). Violations of this bylaw do not affect a student-athlete's eligibility if the violation occurred due to an institutional administrative error or oversight, and the student-athlete subsequently signs the form; however, the violation shall be considered an institutional violation per Constitution 2.8.1. *(Adopted: 1/10/92 effective 8/1/92, Revised: 1/16/93, 1/10/95 effective 8/1/95, 1/14/97, 4/24/03, 8/5/04, 11/1/07 effective 8/1/08)*

14.1.4.2 Administration. The institution shall administer the consent form individually to each student-athlete (including recruited nonqualifiers) each academic year. Details about the content, administration and disposition of the consent form are set forth in Bylaw 30.5. *(Adopted: 1/10/92 effective 8/1/92, Revised: 1/3/06)*

14.1.4.3 Exception—14-Day Grace Period. A student-athlete who is "trying out" for a team is not required to complete the form until 14 days from the first date the student-athlete engages in countable athletically related activities or before the student-athlete participates in a competition, whichever occurs earlier. *(Adopted: 4/27/06 effective 8/1/06)*

14.1.5 Eligibility Form—International Student-Athlete. The eligibility of an international student-athlete shall be certified on a form maintained by the Amateurism Cabinet and approved by the Legislative Council. Failure to complete and sign such a form prior to participating in competition shall result in the student-athlete's ineligibility for intercollegiate competition. The completed form shall be kept on file at the institution with other eligibility documents and shall be available for examination upon request by the NCAA, and, if the institution is a member of a conference, an authorized conference representative. Violations of this bylaw do not affect a student-athlete's eligibility if the violation occurred due to an institutional administrative error or oversight, and the student-athlete subsequently signs the form; however, the violation shall be considered an institutional violation per Constitution 2.8.1. *(Adopted: 1/10/95 effective 8/1/95 for those student-athletes first entering an NCAA institution on or after 8/1/95, Revised: 4/24/03, 8/5/04, 11/1/07 effective 8/1/08)*

14.1.6 Student-Athlete Health Insurance Portability and Accountability Act (HIPAA) Authorization/Buckley Amendment Consent Form—Disclosure of Protected Health Information.

14.1.6.1 Content and Purpose. Each academic year, a student-athlete may voluntarily sign a statement in a form maintained by the Committee on Competitive Safeguards and Medical Aspects of Sports and approved by the Legislative Council in which the student-athlete authorizes/consents to the institution's physicians, athletics directors and health care personnel to disclose the student-athlete's injury/illness and participation information associated with the student-athlete's training and participation in intercollegiate athletics to the NCAA and to its Injury Surveillance System (ISS), agents and employees for the purpose of conducting research into the reduction of athletics injuries. The authorization/consent by the student-athlete is voluntary and is not required for the student-athlete to be eligible to participate. *(Adopted: 4/24/03, Revised: 8/7/03 effective 8/1/04, 11/1/07 effective 8/1/08)*

14.1.6.2 Administration. The statement shall be administered individually to each student-athlete by the athletics director or the athletics director's designee before the student-athlete's participation in intercollegiate athletics each academic year. Details about the content, administration and disposition of the statement are set forth in Bylaw 30.11. Violations of this bylaw do not affect a student-athlete's eligibility; however, violations shall be considered institutional violations per Constitution 2.8.1. *(Adopted: 4/24/03, Revised: 8/7/03 effective 8/1/04)*

14.1.7 Admission and Enrollment.

14.1.7.1 Admission. A student-athlete shall not represent an institution in intercollegiate athletics competition unless the student has been admitted as a regularly enrolled, degree-seeking student in accordance with the regular, published entrance requirements of that institution.

14.1.7.1.1 Special Admission. A student-athlete may be admitted under a special exception to the institution's normal entrance requirements if the discretionary authority of the president or chancellor (or designated admissions officer or committee) to grant such exceptions is set forth in an official document published by the university (e.g., official catalog) that describes the institution's admissions requirements. *(Revised: 3/8/06)*

14.1.8 Full-Time Enrollment.

14.1.8.1 Requirement for Practice. To be eligible to participate in organized practice sessions, a student-athlete shall be enrolled in a minimum full-time program of studies leading to a baccalaureate or equivalent de-

gree as defined by the regulations of the certifying institution. The violation shall be considered an institutional violation per Constitution 2.8.1; however, it shall not affect the student-athlete's eligibility. *(Revised: 1/10/92, 10/28/99)*

14.1.8.1.1 Practice Prior to Initial Enrollment. A student-athlete may practice during the official vacation period immediately preceding initial enrollment, provided the student has been accepted by the institution for enrollment in a regular, full-time program of studies at the time of the individual's initial participation; is no longer enrolled in the previous educational institution; and is eligible under all institutional and NCAA requirements.

14.1.8.1.2 Drop/Add Course. A student-athlete no longer shall be considered enrolled in a minimum full-time program of studies (after dropping a course that places the student below full-time status) when the dropped course becomes official in accordance with procedures determined by the institution for all students. A student who is adding a course to reach full-time status shall become eligible for practice and competition once the course has been approved by the appropriate department head (or designated representative) and submitted to the registrar. *(Adopted: 1/10/92)*

14.1.8.1.3 Exception—Final Semester/Quarter. A student-athlete with athletics eligibility remaining may participate in organized practice sessions while enrolled in less than a minimum full-time program of studies, provided the student is enrolled in the final semester or quarter of the baccalaureate program and the institution certifies that the student is carrying (for credit) the courses necessary to complete the degree requirements, as determined by the faculty of the institution.

14.1.8.1.4 Withdrawal or Dismissal. A student-athlete who withdraws or is dismissed from an institution is considered to be a prospective student-athlete eligible for recruitment by other NCAA member institutions and may not continue to practice with the original institution's team.

14.1.8.1.5 Exception—Practice during First Week of Class. A student-athlete may practice, but may not compete, during the institution's first five days of classes if the student-athlete is enrolled in less than a minimum full-time program of studies, provided the student is otherwise eligible under all institutional, conference and NCAA requirements. *(Adopted: 1/10/95 effective 8/1/95)*

14.1.8.1.6 Waiver—U.S. Olympic Committee/National Governing Body. A student with eligibility remaining who is not enrolled or who is enrolled in less than a minimum full-time program of studies or a former student-athlete may participate on a regular basis in organized practice sessions, provided the following conditions are met: *(Adopted: 1/9/96, Revised: 1/14/97 effective 8/1/97)*

(a) The practice sessions take place only at the institution the individual previously attended as an undergraduate or currently attends or previously attended as a graduate student;

(b) In the case of a former student-athlete, the practice sessions involve an individual sport or women's rowing; *(Revised: 4/28/05 effective 8/1/05, 1/17/09 effective 8/1/09)*

(c) In the case of a current student-athlete with eligibility remaining, the practice sessions involve an individual or team sport; *(Revised: 4/28/05 effective 8/1/05)*

(d) The U.S. Olympic Committee or national governing body (NGB) in the sport has recommended the individual's participation;

(e) The individual does not participate in any coaching activities unless the institution designates the individual in the appropriate coaching limits;

(f) In the case of a student-athlete with NCAA eligibility remaining in the sport, such participation occurs only during the academic year immediately preceding the Olympic Games; and

(g) In the case of a former student-athlete, such participation shall be limited to no more than five years following exhaustion of eligibility or completion of degree, whichever is earlier. A student-athlete who has not graduated must be enrolled (full- or part-time) and making progress toward a degree. *(Adopted: 4/25/02 effective 8/1/02)*

14.1.8.1.6.1 Administration. This waiver shall be approved by the conference members of the Association or, in the case of independent institutions, by the Legislative Council Subcommittee for Legislative Relief. A member institution shall submit a waiver request that includes documentation that demonstrates that the conditions of Bylaw 14.1.8.1.6 have been met for each individual who wishes to participate in the institution's practice sessions. *(Adopted: 1/9/96, Revised: 11/1/07 effective 8/1/08)*

14.1.8.1.7 Waiver—Full-Time Enrollment—Practice. Unless otherwise specified under this bylaw, the Academics Cabinet may waive the 12-hour requirement for practice. *(Adopted: 8/4/05, Revised: 11/1/07 effective 8/1/08)*

14.1.8.2 Requirement for Competition. To be eligible for competition, a student-athlete shall be enrolled in at least a minimum full-time program of studies leading to a baccalaureate or equivalent degree, which shall not be less than 12 semester or quarter hours. *(Revised: 6/1/07)*

14.1.8.2.1 Exceptions. The following exceptions to the minimum 12-semester or 12-quarter-hour enrollment are permitted:

14.1.8.2.1.1 Competition Prior to Initial Enrollment. A student-athlete may compete during the official vacation period immediately preceding initial enrollment, provided the student has been accepted by the institution for enrollment in a regular, full-time program of studies at the time of the individual's initial participation; is no longer enrolled in the previous educational institution; and is eligible under all institutional and NCAA requirements. (See Bylaw 16.8.2.5.)

14.1.8.2.1.2 Eligibility Between Terms. To be eligible for competition that takes place between terms, the student-athlete shall:

(a) Have been registered for the required minimum full-time load (see Bylaw 14.1.8.2) at the conclusion of the term immediately preceding the date of competition, if the student is continuing enrollment; or

(b) Be accepted for enrollment as a regular full-time student for the regular term immediately following if the student is either continuing enrollment or beginning enrollment (see Bylaw 14.1.10). *(Revised: 1/11/89)*

14.1.8.2.1.3 Final Semester/Quarter. A student-athlete may compete while enrolled in less than a minimum full-time program of studies, provided the student is enrolled in the final semester or quarter of the baccalaureate program and the institution certifies that the student is carrying (for credit) the courses necessary to complete degree requirements. The student granted eligibility under this provision shall be eligible for any NCAA championship and for any postseason licensed bowl game or National Invitation Tournament that begins within 60 days following said semester or quarter, provided the student has not exhausted the five years for completion of the individual's four seasons of eligibility (see Bylaw 14.2). Thereafter, the student shall forfeit eligibility in all sports, unless the student completes all degree requirements during that semester or quarter and is eligible to receive the baccalaureate diploma on the institution's next degree-granting date. The Legislative Council Subcommittee for Legislative Relief may waive the 60-day requirement for instances in which an NCAA championship, postseason licensed bowl game or National Invitation Tournament is conducted at the conclusion of the traditional playing season but begins more than 60 days following the end of said term. *(Revised: 1/10/92, 1/16/93, 1/10/95, 2/1/05, 11/1/07 effective 8/1/08)*

14.1.8.2.1.3.1 Exception—Quarter Institutions. A student-athlete who attends a quarter-system institution and who graduates at the end of the winter quarter may compete in an NCAA championship or a National Invitation Tournament that occurs during the same academic year following the completion of the winter quarter. *(Adopted: 4/29/04 effective 8/1/04)*

14.1.8.2.1.4 Graduate Program. A student may compete while enrolled in a full-time graduate program as defined by the institution (see Bylaw 14.1.9). *(Revised: 1/9/06 effective 8/1/06)*

14.1.8.2.2 Noncredit Work. Hours of noncredit work (including remedial courses) may be counted toward fulfilling the minimum full-time enrollment requirement, provided the noncredit work is given the same academic load value and is considered by the institution to be a requirement for the degree currently being pursued by the student.

14.1.8.2.3 Concurrent Courses at Two Institutions. Courses taken concurrently at a second institution may be counted toward meeting the minimum 12-hour enrollment requirement, provided:

(a) The certifying institution officially recognizes the student's combined hours as full-time enrollment for a minimum of 12 hours; and

(b) Courses taken at the second institution will be included on the student's transcript at the institution where the student is seeking the degree.

14.1.8.2.4 Cooperative Educational Exchange Program. A student-athlete may represent the certifying institution in intercollegiate athletics even though at the time of competition the student is enrolled in another institution in a cooperative educational exchange program, provided:

(a) The certifying institution considers the student to be regularly enrolled in a minimum full-time program of studies; and

(b) All work is placed on the student's transcript and accepted toward his or her undergraduate degree at the certifying institution.

14.1.8.2.5 Extension Courses. A student-athlete may use a combination of hours taken in residence during a regular term and extension courses taken from the certifying institution during that term to meet the minimum 12-hour enrollment requirement, provided the institution considers enrollment in such extension courses as regular course enrollment for all students during term time. *(Revised: 1/11/94 effective 8/1/94)*

14.1.8.2.6 Correspondence Courses. A student-athlete may not use a correspondence course to meet the minimum 12-hour enrollment requirement.

14.1.8.2.7 Waivers. Waivers may be granted to the minimum 12-semester or 12-quarter hour enrollment as follows:

14.1.8.2.7.1 Nontraditional Academic Calendars. A student-athlete at an institution that determines enrollment hours on a basis other than traditional semester or quarter hours or that conducts a cooperative educational program may compete, if at the time of competition the student is enrolled for a comparable minimum academic load as determined by the Academics Cabinet. *(Revised: 11/1/07 effective 8/1/08)*

14.1.8.2.7.2 Olympic Games, Pan American Games, World Championships, World Cup, World University Games or World Youth Championships. The Academics Cabinet may waive the minimum full-time enrollment requirement for any participant in the Olympic Games, Pan American Games, World Championships, World Cup, World University Games or World Youth Championships (including junior levels of such events) who, because of such participation, may lose eligibility for practice and competition in any sports. *(Revised: 1/10/91, 1/9/96, 9/12/03, 12/13/05, 11/1/07 effective 8/1/08)*

14.1.8.2.7.3 Student-Athletes with Education-Impacting Disabilities. The Academics Cabinet may waive the 12-hour requirement for a student-athlete when objective evidence demonstrates that an institution defines full-time enrollment for that student-athlete to be less than 12 hours to accommodate for the education-impacting disability. *(Adopted: 1/10/95, Revised: 11/1/07 effective 8/1/08, 8/7/08)*

14.1.8.2.7.4 Full-Time Enrollment—Competition. Unless otherwise specified under this bylaw, the Academics Cabinet may waive the 12-hour requirement for competition. *(Adopted: 8/4/05, Revised: 11/1/07 effective 8/1/08)*

14.1.9 Graduate Student/Postbaccalaureate Participation. A student-athlete who is enrolled in a graduate or professional school of the same institution from which he or she previously received a baccalaureate degree, a student-athlete who is enrolled and seeking a second baccalaureate or equivalent degree at the same institution, or a student-athlete who has graduated and is continuing as a full-time student at the same institution while taking course work that would lead to the equivalent of another major or degree as defined and documented by the institution, may participate in intercollegiate athletics, provided the student has eligibility remaining and such participation occurs within the applicable five-year period set forth in Bylaw 14.2 (see Bylaw 14.1.8.2.1.4). *(Revised: 1/10/90, 1/16/93 effective 8/1/93)*

14.1.9.1 One-Time Transfer Exception. A graduate student who is enrolled in a graduate or professional school of an institution other than the institution from which he or she previously received a baccalaureate degree may participate in intercollegiate athletics if the student fulfills the conditions of the one-time transfer exception set forth in Bylaw 14.5.5.2.10 and has eligibility remaining per Bylaw 14.2. *(Adopted: 1/9/96 effective 8/1/96 for those student-athletes who transfer to the certifying institution on or after 8/1/96, Revised: 4/27/06, 1/6/07 effective 8/1/07)*

14.1.9.2 International Student Exception. The remaining eligibility of a student who has received a foreign postsecondary degree that is identified as a "baccalaureate" but is not equivalent to a U.S. baccalaureate and who is entering an undergraduate program must be reviewed on a case-by-case basis by the International-Student Records Committee. *(Adopted: 1/16/93, Revised: 11/1/07 effective 8/1/08)*

14.1.9.3 NCAA Championship Following Last Term of Eligibility. A student-athlete who is eligible during the term in which degree work is completed (or is eligible as a graduate, per Bylaw 14.1.9) remains eligible for any NCAA championship for any postseason licensed bowl game or National Invitation Tournament that begins within 60 days after the end of the term in which the student completes the requirements for the degree (or graduate eligibility). The Legislative Council Subcommittee for Legislative Relief may waive the 60-day requirement for instances in which an NCAA championship, postseason licensed bowl game or National Invitation Tournament is conducted at the conclusion of the traditional playing season but begins more than 60 days following the end of said term. *(Revised: 1/16/93, 1/10/95, 2/1/05, 11/1/07 effective 8/1/08)*

14.1.10 Change in Eligibility Status. If a student-athlete's academic eligibility changes at the end of a quarter or semester, the student-athlete shall become eligible or ineligible to compete on the date his or her eligibility officially is certified by the appropriate institutional authority. In a case in which the student becomes eligible at the end of the term, the earliest date on which the student can become eligible to compete is the day after the date of the last scheduled examination listed in the institution's official calendar for the term that is ending. In a case in which the student becomes ineligible, the ineligibility shall become effective not later than the first day of classes of the following semester or quarter. In any case, if the student-athlete is academically eligible to compete at the time of the student-athlete's or the institution's first participation in an NCAA championship, he or she shall remain eligible for the remainder of the championship.

14.1.10.1 Exception.

14.1.10.1.1 Institutions with Official Posting Date for Grades. An institution whose official posting date for grades falls within three days of the first day of classes for the following academic term shall have three business days from the official date on which grades must be posted to certify that student-athletes have satisfactorily completed at least six-semester or six-quarter hours of academic credit the during preceding regular academic term (see Bylaw 14.4.3.1) and to certify that student-athletes have satisfied the grade-

point average requirements per Bylaw 14.4.3.3. For those institutions that post grades on a rolling basis, the three-business day period shall begin within the first week of classes. *(Adopted: 4/28/05 effective 8/1/05)*

14.1.10.1.2 Institutions with no Official Posting Date for Grades. An institution whose official submission date for grades falls on or after the first day of classes for the following academic term shall have five business days from the date on which grades are submitted to certify that student-athletes have satisfactorily completed at least six-semester or six-quarter hours of academic credit during the preceding regular academic term (see Bylaw 14.4.3.1) and to certify that student-athletes have maintained grade-point average requirements per Bylaw 14.4.3.3. *(Adopted: 4/28/05 effective 8/1/05)*

14.1.10.1.3 Certification of Eligibility. During the three-business day or five-business day period, a student-athlete who is otherwise eligible under NCAA, conference and institutional requirements, shall be permitted to compete. If during the exception period, a student-athlete is certified ineligible, the student-athlete shall be declared immediately ineligible for competition. If the three-business day or five-business day period concludes prior to the certification of eligibility for any student-athlete, the student-athlete shall be ineligible until such time the student-athlete is declared eligible for competition. *(Adopted: 4/28/05 effective 8/1/05)*

14.1.10.1.4 Notification to NCAA National Office. As a condition of the exception, an institution shall provide to the NCAA national office, the number of student-athletes who were ultimately declared ineligible for the academic term but competed during the exception period. *(Adopted: 4/28/05 effective 8/1/05)*

14.1.10.2 Eligibility for Postseason Competition—Between Terms. To be eligible to compete in a postseason event (e.g., conference tournament, bowl game, National Invitation Tournament, NCAA championship) that occurs between regular terms (including summer) a student-athlete shall have satisfactorily completed six-semester or six-quarter hours of academic credit during the preceding regular academic term of full-time enrollment (see Bylaw 14.4.3.1). *(Adopted: 4/28/05 effective 8/1/05, Revised: 12/12/06, 1/8/07 effective 8/1/07, 4/26/07 effective 8/1/07)*

14.1.10.2.1 Less than Full-Time Enrollment. A student-athlete who was enrolled in less than a minimum full-time program of studies pursuant to an exception or waiver during the term immediately prior to the postseason event is subject to the following requirements: *(Adopted: 1/8/07 effective 8/1/07)*

(a) If the student-athlete was enrolled in at least six credit hours, he or she shall have satisfactorily completed six semester or six quarter hours of academic credit; or

(b) If the student-athlete was enrolled in less than six credit hours, he or she shall have satisfactorily completed the number of semester or quarter hours of academic credit in which he or she was enrolled.

14.1.10.2.2 Timing of Certification. A student-athlete's eligibility under this provision shall be determined within 14 business days (regardless of the date in which grades are posted or submitted) after the date of the last scheduled examination listed in the institution's official calendar for the term that is ending. If the postseason event occurs prior to the conclusion of the 14 business days, eligibility shall be determined by using grades from the immediately preceding regular academic term (e.g., fall term if certifying for a bowl game), provided a sufficient number of grades from the term have been posted. All grades posted in accordance with institutional procedures by 5 p.m. local time (where the institution is located) on the day prior to the postseason event must be considered. If the postseason event occurs prior to the conclusion of the 14 business days and an insufficient number of grades from the immediately preceding term have been posted, eligibility shall be determined by using grades from the most recent regular academic term for which a sufficient number of grades have been posted. *(Adopted: 1/8/07 effective 8/1/07)*

14.1.10.2.2.1 Business Day. A business day is any weekday that is not recognized as a national holiday, including any weekday during which an institution is closed for other reasons (e.g., holiday break). *(Adopted: 12/13/05)*

14.1.10.3 Eligibility for Postseason Competition—Postseason Football Bowl Game During an Institution's Second Academic Term. [FBS] If an institution is selected to participate in a postseason bowl game that will occur during the institution's second regular term (e.g., winter quarter, spring semester) of the academic year, a student-athlete's eligibility to compete in a bowl game shall be certified consistent with the standards applicable to postseason competition that occurs between terms (see Bylaws 14.1.10 and 14.1.10.2). However, a student-athlete must meet full-time enrollment requirements applicable to term-time competition (see Bylaw 14.1.8.2). *(Adopted: 4/26/07)*

14.1.11 Eligibility Requirements for Male Students to Practice with Women's Teams. It is permissible for male students to engage in practice sessions with women's teams under the following conditions: *(Revised: 5/12/05, 5/29/08)*

(a) Male students who practice with an institution's women's team on an occasional basis must be verified as eligible for practice in accordance with Bylaw 14.1.8.1 and must have eligibility remaining under the five-year rule (Bylaw 14.2.1);

(b) Male students who practice with an institution's women's teams on a regular basis must be certified as eligible for practice in accordance with all applicable NCAA eligibility regulations (e.g., must be enrolled in a mini-

mum full-time program of studies, must sign a drug-testing consent form, must be included on the institution's squad list);

(c) It is not permissible for an institution to provide male students financial assistance (room and board, tuition and fees, and books) in return for practicing with a women's team. A male student who is receiving financial aid or any compensation for serving in any position in the athletics department may not practice with a women's team. A male student-athlete who is a counter in a men's sport may not engage in practice sessions with an institution's women's team in any sport;

(d) It is not permissible for an institution to provide male students room and board to remain on campus during a vacation period to participate in practice sessions with a women's team;

(e) It is not permissible for a male student-athlete who is serving an academic year of residence as a nonqualifier to participate in practice sessions with a women's team; and

(f) It is permissible for an institution to provide practice apparel to male students for the purpose of practicing with a women's team.

14.2 SEASONS OF COMPETITION: FIVE-YEAR RULE

A student-athlete shall not engage in more than four seasons of intercollegiate competition in any one sport (see Bylaws 14.02.7 and 14.3.3). An institution shall not permit a student-athlete to represent it in intercollegiate competition unless the individual completes all of his or her seasons of participation in all sports within the time periods specified below:

14.2.1 Five-Year Rule. A student-athlete shall complete his or her seasons of participation within five calendar years from the beginning of the semester or quarter in which the student-athlete first registered for a minimum full-time program of studies in a collegiate institution, with time spent in the armed services, on official church missions or with recognized foreign aid services of the U.S. government being excepted. For international students, service in the armed forces or on an official church mission of the student's home country is considered equivalent to such service in the United States.

14.2.1.1 Determining the Start of the Five-Year Period. For purposes of starting the count of time under the five-year rule, a student-athlete shall be considered registered at a collegiate institution (domestic or foreign; see Bylaw 14.02.3) when the student-athlete initially registers in a regular term (semester or quarter) of an academic year for a minimum full-time program of studies, as determined by the institution, and attends the student's first day of classes for that term (see Bylaw 14.2.2).

14.2.1.2 Service Exceptions to the Five-Year Rule. Time spent in the armed services, on official church missions or with recognized foreign aid services of the U.S. government is excepted from the application of the five-year rule. Among such services that qualify a student-athlete for an extension of the five-year rule are:

(a) Military Sea Transport Service;

(b) Peace Corps; or

(c) Service as a conscientious objector ordered by the Selective Service Commission (or the equivalent authority in a foreign nation) in lieu of active military duty.

14.2.1.2.1 Elapsed Time/Service to Enrollment. If a student-athlete enrolls in a regular term of a collegiate institution at the first opportunity following completion of any one of the commitments described in the exceptions to this bylaw, the elapsed time (the exact number of calendar days) between completion of the commitment and the first opportunity for enrollment may be added to the exact number of days served on active duty in the armed services, with foreign aid services or on official church missions and will not count toward the student-athlete's five years of eligibility. It is not permissible to extend the five-year period by any additional time beyond the first opportunity to enroll (the opening day of classes of the first regular term at the institution in which the student-athlete enrolls as a regular student immediately following the termination of the active-duty commitment).

14.2.1.2.2 Collegiate Enrollment Concurrent with Service Assignment. Any time in which a student athlete is enrolled for a minimum full-time load as a regular student in a collegiate institution while simultaneously on active duty in the U.S. military, on an official church mission or with a recognized foreign aid service of the U.S. government shall count against the five calendar years in which the four seasons of eligibility must be completed.

14.2.1.3 Pregnancy Exception. A member institution may approve a one-year extension of the five-year period of eligibility for a female student-athlete for reasons of pregnancy.

14.2.1.4 Athletics Activities Waiver. The Committee on Student-Athlete Reinstatement, or a committee designated by it, shall have the authority to waive this provision by a two-thirds majority of its members present and voting to permit student-athletes to participate in:

(a) Official Pan American, World Championships, World Cup, World University and Olympic training, tryouts and competition; *(Revised: 1/10/91, 1/9/96)*

(b) Officially recognized training and competition directly qualifying participants for final Olympic tryouts; or

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

14.2.1.4.1 Athletics Activity Waiver Criteria. Extensions of the five-year period of eligibility for student-athletes by the Committee on Student-Athlete Reinstatement, or its designated committee, shall be based on the following criteria: The member institution in which the student-athlete is enrolled must establish to the satisfaction of the Committee on Student-Athlete Reinstatement (by objective evidence) that the student-athlete was unable to participate in intercollegiate athletics as a result of participation in one of the activities listed in the above legislation for a specific period of time. Further, such an extension shall be limited to one time and for a period not to exceed one year per student-athlete, per sport. *(Revised: 8/11/98)*

14.2.1.5 Additional Waivers. The Committee on Student-Athlete Reinstatement, by a two-thirds majority of its members present and voting, may approve such additional waivers to the five-year rule as it deems appropriate (see Bylaw 30.6.1 for criteria).

14.2.2 Additional Applications of the Five-Year Rule.

14.2.2.1 Athletics Competition. Even though a student is enrolled for less than a minimum full-time program of studies at a collegiate institution, the student's five-year period of eligibility begins if the individual represents the institution in intercollegiate athletics.

14.2.2.2 Nonrecognized College. Enrollment in a postsecondary, noncollegiate institution (e.g., technical school, seminary or business college) in the United States that is not accredited at the college level by an agency or association recognized by the Secretary of the Department of Education and legally authorized to offer at least a one-year program of study creditable toward a degree, constitutes enrollment in the application of the five-year rule only if: *(Revised: 1/10/90; 8/8/02)*

(a) The student is enrolled in a minimum full-time program of studies at such an institution that conducts an intercollegiate athletics program; or

(b) The student, whether enrolled for a minimum full-time program of studies or not, represents the institution in intercollegiate athletics.

14.2.2.3 Joint College/High School Program. A student-athlete's eligibility under the five-year rule does not begin while a student is enrolled in a collegiate institution in a joint high school/college academic program for high school students in which the courses count as both high school graduation credit and college credit, provided the student has not officially graduated from high school and does not participate in intercollegiate athletics while enrolled in the joint program. *(Revised: 11/1/01 effective 8/1/02)*

14.2.2.4 Vocational Program. A student-athlete's eligibility under the five-year rule does not begin while the student is enrolled in a minimum full-time program of studies as a part of a special vocational program that combines enrollment in regular college courses and participation in vocational training courses, provided the student is not considered to be regularly matriculated by the institution, does not go through the customary registration and testing procedures required of all regular entering students and is not eligible for the institution's extracurricular activities, including athletics.

14.2.2.5 Eligibility for Practice. A student-athlete receiving institutional financial aid after having engaged in four seasons of intercollegiate competition in a sport may continue to take part in organized, institutional practice sessions in that sport without being a counter (see Bylaw 15.02.3), provided the individual has eligibility remaining under the five-year rule. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the student-athlete's eligibility. *(Revised: 8/5/04)*

14.2.3 Criteria for Determining Season of Competition.

14.2.3.1 Minimum Amount of Competition. Any competition, regardless of time, during a season in an intercollegiate sport shall be counted as a season of competition in that sport, except as provided in Bylaws 14.2.3.1.1, 14.2.3.1.2 and 14.2.3.1.3. This provision is applicable to intercollegiate athletics competition conducted by a two-year or four-year collegiate institution at the varsity or subvarsity level. *(Revised: 1/11/94, 4/28/05 effective 8/1/05, 5/9/06)*

14.2.3.1.1 Two-Year College Scrimmages. A two-year college prospective student-athlete may compete in a scrimmage as a member of a two-year college team without counting such competition as a season of competition, provided the competition meets all of the following conditions: *(Adopted: 1/11/94, Revised: 5/9/06)*

(a) The scrimmage is approved by the two-year college;

(b) No official score is kept;

(c) No admission is charged;

(d) No official time is kept;

(e) The scrimmage is played prior to the two-year college's first regularly scheduled outside competition; and

(f) The prospective student-athlete participates in not more than two such scrimmages or dates of competition per academic year.

14.2.3.1.2 Women's Volleyball, Men's Soccer, Women's Soccer, Field Hockey, Men's Water Polo. A student-athlete may engage in outside competition during the segment of the playing season that does not conclude with the NCAA championship without using a season of competition, provided the student-athlete was academically eligible during the segment that concludes with the NCAA championship. *(Adopted: 11/1/01, Revised: 8/8/02, 10/31/02, 5/9/06)*

14.2.3.1.3 Preseason Exhibitions/Preseason Practice Scrimmages During Initial Year. During a student-athlete's initial year of enrollment at the certifying institution, he or she may compete in preseason exhibition contests and preseason practice scrimmages (as permitted in the particular sport per Bylaw 17) without counting such competition as a season of competition. *(Revised: 5/9/06)*

14.2.3.2 Tennis and Swimming and Diving. A student-athlete who does not enroll in a collegiate institution as a full-time student in a regular academic term during a one-year time period after his or her high school graduation date or the graduation date of his or her class (as determined by the first year of high school enrollment or the international equivalent as specified in the NCAA Guide to International Academic Standards for Athletics Eligibility and based on the prescribed educational path in the student-athlete's country), whichever occurs earlier, shall be subject to the following: *(Adopted: 1/9/96 effective 8/1/97, Revised: 4/29/04 effective 8/1/04 for competition occurring on or after 8/1/04, 4/20/09)*

(a) The student-athlete shall be charged with a season of intercollegiate tennis or swimming and diving eligibility for each calendar year after the one-year time period (the next opportunity to enroll after one calendar year has elapsed) and prior to full-time collegiate enrollment during which the student-athlete has participated in organized tennis or swimming and diving events per Bylaw 14.2.3.5.3. *(Revised: 4/29/04 effective 8/1/04 for competition occurring on or after 8/1/04)*

(b) After the one-year time period, if the student-athlete has engaged in organized tennis or swimming and diving events per Bylaw 14.2.3.5.3, upon matriculation at the certifying institution, the student-athlete must fulfill an academic year in residence before being eligible to represent the institution in intercollegiate tennis or swimming and diving competition. *(Revised: 4/29/04 effective 8/1/04 for competition occurring on or after 8/1/04)*

The following Bylaw was revised January 17, 2009, and is effective August 1, 2010.

14.2.3.2 Delayed Enrollment—Tennis, Swimming and Diving and Women's Volleyball. A student-athlete who does not enroll in a collegiate institution as a full-time student in a regular academic term during a one-year time period after his or her high school graduation date or the graduation date of his or her class (as determined by the first year of high school enrollment or the international equivalent as specified in the NCAA Guide to International Academic Standards for Athletics Eligibility and based on the prescribed educational path in the student-athlete's country), whichever occurs earlier, shall be subject to the following: *(Adopted: 1/9/96 effective 8/1/97, Revised: 4/29/04 effective 8/1/04 for competition occurring on or after 8/1/04, 1/17/09 effective 8/1/10, for student-athletes initially enrolling full time in a collegiate institution on or after 8/1/10, 4/20/09)*

(a) The student-athlete shall be charged with a season of intercollegiate eligibility for each calendar year after the one-year time period (the next opportunity to enroll after one calendar year has elapsed) and prior to full-time collegiate enrollment during which the student-athlete has participated in organized events per Bylaw 14.2.3.5.3. *(Revised: 4/29/04 effective 8/1/04 for competition occurring on or after 8/1/04, 1/17/09 effective 8/1/10, for student-athletes initially enrolling full time in a collegiate institution on or after 8/1/10)*

(b) After the one-year time period, if the student-athlete has engaged in organized events per Bylaw 14.2.3.5.3, on matriculation at the certifying institution, the student-athlete must fulfill an academic year in residence before being eligible to represent the institution in intercollegiate competition. *(Revised: 4/29/04 effective 8/1/04 for competition occurring on or after 8/1/04, 1/17/09 effective 8/1/10, for student-athletes initially enrolling full time in a collegiate institution on or after 8/1/10)*

14.2.3.2.1 Matriculation After 20th Birthday—Tennis. In tennis, a student who is eligible under Bylaw 14.2.3.2, but who participates in organized tennis events after his or her 20th birthday and before full-time enrollment at the certifying institution shall be subject to the following: *(Adopted: 4/29/04 effective 8/1/04 for competition occurring after 8/1/04, Revised: 6/10/04)*

(a) The student will be charged with one season of intercollegiate tennis competition for each calendar year after his or her 20th birthday and prior to full-time enrollment at the certifying institution during which the student-athlete has participated in organized tennis events per Bylaw 14.2.3.5.3. [Note: This includes participation in intercollegiate tennis while enrolled full-time in another two-year or four-year institution; however, this provision replaces the season of competition counted in Bylaw 14.2 (only one season is used in any one year).]

(b) Upon matriculation at the certifying institution, the student-athlete must fulfill an academic year in residence before being eligible to represent the institution in intercollegiate tennis, unless the student transfers to the certifying institution with a minimum of 24 semester hours (or equivalent) of transferable degree credit. (Note: All other NCAA transfer and academic eligibility requirements apply.)

14.2.3.2.2 Exception—Olympic Games, Pan American Games, World Championships, World Cup and World University Games Participation. Participation in the Olympic Games, Pan American Games, World Championships, World Cup and World University Games is exempt from application of Bylaws 14.2.3.2 and 14.2.3.2.1. *(Adopted: 4/26/07 effective 8/1/07)*

14.2.3.3 Track and Field and Cross Country. Cross country, indoor track and field, and outdoor track and field shall be considered separate sports. *(Revised: 1/10/90)*

14.2.3.4 Intercollegiate Competition. A student-athlete is considered to have engaged in a season of intercollegiate competition when he or she competes in an athletics event involving any one of the conditions characterizing intercollegiate competition (per Bylaw 14.02.6).

14.2.3.5 Participation After 21st Birthday. In sports other than tennis and swimming and diving, any participation as an individual or a team representative in organized sports competition by a student during each 12-month period after the student's 21st birthday and prior to initial full-time enrollment in a collegiate institution shall count as one year of varsity competition in that sport. Participation in organized competition during time spent in the U.S. armed services shall be excepted. (Note: In swimming and diving, Bylaw 14.2.3.5 applies to a student-athlete who is not subject to Bylaw 14.2.3.2. If a student-athlete triggers both Bylaws 14.2.3.2 and 14.2.3.5, only Bylaw 14.2.3.2 applies.) *(Revised: 1/10/90, 1/16/93, 1/10/95 effective 8/1/95, 1/9/96 effective 8/1/96, 6/10/04)*

The following Bylaw was revised January 17, 2009, and is effective August 1, 2010.

14.2.3.5 Participation After 21st Birthday. In sports other than tennis, swimming and diving and women's volleyball, any participation as an individual or a team representative in organized sports competition by a student during each 12-month period after the student's 21st birthday and prior to initial full-time enrollment in a collegiate institution shall count as one year of varsity competition in that sport. Participation in organized competition during time spent in the U.S. armed services shall be excepted. (Note: In swimming and diving, and women's volleyball, Bylaw 14.2.3.5 applies to a student-athlete who is not subject to Bylaw 14.2.3.2. If a student-athlete triggers both Bylaws 14.2.3.2 and 14.2.3.5, only Bylaw 14.2.3.2 applies.) *(Revised: 1/10/90, 1/16/93, 1/10/95 effective 8/1/95, 1/9/96 effective 8/1/96, 6/10/04, 1/17/09 effective 8/1/10)*

14.2.3.5.1 Track and Field and Cross Country. A prospective student-athlete who participates in outside competition after the student's 21st birthday and prior to initial full-time enrollment in a collegiate institution during a cross country, indoor track and field or outdoor track and field sports season (as opposed to general road racing events) would be charged with at least one season of competition in the sport in which the student participated. *(Adopted: 1/10/92, Revised: 1/10/95 effective 8/1/95, 1/9/96 effective 8/1/96)*

14.2.3.5.2 Road Racing. A prospective student-athlete who participates in road racing activities after the student's 21st birthday and prior to initial full-time enrollment in a collegiate institution shall be charged with at least one season of competition in each of the sports of cross country, indoor track and field and outdoor track and field. *(Revised: 1/10/95 effective 8/1/95, 1/9/96 effective 8/1/96)*

14.2.3.5.3 Organized Competition. Athletics competition shall be considered organized if any one of the following conditions exists:

(a) Competition is scheduled and publicized in advance;
(b) Official score is kept;
(c) Individual or team standings are maintained;
(d) Official timer or game officials are used;
(e) Admission is charged;
(f) Teams are regularly formed or team rosters are predetermined;
(g) Team uniforms are used;
(h) A team is privately or commercially sponsored; or
(i) The competition is either directly or indirectly sponsored, promoted or administered by an individual, an organization or any other agency.

14.2.3.6 Foreign-Tour Competition. A student-athlete who did not compete during the institution's season just completed and who represents the institution in a certified foreign tour after that intercollegiate season and prior to the start of the next academic year shall not be charged with a season of eligibility (see Bylaw 30.7.2). *(Revised: 8/11/98)*

14.2.4 Hardship Waiver. A student-athlete may be granted an additional year of competition by the conference or the Committee on Student-Athlete Reinstatement for reasons of "hardship." Hardship is defined as an incapacity resulting from an injury or illness that has occurred under all of the following conditions: *(Revised: 8/8/02, 11/1/07 effective 8/1/08)*

(a) The incapacitating injury or illness occurs in one of the four seasons of intercollegiate competition at any two-year or four-year collegiate institutions or occurs after the first day of classes in the student-athlete's senior year in high school; *(Revised: 1/10/92 effective 8/1/92, 11/1/01, 8/8/02)*

(b) The injury or illness occurs prior to the first competition of the second half of the playing season that concludes with the NCAA championship in that sport (see Bylaw 14.2.4.3.4) and results in incapacity to compete for the remainder of that playing season; *(Revised: 1/14/97 effective 8/1/97, 4/26/01 effective 8/1/01, 4/3/02, 4/24/08)*

(c) In team sports, the injury or illness occurs when the student-athlete has not participated in more than three contests or dates of competition (whichever is applicable to that sport) or 30 percent (whichever number is greater) of the institution's scheduled or completed contests or dates of competition in his or her sport. Only scheduled or completed competition against outside participants during the playing season that concludes with the NCAA championship, or, if so designated, during the official NCAA championship playing season in that sport (e.g., spring baseball, fall soccer), shall be countable under this limitation in calculating both the number of contests or dates of competition in which the student-athlete has participated and the number of scheduled or completed contests or dates of competition during that season in the sport. Dates of competition that are exempted (e.g., alumni contests, foreign team in the United States.) from the maximum permissible number of contests or dates of competition shall count toward the number of contests or dates in which the student-athlete has participated and the number of scheduled or completed contests or dates of competition in the season, except for scrimmages and exhibition contests that are specifically identified as such in the sport's Bylaw 17 playing and practice season regulations. Scrimmages and exhibition contests that are not exempted from the maximum permissible number of contests or dates of competition may be excluded from the calculation only if they are identified as such by in the sport's Bylaw 17 playing and practice season regulations; and *(Revised: 1/10/92, 1/14/97 effective 8/1/97, 4/26/01 effective 8/1/01, 3/10/04, 5/11/05, 8/4/05, 4/26/07, 9/18/07, 4/24/08)*

(d) In individual sports, the injury or illness occurs when the student-athlete has not participated in more than three dates of competition or 30 percent (whichever number is greater) of the maximum permissible number of dates of competition as set forth in Bylaw 17 plus one date for a conference championship (e.g., gymnastics: 13+1=14, wrestling: 16+1=17), regardless of whether the team participates in the conference championship, provided the institution is a member of a conference and the conference holds a championship event in the applicable sport. Dates of competition that are exempted per Bylaw 17 (e.g., alumni contests, foreign team in the United States) from the maximum permissible number of dates of competition do not count toward the number of dates in which the student-athlete has participated. *(Adopted: 4/24/08)*

14.2.4.1 Additional Criteria—Two-Year College Hardship. Institutions shall apply the following additional conditions if the injury or illness occurred at a two-year college: *(Adopted: 1/10/92 effective 8/1/92, Revised: 1/11/94)*

(a) The appropriate two-year college athletics association (e.g., National Junior College Athletic Association, Community College League of California) shall review and approve each hardship waiver request;

(b) After approval by the appropriate two-year college athletics association, the request shall be reviewed and approved by the appropriate NCAA member conference or, in the case of an independent member institution, by the Committee on Student-Athlete Reinstatement, to ensure compliance with the provisions of NCAA legislation;

(c) Waiver requests shall be submitted only from two-year college organizations that apply the same or more stringent rules related to the administration of hardship waivers (compliance with all of the regulations of Bylaw 14.2.4); and

(d) Each waiver request must be accompanied by a signed statement by the physician who treated the student-athlete, indicating the reason(s) why the injury or illness was incapacitating.

14.2.4.2 Administration of Hardship Waiver. The hardship waiver shall be administered by the member conferences of the Association or, in the case of an independent member institution, by the Committee on Student-Athlete Reinstatement. *(Revised: 10/28/04, 4/20/09)*

14.2.4.2.1 Review of Denied Waiver. A conference that denies an institution's hardship waiver may submit the waiver to the Committee on Student-Athlete Reinstatement. The committee shall have the authority to review and determine whether to approve the waiver based on circumstances that may warrant relief from the application of the legislated waiver criteria. *(Adopted: 4/20/09)*

14.2.4.3 Criteria for Administration of Hardship Waiver.

14.2.4.3.1 Use of Scheduled or Completed Contests. An institution may use scheduled or completed contests or dates of competition, but it is not permissible to combine the two methods of calculation. *(Adopted: 8/4/05)*

14.2.4.3.2 Nature of Injury/Illness. It is not necessary for the incapacitating injury or illness to be the direct result of the student's participation in the institution's organized practice or game competition. *(Revised: 11/1/01)*

14.2.4.3.3 Medical Documentation. Contemporaneous or other appropriate medical documentation, from a physician (a medical doctor) who administered care at the time of the injury or illness, that establishes the student-athlete's inability to compete as a result of that injury or illness shall be submitted with any hardship-waiver request. *(Adopted: 4/20/99, Revised: 2/22/01)*

14.2.4.3.4 First-Half-of-Season Calculation.

14.2.4.3.4.1 Team Sports. In team sports, the first half of the season is measured by the number of scheduled contests or dates of competition not exceeding the maximum limitations in each sport as set forth in Bylaw 17 as set prior to the first scheduled contest or date of competition of the designated official NCAA championship playing season in the applicable sport or the number of completed contests or dates of competition. In determining if an injury or illness occurs prior to the first competition of the second half of the season that concludes with the NCAA championship in a sport with an odd number of scheduled or completed contests or dates of competition, the injury or illness must have occurred prior to the beginning of the scheduled or completed varsity contest or date of competition that starts the second half of the season that concludes with the NCAA championship (e.g., an injury or illness occurring at any time after the beginning of the scheduled sixth game of an 11-game schedule would be considered to be after the first half of the institution's season and would not qualify the student-athlete for a hardship waiver). *(Revised: 1/14/97 effective 8/1/97, 4/26/01 effective 8/1/01, 8/4/05, 4/24/08)*

14.2.4.3.4.1.1 Contests or Dates of Competition Based on Championship Selection. In sports in which the playing season may be divided into two segments, but championship selection is based on competition throughout the season (e.g., ice hockey), the first half of the season shall be measured by the institution's number of scheduled or completed varsity contests or dates of competition for the entire season (e.g., nonchampionship and championship segments). In sports in which the playing season may be divided into two segments, but championship selection is based on competition during only one segment of the season (e.g., spring baseball, fall soccer), the first half of the season shall be measured by the institution's number of scheduled or completed varsity contests or dates of competition for only the championship segment. *(Adopted: 4/23/08)*

14.2.4.3.4.2 Individual Sports. In individual sports, the first half of the season calculation is based on the number of days in the season that concludes with the NCAA championship, as declared by the institution, between the first date of competition used by any individual on the team and the last date of competition used by any individual on the team at the end of the declared playing season, including a conference championship and any regular-season competition scheduled after the conference championship (e.g., "last chance" meet). Any break in the declared season shall not be counted (e.g., institutional vacation period in which no practice or competition occurs). The total number of days in the championship season shall be divided by two in order to determine the first half of the season. A fractional portion of a day shall be rounded up to the next whole number. *(Adopted: 4/24/08)*

14.2.4.3.5 Reinjury in Second Half of Season. A student-athlete who suffers an injury in the first half of the season that concludes with the NCAA championship or who suffers an injury after the first day of classes in his or her senior year of high school attempts to return to competition during the second half of that season and then is unable to participate further as a result of aggravating the original injury does not qualify for the hardship waiver. *(Revised: 11/01/01, 8/8/02)*

14.2.4.3.6 Percent Calculation. The following requirements are to be met in determining the percent calculation under this waiver provision: (Note: The percent calculation requirements set forth in Bylaws 14.2.4 and 14.2.4.3.6 apply only to the waiver provisions of this section and do not apply to the maximum- and minimum-contests requirements in Bylaws 17 and 20.)

14.2.4.3.6.1 Denominator in Percent Computation.

14.2.4.3.6.1.1 Team Sports. The denominator in the institution's percent calculation shall be based on the institution's number of scheduled or completed varsity contests or dates of competition [see Bylaw 14.2.4-(c)] as computed for playing and practice season purposes in Bylaw 17 for the applicable sport. [Note: Exempted events in Bylaw 17 are included in the percent calculation, except as provided in Bylaws 14.2.4-(c) and 14.2.4.3.6.3.] An institution participating in a single-elimination event may only count the actual contests in which the institution participates (as opposed to the number of contests scheduled in the event) in determining the number of scheduled or completed contests in the denominator. *(Revised: 1/14/97 effective 8/1/97, 2/11/98, 4/26/01 effective 8/1/01, 6/21/01, 8/4/05, 4/24/08)*

14.2.4.3.6.1.1.1 Conference Championships. A conference championship shall be counted as one contest or date of competition in determining the institution's scheduled or completed contests or dates of competition in that sport, regardless of the number of days or games involved in the championship. However, for purposes of this regulation, the calculation of scheduled or completed contests or dates of competition in a particular season does not include postseason competition conducted after the completion of the institution's regular-

season schedule and conference tournament. *(Revised: 1/14/97 effective 8/1/97, 4/26/01 effective 8/1/01, 8/4/05)*

14.2.4.3.6.1.1.2 Contests or Dates of Competition Based on Championship Selection. In sports in which the playing season may be divided into two segments, but championship selection is based on competition throughout the season (e.g., ice hockey), the denominator shall be based on the institution's number of scheduled or completed varsity contests or dates of competition for the entire season (e.g., nonchampionship and championship segments). In sports in which the playing season may be divided into two segments, but championship selection is based on competition during only one segment of the season (e.g., spring baseball, fall soccer), the denominator shall be based on the institution's number of scheduled or completed varsity contests or dates of competition for only the championship segment. *(Adopted: 4/23/08)*

14.2.4.3.6.1.2 Individual Sports. The denominator in the institution's percent calculation shall be the maximum permissible number of dates of competition as set forth in Bylaw 17 plus one date for a conference championship (e.g., gymnastics: 13+1=14, wrestling: 16+1=17), regardless of whether the team participates in the conference championship, provided the institution is a member of a conference and the conference sponsors a championship in the applicable sport. For institutions that sponsor both indoor and outdoor track and field, the denominator for indoor track and field shall be nine, plus one date for a conference championship, if applicable, and the denominator for outdoor track and field shall be nine, plus one date for a conference championship, if applicable. *(Adopted: 4/24/08)*

14.2.4.3.6.2 Fraction in Percent Computation. Any computation of the percent limitation that results in a fractional portion of a contest or date of competition shall be rounded to the next whole number (e.g., 30 percent of a 29-game basketball schedule—8.7 games—shall be considered nine games). *(Revised: 1/14/97 effective 8/1/97, 4/26/07)*

14.2.4.3.6.3 Transfer Student-Athletes. The calculation for percentage of scheduled contests or dates of competition for a transfer student-athlete may be based on the method that would be most beneficial to the student-athlete (the rule applicable to the division in which the injury or illness occurred or the Division I rule). *(Adopted: 11/12/97, Revised: 4/26/01 effective 8/1/01)*

14.2.4.3.7 Foreign-Tour Competition. A student-athlete who qualifies for a hardship for the previous academic year would not use a season of competition if the student-athlete represents the institution on a certified foreign tour during the summer-vacation period at the conclusion of that academic year. *(Adopted: 1/10/92; Revised: 4/26/01)*

14.2.5 Season-of-Competition Waiver—Competition While Ineligible. In conjunction with a request for restoration of eligibility and any conditions imposed thereon per Bylaw 14.12, a student-athlete may be granted an additional season of competition by the Committee on Student-Athlete Reinstatement when the student-athlete participated in a limited amount of competition as a result of a good-faith, erroneous formal declaration of eligibility by the institution's appropriate certifying authority; or the student-athlete's good-faith, erroneous reliance on a coaching staff member's decision to put the student-athlete into competition prior to the coaching staff member receiving a formal declaration of the student-athlete's eligibility from the institution's appropriate certifying authority. The competition must have occurred under all of the following conditions: *(Adopted: 1/16/93, Revised: 4/20/99, 4/25/02 effective 8/1/02)*

(a) The competition occurred while the student-athlete was representing an NCAA member institution;

(b) The competition occurred within 60 days of the date the student-athlete first reported for athletics participation;

(c) The student-athlete did not participate in more than two events or 10 percent (whichever number is greater) of the institution's scheduled or completed events in his or her sport. All competition (including a scrimmage) against outside participants shall be countable under this limitation in calculating both the number of events in which the student-athlete participated and the number of completed events during that season (both segments) in the sport; *(Revised: 1/14/97 effective 8/1/97, 8/4/05)*

(d) The student-athlete was involved innocently and inadvertently in the erroneous determination or declaration of eligibility, which permitted the student-athlete to compete while ineligible; and *(Revised: 4/20/99)*

(e) In the case of a coaching staff member's erroneous decision, the student-athlete had reason to believe he or she would be eligible to participate, and the student-athlete did not contribute to the coaching staff member's erroneous decision to allow the student-athlete to participate. *(Adopted: 4/20/99)*

14.2.5.1 Administrative Criteria. The following criteria shall be employed in the administration of the season-of-competition waiver: *(Adopted: 1/16/93)*

14.2.5.1.1 Application—Use of Scheduled or Completed Contests. An institution may use scheduled or completed contests or dates of competition, but it is not permissible to combine the two methods of calculation. *(Adopted: 8/4/05)*

14.2.5.1.2 Ten-Percent Calculation. The requirements specified in Bylaw 14.2.4.3.6 shall apply to the 10-percent calculation specified in this waiver. *(Adopted: 1/16/93)*

14.2.6 Season-of-Competition Waiver—Competition While Eligible. A student-athlete may be granted an additional season of competition by the Committee on Student-Athlete Reinstatement in a case in which the student-athlete participated in a limited amount of competition while eligible due to a coach's documented misunderstanding of the legislation or other extenuating circumstances. In cases in which a student-athlete does not meet the criteria of this waiver, the Committee on Student-Athlete Reinstatement shall have authority to review and grant a waiver based on additional documented extenuating circumstances. *(Adopted: 4/25/02 effective 8/1/02, Revised: 10/28/04)*

14.2.6.1 Application—Use of Scheduled or Completed Contests. An institution may use scheduled or completed contests or dates of competition, but it is not permissible to combine the two methods of calculation. *(Adopted: 8/4/05)*

14.2.6.2 Coach's Documented Misunderstanding. The student-athlete participated as a result of good faith, reliance on a coaching staff member's decision to put the student-athlete in an alumni contest, exhibition contests, scrimmages, or nonchampionship segment contests based on the coach's documented misunderstanding of NCAA legislation and the competition occurred under the following conditions: *(Adopted: 10/28/04)*

(a) The competition occurred while the student-athlete was representing an NCAA institution;

(b) The competition occurred prior to the completion of the first 20 percent of the championship segment of the institution's declared playing and practice season; and

(c) The student-athlete did not compete in more than two events or 10 percent (whichever number is greater) of the institution's scheduled or completed events in his or her sport. All competition (including a scrimmage) against outside participants shall be countable under this limitation in calculating both the number of events in which the student-athlete participated and the number of scheduled or completed events during that season (both segments) in the sport. *(Revised: 8/4/05)*

14.2.6.2.1 Penalty. A student-athlete who is granted a waiver pursuant to Bylaw 14.2.6.2 shall be withheld from two contests of intercollegiate competition for each contest in which he or she competed. *(Adopted: 10/28/04)*

14.2.6.3 Extenuating Circumstances. Extenuating circumstances include, but are not limited to, the following: *(Adopted: 4/25/02 effective 8/1/02)*

(a) The student-athlete failed to complete the entire season of competition at the institution as a result of a life-threatening injury or illness suffered by a member of the student-athlete's immediate family, that clearly is supported by contemporaneous medical documentation; *(Adopted: 4/25/02 effective 8/1/02, Revised: 10/28/04)*

(b) The student-athlete failed to complete the entire season of competition at the institution as a result of extreme financial difficulties as a result of a specific event (e.g., layoff, death in family) experienced by the student-athlete or an individual upon whom the student-athlete is legally dependent and prohibited the student-athlete from participating in intercollegiate athletics. These circumstances must be clearly supported by objective documentation (e.g., decree of bankruptcy, proof of termination) and must be beyond the control of the student-athlete or the individual upon whom the student-athlete is legally dependent; *(Adopted: 4/25/02 effective 8/1/02, Revised: 10/28/04)*

(c) The student-athlete's institution dropped the sport (in which the student practiced or competed) from its intercollegiate program. *(Adopted: 4/25/02 effective 8/1/02)*

14.2.6.3.1 Conditions of Competition. The competition must have occurred under all of the following conditions: *(Adopted: 10/28/04)*

(a) The competition occurred prior to the completion of the first half of the championship segment of the institution's declared playing and practice season; and

(b) The student-athlete did not compete in more than three events or 30 percent (whichever number is greater) of the institution's scheduled or completed events in his or her sport. All competition (including a scrimmage) against outside participants shall be countable under this limitation in calculating both the number of events in which the student-athlete participated and the number of scheduled or completed events during that season (both segments) in the sport. *(Revised: 8/4/05, 1/14/08 applicable to student-athletes who initially enrolled full time in a collegiate institution on or after 8/1/04)*

14.2.6.3.1.1 Percent Calculation. The requirements specified in Bylaw 14.2.4.3.6 shall apply to the percent calculation specified in this waiver. *(Adopted: 4/25/02 effective 8/1/02, Revised: 10/28/04, 1/14/08)*

14.3 FRESHMAN ACADEMIC REQUIREMENTS

14.3.1 Eligibility for Financial Aid, Practice and Competition. A student-athlete who enrolls in a member institution as an entering freshman with no previous full-time college attendance shall meet the following

academic requirements, as certified by the NCAA Eligibility Center, as approved by the Executive Committee, and any applicable institutional and conference regulations, to be considered a qualifier and thus be eligible for financial aid, practice and competition during the first academic year in residence. *(Revised: 1/16/93 effective 8/1/94, 1/9/96 effective 8/1/97, 3/22/06, 5/9/07)*

14.3.1.1 Qualifier. A qualifier is defined as one who is a high school graduate and who presented the following academic qualifications: *(Revised: 1/10/92 effective 8/1/95)*

(a) A minimum cumulative grade-point average as specified in Bylaw 14.3.1.1.2 (based on a maximum 4.000) in a successfully completed core curriculum of at least 16 academic courses per Bylaw 14.3.1.2, including the following: *(Revised: 1/6/93 effective 8/1/96, 1/14/94 effective 8/1/96, 1/11/00 effective 8/1/00, 11/1/01 effective 8/1/05, 10/31/02 effective 8/1/03 and 8/1/05, 4/24/03 effective 8/1/08 for those student-athletes first entering a collegiate institution on or after 8/1/08)*

English	4 years
Mathematics (Three years of mathematics courses at the level of Algebra I or higher). (Computer science courses containing significant programming elements that meet graduation requirements in the area of mathematics	3 years
Natural or physical science (including at least one laboratory course if offered by the high school). (Computer science courses containing significant programming elements that meet graduation requirements in the area of natural or physical science also may be accepted.)	2 years
Additional courses in English, mathematics, or natural or physical science	1 year
Social science	2 years
Additional academic courses [in any of the above areas or foreign language, philosophy or nondoctrinal religion (e.g., comparative religion) courses]	4 years

The record of the above courses and course grades must be certified by the NCAA Eligibility Center using either an official high school transcript forwarded directly from the high school or a high school transcript forwarded by an institution's admissions office; and *(Revised: 2/9/95, 4/27/06, 5/9/07)*

(b) A minimum combined score on the SAT critical reading and math sections or a minimum sum score on the ACT as specified in Bylaw 14.3.1.1.2. The required SAT or ACT score must be achieved under national testing conditions on a national testing date [no residual (campus) testing or regional testing dates] except that a state administered ACT may be used to meet the test-score requirement. *(Revised: 1/10/90, 1/10/92, 1/16/93, 5/31/06)*

14.3.1.1.1 Exception—Early Academic Certification. A student-athlete shall be certified as a qualifier, provided he or she has achieved the following academic criteria: *(Adopted: 1/14/08 effective 8/1/08 for those student-athletes first entering a collegiate institution full time on or after 8/1/08)*

(a) A minimum combined score on the SAT critical reading and math sections of 1000 or a minimum sum score on the ACT of 85, per the requirements of Bylaw 14.3.1.3; and

(b) A core-course grade-point average of 3.000 or higher (based on a maximum of 4.000) in a minimum of 13 core courses on completion of six semesters (or the equivalent). The 13 core courses shall include three core courses in English, two in mathematics, two in natural or physical science (including at least one laboratory course if offered) and six additional core courses in any NCAA core area. The record of the courses and course grades must be certified by the NCAA Eligibility Center using either an official high school transcript forwarded directly from the high school or a high school transcript forwarded by an institution's admissions office.

14.3.1.1.1.1 Submission of Final Transcript. If a student-athlete is certified as a qualifier pursuant to the early academic certification exception and his or her initial full-time collegiate enrollment occurs at the certifying institution during the first term of the academic year, the institution shall ensure submission of his or her final high school transcript (official or unofficial) to the Eligibility Center by February 1 following the student-athlete's initial full-time enrollment. If a student-athlete is certified as a qualifier pursuant to the early academic certification exception and his or her initial full-time collegiate enrollment occurs at the certifying institution after the conclusion of the first term of the academic year, the institution shall ensure submission of his or her final high school transcript (official or unofficial) to the Eligibility Center by February 1 of the following academic year. *(Adopted: 4/30/09 effective 8/1/09)*

14.3.1.1.1.1.1 Effect of Violation. A violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, the student-athlete's eligibility shall not be affected. *(Adopted: 4/30/09 effective 8/1/09)*

14.3.1.1.1.1.2 Waiver. The Academic Cabinet may waive the requirements of this legislation based on objective evidence that demonstrates circumstances for which a waiver is warranted. The cabinet shall establish the process for reviewing such waiver requests. *(Adopted: 4/30/09 effective 8/1/09)*

14.3.1.1.2 Initial-Eligibility Index. Freshmen may establish eligibility using the following eligibility index: *(Adopted: 1/10/92 effective 8/1/95, Revised: 1/10/95 effective 8/1/96, 1/9/96 effective 8/1/96, 10/31/02 effective 8/1/03 and 8/1/05)*

Core GPA	SAT	Sum ACT	Core GPA	SAT	Sum ACT	Core GPA	SAT	Sum ACT
3.550 & above	400	37	3.025	610	51	2.475	830	69
3.525	410	38	3.000	620	52	2.450	840-850	70
3.500	420	39	2.975	630	52	2.425	860	70
3.475	430	40	2.950	640	53	2.400	860	71
3.450	440	41	2.925	650	53	2.375	870	72
3.425	450	41	2.900	660	54	2.350	880	73
3.400	460	42	2.875	670	55	2.325	890	74
3.375	470	42	2.850	680	56	2.300	900	75
3.350	480	43	2.825	690	56	2.275	910	76
3.325	490	44	2.800	700	57	2.250	920	77
3.300	500	44	2.775	710	58	2.225	930	78
3.275	510	45	2.750	720	59	2.200	940	79
3.250	520	46	2.725	730	59	2.175	950	80
3.225	530	46	2.700	730	60	2.150	960	80
3.200	540	47	2.675	740-750	61	2.125	960	81
3.175	550	47	2.650	760	62	2.100	970	82
3.150	560	48	2.625	770	63	2.075	980	83
3.125	570	49	2.600	780	64	2.050	990	84
3.100	580	49	2.575	790	65	2.025	1000	85
3.075	590	50	2.550	800	66	2.000	1010	86
3.050	600	50	2.525	810	67			
			2.500	820	68			

14.3.1.2 Core-Curriculum Requirements. For purposes of meeting the core-curriculum requirement to establish eligibility at a member institution, a "core course" must meet all of the following criteria: *(Revised: 1/11/00 effective 8/1/00)*

(a) A course must be a recognized academic course and qualify for high school graduation credit in one or a combination of the following areas: English, mathematics, natural/physical science, social science, foreign language or nondoctrinal religion/philosophy; *(Revised: 11/1/01 effective 8/1/05 for those students first entering a collegiate institution on or after 8/1/05)*

(b) A course must be considered college preparatory by the high school. College preparatory is defined for these purposes as any course that prepares a student academically to enter a four-year collegiate institution upon graduation from high school;

(c) A mathematics course must be at the level of Algebra I or a higher-level mathematics course;

(d) A course must be taught by a qualified instructor as defined by the appropriate academic authority (e.g., high school, school district or state agency with authority of such matters); and

(e) A course must be taught at or above the high school's regular academic level (remedial, special education or compensatory courses shall not be considered core courses). However, the prohibition against the use of remedial or compensatory courses is not applicable to courses designed for students with education-impacting disabilities (see Bylaw 14.3.1.2.1.2). *(Revised: 8/7/08)*

14.3.1.2.1 Core-Curriculum Time Limitation. A prospective student-athlete must complete his or her core-curriculum requirements not later than the high school graduation date of the prospective student-athlete's class [as determined by the first year of enrollment in high school (ninth grade) or the international equivalent as specified in the NCAA Guide to International Academic Standards for Athletics Eligibility]. Graduation from high school or secondary school shall be based on the prospective student-athlete's prescribed educational path in his or her country. *(Revised: 1/10/90, 9/15/97, 11/1/01 effective 8/1/02, 4/26/07 effective 8/1/07)*

14.3.1.2.1.1 Exception—One Core Course after High School Graduation. If a prospective student-athlete graduates from high school within the core-curriculum time limitation, he or she may

use one core course, completed in the year after graduation (summer or academic year), but not later than the end of the academic year immediately after the high school graduation date of the prospective student-athlete's class, to satisfy the core-curriculum or minimum grade-point average requirements or both. The prospective student-athlete may complete the core course at a location other than the high school from which he or she graduated and may initially enroll full time at a collegiate institution at any time after completion of the core course. A prospective student-athlete may not use a core course completed after graduation if he or she receives institutional financial aid while enrolled in the course during the summer after the high school graduation date of his or her class (see Bylaw 15.2.8.1.4). *(Adopted: 4/26/07 effective 8/1/07)*

14.3.1.2.1.2 Students with Education-Impacting Disabilities. The Eligibility Center, pursuant to policies and procedures prescribed by the Academics Cabinet, may approve the use of all core courses completed by a student diagnosed with an education-impacting disability prior to initial full-time enrollment at a collegiate institution. *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/24/03 effective 8/1/03, 11/1/07 effective 8/1/08, 4/17/08, 8/7/08)*

The following Bylaw was revised April 30, 2009, and is effective August 1, 2010.

14.3.1.2.1.2 Exception—Students with Education-Impacting Disabilities. If a prospective student-athlete with a diagnosed education-impacting disability graduates from high school within the core-curriculum time limitation, he or she may use up to three core courses completed after high school graduation to satisfy the core-curriculum or minimum grade-point average requirements or both. The prospective student-athlete may complete the core courses at a location other than the high school from which he or she graduated and may initially enroll full time at a collegiate institution at any time after completion of the core courses. A prospective student-athlete may not use a core course completed after graduation if he or she receives institutional financial aid while enrolled in a course during the summer after the high school graduation date of his or her class (see Bylaw 15.2.8.1.4). *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/24/03 effective 8/1/03, 11/1/07 effective 8/1/08, 4/17/08, 8/7/08, 4/30/09 effective 8/1/10 for student-athletes initially enrolling full time in a collegiate institution on or after 8/1/10)*

14.3.1.2.2 Nontraditional Courses. Courses taught via the Internet, distance learning, independent study, individualized instruction, correspondence, and courses taught by similar means may be used to satisfy NCAA core-course requirements if all of the following conditions are satisfied: *(Adopted: 1/11/00 effective 8/1/00)*

(a) The course meets all requirements for a core course as defined in Bylaw 14.3.1.2;

(b) The instructor and the student have access to one another during the duration of the course for purposes of teaching, evaluating and providing assistance to the student;

(c) Evaluation of the student's work is conducted by the appropriate academic authorities in accordance with the high school's established academic policies; and

(d) The course is acceptable for any student and is placed on the high school transcript.

14.3.1.2.3 College Courses. College courses may be used to satisfy core-curriculum requirements if accepted by the high school, provided the courses are accepted for any other student, meet all other requirements for core courses and are placed on the student's high school transcript.

14.3.1.2.4 English as a Second Language Course. It is permissible to use an advanced-level English as a Second Language (ESL) course to satisfy core-curriculum requirements, provided it is reviewed through the NCAA Initial-Eligibility Waiver process. Other ESL courses taught in disciplines other than English (e.g., social studies) may satisfy a core-course requirement, provided they are qualitatively and quantitatively the same as the comparison course in the regular-course offering. *(Adopted: 11/17/98)*

14.3.1.2.5 Courses for Students with Education-Impacting Disabilities. High school courses for students with education-impacting disabilities may be used to fulfill the core-curriculum requirements, even if such courses appear to be taught at a level below the high school's regular academic instructional level (e.g., special education courses), if the high school principal submits a written statement to the NCAA Eligibility Center indicating that the courses are substantially comparable, quantitatively and qualitatively, to similar core course offerings in that academic discipline and the courses appear on the high school's list of approved core courses. Students with education-impacting disabilities still must complete the required core courses and achieve the minimum required grade-point average in the core curriculum. The fact that the title of a course includes a designation such as "remedial," "special education," "special needs," or other similar titles used for courses designed for students with education-impacting disabilities does not, in and of itself, disqualify a course from satisfying core-curriculum requirements. *(Revised: 1/14/97 effective 8/1/97, 2/11/98, 4/24/03 effective 8/1/03, 8/7/08)*

14.3.1.2.6 Grade Value of Core Courses. The following grade values are to be used in determining a student's grade-point average in the core courses: A = 4 quality points, B = 3 quality points, C = 2 quality points, D = 1 quality point. In determining the core-curriculum grade-point average, each grade earned in a

course (including all numerical grades) must be converted to this 4.000 scale on an individual-course basis. Pluses or minuses within a grade level shall not receive greater or lesser quality points. A school's normal practice of weighting honors or advanced courses may be used to compute the quality points awarded in those courses and the cumulative grade-point average, provided a written statement verifying the grading policy accompanies the prospective student-athlete's official grade transcript. An honors or advanced course shall receive no greater than 1.000 additional quality point (e.g., A=5.000). In calculating the grade in a weighted honors or advanced course, if a high school does not assign quality points to its courses, quality points shall be added to each course prior to calculating the student's grade-point average and not added to a student's cumulative core-course grade-point average. The core-curriculum grade-point average may be calculated using the student's 16 best grades from courses that meet the distribution requirements of the core curriculum. Additional core courses (beyond the 16 required) may be used to meet the core-curriculum grade-point average, provided the distribution requirements are met. *(Revised: 1/10/92 effective 8/1/95, 1/14/97, 4/15/98, 1/13/03 effective 8/1/05, 4/24/03 effective 8/1/08 for those student-athletes first entering a collegiate institution full time on or after 8/1/08)*

14.3.1.2.7 Pass-Fail Grades. Courses that are awarded pass-fail grades may be used to satisfy core-curriculum requirements. The NCAA Eligibility Center shall assign the course the lowest passing grade that the high school assigns for a pass-fail course. *(Revised: 1/14/97 effective 8/1/97, 4/15/97, 5/9/07)*

14.3.1.2.8 Repeat Courses. A repeated course may be used only once to satisfy core-curriculum requirements. The best grade in that course may be used to calculate the grade-point average in the core curriculum.

14.3.1.2.9 Multiple High School Attendance. For a student-athlete who attends more than one high school, a Form 48-H (core-course form) and an official transcript from each high school the student-athlete attended must be used. However, the NCAA Eligibility Center may receive the official transcript from either the student-athlete's original high school or the high school from which the student-athlete graduated, or an institution's admissions office. *(Adopted: 1/10/92, Revised: 4/22/98 effective 8/1/98, 3/30/06, 5/9/07)*

14.3.1.3 Test-Score Requirements. The minimum required SAT or ACT score (see Bylaw 14.3.1.1) must be achieved under national testing conditions on a national testing date [no residual (campus) testing, or regional testing dates] except that a state-administered ACT may be used to meet the test-score requirement. *(Adopted: 1/9/06 effective 8/1/06)*

14.3.1.3.1 Test-Score Time Limitation. The minimum required SAT or ACT score shall be achieved prior to registering for a minimum full-time program of studies (as determined by the institution) and attending classes in a regular term (e.g., semester or quarter) of an academic year at a collegiate institution. *(Revised: 1/11/89, 1/16/93, 1/10/95, 6/10/04)*

14.3.1.3.2 Combined Test Scores. For students using the SAT examination, the highest scores achieved on the critical reading and mathematics sections of the SAT from two different national testing dates may be combined in determining whether the student has met the minimum test-score requirements. For students using the ACT examination, the highest scores achieved on the individual subtests of the ACT from more than one national testing date or state-administered examination may be combined in determining whether the student's sum score has met the minimum test-score requirement. *(Revised: 1/9/06 effective 8/1/06)*

14.3.1.3.3 Nonstandard Test Administration. Students with education-impacting disabilities may use scores achieved during a nonstandard administration of the SAT or ACT. A student who takes a nonstandard SAT or ACT still must achieve the minimum required test score; however, the test is not required to be administered on a national testing date. *(Revised: 4/24/03 effective 8/1/03, 8/7/08)*

14.3.1.3.4 Test-Score Report. The minimum SAT or ACT score(s) used for initial-eligibility purposes must be provided to the NCAA Eligibility Center by the appropriate testing agency through an official test-score report. *(Adopted: 4/27/06 effective 8/1/07, for those student-athletes first entering a collegiate institution on or after 8/1/07, Revised: 5/9/07)*

14.3.1.4 Early Admission Program Waiver. A waiver may be granted by the Academics Cabinet for a student who left high school after completion of the junior year or during the senior year to enter a member institution under an early admissions program (open to students solely on the basis of outstanding academic performance and promise), provided the following conditions are met: *(Revised: 1/14/97 effective 8/1/97, 11/1/07 effective 8/1/08)*

(a) For the last four semesters completed in high school, the student maintained a cumulative, minimum grade-point average of 3.500 (based on a maximum of 4.000) and ranked in the top 20 percent of the student's class;

(b) The student has not met the requirements for graduation from high school; and

(c) Any remaining deficiency must be in the core-course area of English (the student is lacking only the fourth year of English). *(Revised: 4/15/97)*

14.3.1.5 Initial-Eligibility Waivers. The Academics Cabinet shall have the authority to authorize waivers of the initial-eligibility requirements based on objective evidence that demonstrates circumstances in which a

student's overall academic record warrants a waiver of the normal application of this regulation. The Academics Cabinet shall establish the process for granting such waivers, shall monitor the actions taken under this authorization and shall report annually to the membership the actions taken in summary, aggregate form. *(Revised: 11/1/07 effective 8/1/08)*

14.3.2 Eligibility for Financial Aid, Practice and Competition—Nonqualifier.

14.3.2.1 Nonqualifier. A nonqualifier is a student who has not graduated from high school or who, at the time specified in the regulation (see Bylaw 14.3), did not present the core-curriculum grade-point average and/or SAT/ACT score required for a qualifier.

14.3.2.1.1 Eligibility for Aid, Practice and Competition. An entering freshman with no previous college attendance who was a nonqualifier at the time of enrollment in a Division I institution shall not be eligible for regular-season competition or practice during the first academic year in residence. However, such a student shall be eligible for nonathletics institutional financial aid that is not from an athletics source and is based on financial need only, consistent with institutional and conference regulations. *(Revised: 1/10/95 effective 8/1/96)*

14.3.2.2 Practice-Session Attendance. A student-athlete who is a nonqualifier and who, therefore, is not eligible for practice, may not attend any practice sessions in any capacity, nor may the student-athlete attend any meeting characterized as practice (see Bylaw 17.02.1). *(Revised: 1/10/95 effective 8/1/96, 1/9/96 effective 8/1/96)*

14.3.2.3 Outside Competition—Nonqualifier. A nonqualifier may participate in the institution's intramural program (provided the intramural team is not coached by a member of the institution's athletics department staff), but during the first year of enrollment, such an individual is not permitted to practice or compete on an institutional club team or on an outside sports team.

14.3.3 Seasons of Competition—Nonqualifier. Nonqualifiers, recruited or nonrecruited, shall not engage in more than three seasons of competition in any one sport. A student who transfers to a Division I member institution from another collegiate institution shall not engage in more than four seasons of competition with not more than three of those seasons in Division I.

14.3.3.1 Fourth Season of Competition—Not a Qualifier. A fourth season of intercollegiate competition shall be granted to a student-athlete who is not a qualifier, provided that at the beginning of the fifth academic year following the student-athlete's initial, full-time collegiate enrollment, the student-athlete has completed at least 80 percent of his or her designated degree program. *(Revised: 4/28/05 effective 8/1/05, 1/3/06)*

14.3.3.1.1 Waiver. The Academics Cabinet shall have the authority to grant a fourth season of intercollegiate competition to a student-athlete who is not a qualifier based on objective evidence of extraordinary circumstances that warrant a waiver of the normal application of this regulation. *(Adopted: 1/13/98 effective 8/1/98; Revised: 4/27/00 effective 8/1/00, 8/4/05, 1/3/06, 11/1/07 effective 8/1/08)*

14.3.4 Residence Requirement—Nonqualifier. A nonqualifier must fulfill an academic year of residence in order to be eligible for practice, competition and athletically related financial aid (see Bylaw 14.3.2.1.1). The requirements that must be met to fulfill an academic year of residence are set forth in Bylaw 14.5.1.1. A nonqualifier admitted after the 12th class day may not use that semester or quarter for the purpose of establishing residency. *(Revised: 1/10/90 effective 8/1/90, 1/10/95 effective 8/1/96, 1/3/06)*

14.3.5 Determination of Freshman Eligibility.

14.3.5.1 Participation Prior to Certification.

14.3.5.1.1 Temporary Certification, Recruited Student-Athlete. If a recruited student-athlete reports for athletics participation before his or her qualification status has been certified, the student may practice, but not compete, during a 14-day period, provided the student meets all other requirements to be eligible to practice. An institution shall not provide athletically related financial aid to the student during this period. After the 14-day period, the student shall have established minimum requirements as a qualifier (as certified by the NCAA Eligibility Center) to continue practicing or to compete and receive athletically related financial aid. *(Revised: 1/11/89, 10/7/05, 5/9/07, 9/18/07)*

14.3.5.1.2 Temporary Certification, Nonrecruited Student-Athlete. If a nonrecruited student-athlete reports for athletics participation before his or her qualification status has been certified, the student may practice, but not compete, during a 45-day period, provided the student meets all other requirements to be eligible to practice. An institution shall not provide athletically related financial aid to the student during this period. After the 45-day period, the student shall have established minimum requirements as a qualifier (as certified by the NCAA Eligibility Center) to continue practicing or to compete and receive athletically related financial aid. *(Revised: 10/7/05, 5/9/07, 9/18/07)*

14.3.5.1.2.1 Exception—Women's Rowing. A nonrecruited student in women's rowing may practice, but not compete, during the nonchampionship season in that sport. Thereafter, the student shall have established minimum-eligibility requirements as a qualifier (as certified by the NCAA Eligibility Center) to continue practicing or to compete. *(Adopted: 1/9/96 effective 8/1/96, Revised: 5/9/07)*

14.3.5.2 High School Graduate. In order to be considered a high school graduate, a prospective student-athlete shall meet all graduation requirements, including academic and nonacademic (e.g., state exit exams, com-

munity service, senior project) requirements, as defined for all students by his or her high school or secondary school. *(Adopted: 4/23/08)*

14.3.5.3 GED Test/Equivalency Diploma. A prospective student-athlete who does not graduate from high school but who subsequently completes the General Educational Development (GED) test and obtains a state high school equivalency diploma may satisfy the graduation requirement of Bylaw 14.3, but not the core-curriculum or test-score requirement, if the following conditions are met:

(a) Only scores from a GED test taken by the prospective student-athlete on or after the date the prospective student-athlete's high school class would normally have graduated from high school (the last class of which the student was a member while enrolled in high school) shall be used; *(Revised: 1/10/05 effective 8/1/05 for entering freshmen whose initial collegiate enrollment occurs during the 2005-06 academic year and thereafter)*

(b) The prospective student-athlete must present the state high school equivalency diploma prior to initial enrollment as a full-time, regularly matriculated student in a collegiate institution; and

(c) To qualify for financial aid, practice and competition, the prospective student-athlete must meet the core-curriculum grade-point average and test-score requirements (see Bylaw 14.3.1.1) in addition to presenting a minimum average score of 450 on the five-part GED test. *(Revised: 6/16/04)*

14.3.5.4 Advanced Placement. If the student-athlete is admitted with a minimum of 24-semester hours or a minimum of 36-quarter hours of advanced placement from a College Entrance Examination Board (CEEB) examination (or from a similar proficiency examination) and/or concurrent high school/college credit without previous enrollment at a collegiate institution, the student-athlete shall be immediately eligible. Credits earned from extension or summer-session courses may not be counted in satisfaction of this requirement.

14.3.5.5 International Academic Standards. A student from a foreign country shall satisfy both the requirements outlined in the NCAA Guide to International Academic Standards for Athletics Eligibility and the test-score requirements set forth in Bylaw 14.3.1.1-(b).

14.3.6 Notification of Initial-Eligibility Standards. Member institutions shall provide to high school prospective student-athletes and their parents or legal guardians information regarding the initial-eligibility standards contained in Bylaw 14.3. The information shall be provided at the earliest opportunity after the institution begins recruiting the prospective student-athlete, but not later than the day prior to the prospective student-athlete's signed acceptance of the National Letter of Intent or institution's written offer of admission and/or financial aid. An institution may provide the information in hard copy or electronic form (e.g., electronic mail, link to Web site). Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Adopted: 4/27/06 effective 8/1/06)*

The following Bylaw was revised January 17, 2009, and is effective August 1, 2010.

14.3.6 Notification of Initial-Eligibility Standards. The NCAA Eligibility Center shall provide information regarding the initial-eligibility standards contained in Bylaw 14.3 to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center. *(Adopted: 4/27/06 effective 8/1/06, Revised: 1/17/09 effective 8/1/10)*

14.4 PROGRESS-TOWARD-DEGREE REQUIREMENTS

14.4.1 Progress-Toward-Degree Requirements. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall maintain progress toward a baccalaureate or equivalent degree at that institution as determined by the regulations of that institution subject to controlling legislation of the conference(s) or similar association of which the institution is a member and applicable NCAA legislation. (See Constitution 3.2.4.13 regarding the obligations of members to publish their progress-toward-degree requirements for student-athletes.) *(Revised: 5/29/08, 4/15/09)*

14.4.1.1 Bona Fide International Exchange Student. The eligibility for competition of a bona fide international exchange student, as defined in Bylaw 14.5.1.6.1, shall be based on satisfactory completion of at least: *(Revised: 1/14/08 effective 8/1/08)*

(a) Six-semester or six-quarter hours of academic credit during the preceding regular academic term in which the student has enrolled full time at the certifying institution; *(Revised: 4/14/09)*

(b) Eighteen-semester or 27-quarter hours of academic credit since the beginning of the previous fall term or since the beginning of the certifying institution's preceding regular two semesters or three quarters (hours earned during the summer may not be used to fulfill this requirement) (see Bylaw 14.4.3.1.4); and *(Revised: 4/14/09)*

(c) A minimum grade-point average per academic term of enrollment as set forth in Bylaw 14.4.3.3.1.

14.4.1.2 Temporary Student. A student-athlete having the status of temporary, transient or exchange student shall not represent an institution in intercollegiate athletics competition unless such status is specifically allowed and governed by provisions adopted by the membership.

14.4.2 Eligibility for Financial Aid and Practice. Eligibility for institutional financial aid and practice during each academic year after a student-athlete's initial year in residence or after the student-athlete has used one season of eligibility in a sport shall be based upon the rules of the institution and the conference(s), if any, of which the institution is a member.

14.4.3 Eligibility for Competition.

14.4.3.1 Fulfillment of Credit-Hour Requirements. Eligibility for competition shall be determined based on satisfactory completion of at least: *(Revised: 1/10/92, 10/31/02 effective 8/1/03 for those student-athletes first entering a collegiate institution full time on or after 8/1/03, 3/10/04, 4/28/05)*

(a) Twenty-four-semester or 36-quarter hours of academic credit prior to start of the student-athlete's second year of collegiate enrollment (third semester, fourth quarter); *(Revised: 10/31/02 effective 8/1/03 for those student-athletes first entering a collegiate institution full time on or after 8/1/03)*

(b) Eighteen-semester or 27-quarter hours of academic credit since the beginning of the previous fall term or since the beginning of the certifying institution's preceding regular two semesters or three quarters (hours earned during the summer may not be used to fulfill this requirement) (see Bylaw 14.4.3.1.4); and *(Revised: 10/31/02 effective 8/1/03 for those student-athletes first entering a collegiate institution full time on or after 8/1/03)*

(c) Six-semester or six-quarter hours of academic credit during the preceding regular academic term (e.g., fall semester, winter quarter) in which the student-athlete has been enrolled full time at any collegiate institution (see Bylaw 14.1.10 for postseason certification). *(Adopted: 10/31/02 effective 8/1/03 for those student-athletes first entering a collegiate institution full time on or after 8/1/03, Revised: 3/10/04, 4/28/05)*

14.4.3.1.1 Regular Academic Year. For purposes of Bylaw 14.4.3.1, the regular academic year shall be defined as the time beginning with the opening of the institution's fall term and concluding with the institution's spring commencement exercises. *(Adopted: 4/2/03 effective 8/1/03, Revised: 6/1/06)*

14.4.3.1.2 Transfer. To be eligible for competition, a transfer student-athlete must meet the following credit-hour requirements based on attendance at the previous institution(s) for the specified time and may use any hours of academic credit earned at any collegiate institution: *(Adopted: 10/31/02 effective 8/1/03 for those student-athletes first entering a collegiate institution full time on or after 8/1/03, Revised: 5/12/05)*

(a) Equivalent of one semester/one quarter: six-semester or six-quarter hours of academic credit;

(b) Equivalent of one academic year (e.g., two semesters/ three quarters): 24-semester or 36-quarter hours of academic credit;

(c) Equivalent of three semesters/four quarters: 30-semester or 42-quarter hours of academic credit; or

(d) Equivalent of four semesters/six quarters and thereafter: six-semester or six-quarter hours of academic credit during the previous term of full-time enrollment, if applicable (see Bylaw 14.4.3.1.2.1).

14.4.3.1.2.1 Six-Hour Requirement for Transfer. A transfer student-athlete from a domestic two-year or four-year collegiate institution must complete six hours of academic credit during the previous term of full-time enrollment regardless of when the student-athlete enrolls in the certifying institution. A transfer student-athlete from a foreign collegiate institution is not required to complete six hours of academic credit in the previous term of full-time enrollment. *(Adopted: 5/12/05)*

14.4.3.1.3 Regaining Eligibility. For purposes of Bylaw 14.4.3.1-(a), a student-athlete who does not meet the 24-semester or 36-quarter credit-hour requirement prior to the start of his or her second year of collegiate enrollment (third semester, fourth quarter), may become eligible at the beginning of the next academic term by successfully completing 24-semester or 36-quarter hours during the previous two semesters or three quarters. *(Adopted: 4/14/03 effective 8/1/03 for those student-athletes first entering a collegiate institution full time on or after 8/1/03, Revised: 4/28/05)*

14.4.3.1.3.1 Exception—Baseball. In baseball, a student-athlete who is subject to the 24-semester or 36-quarter credit-hour requirement at the beginning of an institution's fall term and fails to meet the requirement based on the student-athlete's academic record in existence at that time shall not be eligible during the remainder of the academic year. *(Adopted: 4/26/07 effective 8/1/08)*

14.4.3.1.4 Application of Rule. For purposes of Bylaw 14.4.3.1-(b), once a student-athlete initially enrolls as a full-time student, [including a midyear enrollee (freshman or transfer)] he or she must meet the 18-semester/27-quarter hour requirement prior to the start of the institution's third semester or fourth quarter following the student-athlete's initial full-time enrollment. Further, the 18-semester/27-quarter hour requirement applies to each academic year in which a student-athlete is enrolled as a full-time student during any term of that academic year. Credits earned during a term in which a student-athlete is enrolled in less than a full-time program of studies may be used to satisfy the 18-semester/27-quarter hour requirement only if such credits are combined with credits earned during a term that immediately precedes or immediately follows a term in which the student-athlete is enrolled as a full-time student. Credits earned during a part-time term may be completed at an institution other than the certifying institution. *(Adopted: 4/14/03 effective 8/1/03, Revised: 9/18/07, 4/8/09)*

14.4.3.1.4.1 Application to a Midyear Enrollee. After a midyear enrollee's initial certification, (prior to the start of the institution's third semester or fourth quarter following the student-athlete's initial full-time enrollment), the student-athlete's completion of the 18-semester/27-quarter hour requirement shall be certified prior to the start of each academic year based on the student-athlete's record since the beginning of the previous fall term. *(Adopted: 4/8/09)*

14.4.3.1.4.2 Additional Application—Baseball. In baseball, a student-athlete who is subject to the 18-semester/27-quarter hour requirement at the beginning of an institution's fall term and fails to meet the requirement based on the student-athlete's academic record in existence at that time shall not be eligible during the remainder of the academic year. *(Adopted: 4/26/07 effective 8/1/08)*

14.4.3.1.5 Additional Application of Six-Hour and Transfer Rules—Baseball. In baseball, a student-athlete who fails to meet the requirements of Bylaws 14.4.3.1-(c) or 14.4.3.1.2, or both, to be eligible for an institution's fall term shall not be eligible during the remainder of the academic year. *(Adopted: 4/26/07 effective 8/1/08)*

14.4.3.1.6 Designation of Degree Program. A student-athlete shall designate a program of studies leading toward a specific baccalaureate degree at the certifying institution prior to participating in competition that occurs during or immediately before the third year of enrollment (fifth semester or seventh quarter) and thereafter shall make progress toward that specific degree. This provision shall be applicable to the eligibility not only of a continuing student, but also of a transfer student from a four-year or two-year collegiate institution who is entering his or her third year of collegiate enrollment, even if the student has not yet completed an academic year in residence or used a season of eligibility in a sport at the certifying institution. Designation of a specific baccalaureate degree program may be accomplished by: *(Revised 2/27/08)*

(a) Formal enrollment by the student-athlete in a specific baccalaureate degree program; or

(b) Approval by an appropriate academic official (who must not be an academic advisor/counselor employed by the athletics department) of the program leading to the specific baccalaureate degree that the student-athlete is pursuing.

14.4.3.1.6.1 Documentation of Degree Program Designation. If the designation is in accordance with Bylaw 14.4.3.1.6-(a), the official enrollment records of the institution shall constitute the documentation of the program against which progress toward degree under this regulation shall be measured. If the designation is in accordance with Bylaw 14.4.3.1.6-(b), the record of the degree program designation, approved by the appropriate academic official, shall constitute that documentation. For purposes of certifying eligibility for competition, an appropriate academic official shall affirm in writing the number of credit hours applicable to the designated degree program that have been completed satisfactorily. The institution's records for all student-athlete degree program designations and progress-toward-degree evaluations shall be retained for inspection (on request) by an authorized representative of the NCAA.

14.4.3.1.6.2 Eligibility Ramifications. Violations of Bylaw 14.4.3.1.6 shall be considered institutional violations per Constitution 2.8.1; however, the violation shall not affect the student-athlete's eligibility. *(Adopted: 4/20/99 effective 8/1/99)*

14.4.3.1.7 Hours Earned or Accepted for Degree Credit. The provision that the calculation of credit hours under the progress-toward-degree regulation shall be based on hours earned or accepted for degree credit at the certifying institution in a student-athlete's specific baccalaureate degree program (see Bylaw 14.4.3.1) shall be met as follows:

(a) During the first two years of enrollment, a student-athlete may use credits acceptable toward any of the institution's degree programs; *(Revised: 1/9/06 effective 8/1/06)*

(b) By the beginning of the third year of enrollment (fifth semester or seventh quarter), a student-athlete shall be required to have designated a program of studies leading toward a specific baccalaureate degree. From that point, the credits used to meet the progress-toward-degree requirements must be degree credit toward the student's designated degree program;

(c) A student-athlete who changes his or her designated degree program may comply with the progress-toward-degree requirements if:

(1) The change in programs is documented appropriately by the institution's academic authorities;

(2) The credits earned prior to the change are acceptable toward degree previously sought; and

(3) The credits earned from the time of the change are acceptable toward the new desired degree.

(d) A student-athlete who has designated a specific degree program with an identified major may not use a course to fulfill the credit-hour requirement for meeting progress toward degree even if the course fulfills an elective component of the student-athlete's degree program, if the student ultimately must repeat the course to fulfill the requirements of the student's major. *(Adopted: 1/14/97)*

14.4.3.1.7.1 Exception—Final Academic Year of Degree Program—Six-Hour Requirement. A student-athlete who is in the final academic year (final two semesters or three quarters) of his or her des-

ignated degree program may use credit hours acceptable toward any of the institution's degree programs to satisfy the six-hour requirement stated in Bylaw 14.4.3.1, provided the institution certifies that the student is enrolled in courses necessary to complete degree requirements at the end of the two semesters or three quarters. Thereafter, the student shall forfeit eligibility in all sports, unless the student completes all degree requirements during the final two semesters or three quarters and is eligible to receive the baccalaureate diploma on the institution's next degree-granting date. *(Adopted: 8/5/04)*

14.4.3.2 Fulfillment of Percentage of Degree Requirements. A student-athlete who is entering his or her third year of collegiate enrollment shall have completed successfully at least 40 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fourth year of collegiate enrollment shall have completed successfully at least 60 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fifth year of collegiate enrollment shall have completed successfully at least 80 percent of the course requirements in the student's specific degree program. The course requirements must be in the student's specific degree program (as opposed to the student's major). *(Adopted: 1/10/92 effective 8/1/92, Revised: 1/9/96, 10/31/02 effective 8/1/03, for those student-athletes first entering a collegiate institution full time on or after 8/1/03)*

14.4.3.2.1 Five-Year Degree Program. If the student-athlete's degree is identified in the institution's official catalog as a five-year program or otherwise requires the completion of a minimum of 150-semester or 225-quarter hours, the student-athlete who is entering his or her third year of collegiate enrollment shall have completed successfully 33 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fourth year of collegiate enrollment shall have completed successfully 50 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fifth year of collegiate enrollment shall have completed successfully 67 percent of the course requirements in the student's specific degree program. *(Adopted: 1/14/97, Revised: 10/31/02 effective 8/1/03, for those student-athletes first entering a collegiate institution full time on or after 8/1/03)*

14.4.3.2.2 Application of Rule to Transfer Student. The provisions of Bylaw 14.4.3.2 shall be applicable to the eligibility of a transfer student from a two-year or four-year collegiate institution, even if the student has not yet completed an academic year in residence or used a season of eligibility in a sport at the certifying institution. *(Adopted: 1/10/92 effective 8/1/92 for student-athletes first entering a collegiate institution on or after 8/1/92)*

14.4.3.2.2.1 Exception—National Service Academies. The provisions of Bylaw 14.4.3.2 shall only apply to the eligibility of a student-athlete for those years in which the student-athlete is enrolled at a national service academy. *(Adopted: 4/24/03)*

14.4.3.2.3 Timing of Certification. A student-athlete's eligibility under this provision shall be determined on the basis of the student's academic record in existence at the beginning of that student's third or later academic year (fifth semester or seventh quarter) of full-time enrollment. If the student-athlete is ineligible under the provisions of the progress-toward-degree legislation at the beginning of that term, eligibility may be reinstated at the beginning of any other regular term of that student's specific academic year, based on the student's later fulfillment of the necessary degree requirements. *(Adopted: 1/11/94, Revised: 1/10/95)*

14.4.3.2.3.1 Exception—Baseball. In baseball, a student-athlete who is ineligible under this provision at the beginning of an institution's fall term shall not be eligible during the remainder of the academic year. *(Adopted: 4/26/07 effective 8/1/08)*

14.4.3.3 Fulfillment of Minimum Grade-Point Average Requirements. A student-athlete who is entering his or her second year of collegiate enrollment shall present a cumulative minimum grade-point average (based on a maximum 4.000) that equals at least 90 percent of the institution's overall cumulative grade-point average required for graduation. A student-athlete who is entering his or her third year of collegiate enrollment shall present a cumulative grade-point average (based on a maximum of 4.000) that equals 95 percent of the institution's overall cumulative minimum grade-point average required for graduation. A student-athlete who is entering his or her fourth or later year of collegiate enrollment shall present a cumulative minimum grade-point average (based on a maximum of 4.000) that equals 100 percent of the institution's overall cumulative minimum grade-point average required for graduation. If the institution does not have an overall grade-point average required for graduation, it is permissible to use the lowest grade-point average required for any of the institution's degree programs in determining the cumulative minimum grade-point average. The minimum grade-point average must be computed pursuant to institutional policies applicable to all students. *(Adopted: 1/10/92 effective 8/1/92, Revised: 10/31/02 effective 8/1/03 for those student-athletes first entering a collegiate institution full time on or after 8/1/03, 4/15/09)*

14.4.3.3.1 Application of Rule to Transfer Student. The provisions of Bylaw 14.4.3.3 shall be applicable to the eligibility of a transfer student from a two-year or four-year collegiate institution who has completed an academic term in residence at the certifying institution. *(Adopted: 1/10/92 effective 8/1/92 for student-athletes first entering a collegiate institution on or after 8/1/92, Revised: 1/16/93, 1/9/06 effective 8/1/06)*

14.4.3.3.2 Timing of Certification. A student-athlete's eligibility under this provision shall be certified by the first date of competition or contest of each regular term of an academic year beginning with that stu-

dent's second or later academic year (third semester or fourth quarter) of full-time enrollment. The certification shall be based on the student-athlete's academic record in existence at the beginning of the applicable term. *(Adopted: 1/11/94, Revised: 1/10/95, 4/24/03 effective 8/1/03 for those student-athletes first entering a collegiate institution full time on or after 8/1/03, 5/9/08, 4/15/09)*

14.4.3.3.2.1 Exception—Baseball. In baseball, a student-athlete who is ineligible under this provision at the beginning of an institution's fall term shall not be eligible during the remainder of the academic year. *(Adopted: 4/26/07 effective 8/1/08)*

14.4.3.4 Regulations for Administration of Progress Toward Degree.

14.4.3.4.1 Nontraditional Terms. An institution that determines registration other than on a traditional semester- or quarter-hour basis shall submit a statement describing the continuing-eligibility requirements applicable to its student-athletes for approval by the Academics Cabinet. *(Revised: 11/1/07 effective 8/1/08)*

14.4.3.4.2 Advanced-Placement Tests/Credit by Examination. Credit received through advanced-placement tests or by examination may be used by the student to meet the minimum progress-toward-degree requirement, provided the subject for which the examination is an alternative is offered by the institution as acceptable degree credit.

14.4.3.4.3 Correspondence and Extension Courses from Another Institution. Correspondence, extension and credit-by-examination courses taken from an institution other than the one in which a student-athlete is enrolled as a full-time student shall not be used in determining a student's academic standing or progress toward degree.

14.4.3.4.3.1 Waivers. Waivers of this restriction may be granted by the Progress-Toward-Degree Waiver Committee in response to written requests from member institutions. *(Revised: 1/9/96 effective 8/1/96, 10/28/97)*

14.4.3.4.3.2 Centralized Correspondence-Course Exception. In a state that centralizes the offering of correspondence courses through one state institution, a student enrolled in another of the state's institutions may use a correspondence course from the institution authorized to offer such courses in determining the student's academic standing or progress toward degree.

14.4.3.4.4 Remedial, Tutorial or Noncredit Courses. Remedial, tutorial or noncredit courses may be used by the student to satisfy the minimum academic progress requirement of Bylaw 14.4.3.1 only if they meet all of the following conditions:

(a) The courses must be considered by the institution to be prerequisites for specific courses acceptable for any degree program;

(b) The courses must be given the same weight as others in the institution in determining the student's status for full-time enrollment;

(c) Noncredit courses may not exceed the maximum institutional limit for such courses in any baccalaureate degree program (or the student's specific baccalaureate degree program once a program has been designated); and

(d) Credit in such courses shall not exceed six-semester or nine-quarter hours, and the courses must be taken during the student's first academic year of collegiate enrollment. *(Revised: 10/31/02 effective 8/1/03, for those student-athletes first entering a collegiate institution on or after 8/1/03)*

14.4.3.4.5 Incomplete Grades. A student who receives an incomplete grade in a course may use the course in question to fulfill the minimum progress-toward-degree requirements, subject to the following conditions:

(a) The incomplete grade must have been removed in accordance with the institution's regulations applicable to all students;

(b) Such a course may be counted only once after a grade has been achieved that is acceptable to the institution for determining progress toward degree; and

(c) The course with the acceptable grade shall be counted either during the term in which the student initially enrolled in the course or during the term in which the incomplete grade was removed and acceptable credit was awarded.

14.4.3.4.6 Repeated Courses. Credit for courses that are repeated may be used by a student to satisfy the minimum academic progress requirements only under the following conditions:

(a) A course repeated due to an unsatisfactory initial grade may be used only once, and only after it has been satisfactorily completed;

(b) Credit for a course that may be taken several times (e.g., a physical education activities course) shall be limited by institutional regulations; and

(c) Credits earned in courses that may be taken several times may not exceed the maximum institutional limit for credits of that type for any baccalaureate degree program (or for the student's specific baccalaureate degree program once a program has been designated).

14.4.3.4.7 Credit from Other Institutions. Credit hours earned at another institution while enrolled as a full-time student may be used to satisfy academic progress requirements specified in Bylaws 14.4.3.1 and 14.4.3.2 (see Bylaw 14.4.3.4.3). Credit hours earned prior to initial full-time enrollment may be used to fulfill the 24-semester or 36-quarter hours requirement specified in Bylaw 14.4.3.1-(a) and the percentage of degree requirements specified in Bylaw 14.4.3.2. *(Revised: 1/16/93, 10/31/02 effective 8/1/03, for those student-athletes first entering a collegiate institution full time on or after 8/1/03, 4/5/06)*

14.4.3.4.8 Distance-Learning Courses. Credit hours earned via distance learning may be used to meet all progress-toward-degree requirements provided:

(a) Evaluation of student's work is conducted by the appropriate academic authorities in accordance with the institution's established academic policies; and

(b) The course is available to any student at the certifying institution and is reflected on the certifying institution's transcript. *(Adopted: 4/26/01 effective 8/1/01)*

14.4.3.4.9 Cooperative Education and Study Abroad Programs. A student-athlete shall not be required to complete six-semester or six-quarter hours of academic credit during a regular academic term or terms of full-time enrollment in a cooperative education program or an institutionally approved study-abroad program. *(Adopted: 4/29/04)*

14.4.3.5 Exceptions to Progress-Toward-Degree Rule.

(a) **Missed term.** One time during a student-athlete's entire period of collegiate enrollment, the provisions of Bylaw 14.4.3.1-(b) may be prorated at nine hours per term of actual attendance if the student-athlete misses a complete term or consecutive terms during an academic year, subject to the following conditions: *(Adopted: 10/31/02 effective 8/1/03, for those student-athletes first entering a collegiate institution full time on or after 8/1/03, Revised: 4/29/04, 4/28/05)*

(1) The student-athlete engaged in no outside competition in the sport during the academic term or terms in which the student was not in attendance; and *(Adopted: 10/31/02 effective 8/1/03, for those student-athletes first entering a collegiate institution full time on or after 8/1/03)*

(2) At the time of certification, the student has fulfilled the progress-toward-degree requirements (per Bylaw 14.4.3.1) for the terms in which the student was in attendance. *(Adopted: 10/31/02 effective 8/1/03, for those student-athletes first entering a collegiate institution full time on or after 8/1/03)*

A transfer student from a two-year college is not eligible to use this one-time exception during the first academic year of residence at the certifying institution in order to maintain eligibility during the second year in residence. Hours earned while enrolled as a part-time student during the "missed term" may be used to satisfy the 24/36 hour [see Bylaw 14.4.3.1-(a)], percentage of degree (see Bylaw 14.4.3.2) and grade-point average requirements (see Bylaw 14.4.3.3). *(Adopted: 10/31/02 effective 8/1/03, for those student-athletes first entering a collegiate institution full time on or after 8/1/03, Revised: 1/10/90, 4/28/05 effective 8/1/05)*

(b) **Nonrecruited, Nonparticipant.** A student-athlete may qualify for an exception to the application of the progress-toward-degree regulation for the initial season of eligibility if the student was not recruited; has not received athletically related financial assistance; has never practiced or participated in intercollegiate athletics, except that a student may have participated in limited preseason tryouts; and is otherwise eligible under all institutional, conference and NCAA rules. The student-athlete's eligibility in following seasons would be governed by the provisions of the progress-toward-degree rule, which would be applied from the beginning of the first term the student began participation. This exception shall not apply to the percentage-of-degree (Bylaw 14.4.3.2) and minimum grade-point average (Bylaw 14.4.3.3) requirements. *(Revised: 1/10/90, 1/10/92, 1/9/96, 10/31/02 effective 8/1/03 for those student-athletes first entering a collegiate institution full time on or after 8/1/03, 1/9/06 effective 8/1/06)*

(c) **Graduate Student/Postbaccalaureate Exception.** A graduate student-athlete or a student-athlete who graduates and returns for a second baccalaureate degree or who is taking course work that would lead to the equivalent of another major or degree who is otherwise eligible for regular-season competition shall be exempt from the provisions of this regulation, except the student-athlete shall successfully complete a minimum of six-semester or -quarter hours of academic credit during each regular academic term in which the student is enrolled full time as a graduate student at any collegiate institution or as a student who has graduated and is seeking a second baccalaureate or taking course work that would lead to the equivalent of another major degree at the same institution from which he or she previously received a baccalaureate degree (see Bylaw 14.1.9). *(Revised: 10/31/02 effective 8/1/03 for those student-athletes first entering a collegiate institution full time on or after 8/1/03, 4/24/03 effective after the 2003 fall term, 8/25/04, 5/28/09)*

14.4.3.6 Waivers of Progress-Toward-Degree Rule. The Division I Progress-Toward-Degree Waivers Committee shall establish appropriate criteria for waivers of this legislation. The following waivers shall be ad-

ministered by the conference members of the Association or, in the case of an independent institution, by the Division I Progress-Toward-Degree Waivers Committee. *(Revised: 10/28/97, 4/27/00, 10/31/02 effective 8/1/03, for those student-athletes first entering a collegiate institution full time on or after 8/1/03)*

(a) **Medical Absence.** The credit hours required under the progress-toward-degree regulation of Bylaw 14.4.3.1-(b), 14.4.3.1-(c) and 14.4.3.5-(c) may be prorated at nine hours per term of actual attendance during an academic year in which a student misses a term or is unable to complete a term as a full-time student as a result of an injury or illness. Such an exception may be granted only when circumstances clearly supported by appropriate medical documentation establish that a student-athlete is unable to attend a collegiate institution as a full-time student as a result of an incapacitating physical injury or illness involving the student-athlete or a member of the student-athlete's immediate family. Credits earned by the student during the term to which the waiver applies may be used to satisfy the 24-36-hour [see Bylaw 14.4.3.1-(a)], percentage of degree (see Bylaw 14.4.3.2) and grade-point average requirements (see Bylaw 14.4.3.3). *(Revised: 10/31/02 effective 8/1/03 for those student-athletes first entering a collegiate institution full time on or after 8/1/03, 3/10/04, 4/28/05)*

(b) **International Competition.** The credit hours required under the progress-toward-degree regulation of Bylaws 14.4.3.1 and 14.4.3.5-(c) may be prorated at nine hours per term of actual attendance during an academic year in which a student is not enrolled for a term or terms or is unable to complete a term as a full-time student as a result of participation in the FIFA World Youth Championship, Pan American Games, Olympic Games, World Championships, World Cup or World University Games (including final Olympic tryouts and the officially recognized training program that directly qualifies participants for those tryouts). This waiver provision may be applied to no more than two semesters or three quarters. Credits earned by the student during the term or terms to which the waiver applies may be used to satisfy the 24-36-hour [see Bylaw 14.4.3.1-(a)], percentage-of-degree (see Bylaw 14.4.3.2) and grade-point average requirements (see Bylaw 14.4.3.3). *(Revised: 1/9/96, 10/31/02 effective 8/1/03 for those student-athletes first entering a collegiate institution full time on or after 8/1/03, 3/10/04, 1/17/09 effective 8/1/09)*

14.4.3.7 Waiver—Olympic Games. The Division I Progress-Toward-Degree Waivers Committee may waive this general progress-toward-degree requirement for any participant in the Olympic Games, who because of such participation, may lose eligibility for practice and competition in any sport. *(Adopted: 10/31/02 effective 8/1/03 for those students first entering a collegiate institution full time on or after 8/1/03)*

14.4.3.8 Waiver—Student-Athletes with Education-Impacting Disabilities. The Division I Progress-Toward-Degree Waivers Committee may waive the general progress-toward-degree requirements for a student-athlete when objective evidence demonstrates that the institution has defined full-time enrollment for that student-athlete to be less than 12 hours to accommodate for the student's education-impacting disability. *(Adopted: 10/31/02 effective 8/1/03 for those students first entering a collegiate institution full time on or after 8/1/03, Revised: 8/7/08)*

14.4.3.9 Additional Progress-Toward-Degree Waivers. The Division I Progress-Toward-Degree Waivers Committee shall have the authority to waive all other progress-toward-degree requirements based on objective evidence that demonstrates circumstances that warrant the waiver of the normal application of those regulations. The committee shall establish the process for granting such waivers and shall report annually to the Academics Cabinet and to the membership the actions taken in summary, aggregate form. *(Adopted: 1/9/96 effective 8/1/96, Revised: 10/28/97, 11/1/07 effective 8/1/08)*

14.5 TRANSFER REGULATIONS

14.5.1 Residence Requirement—General Principle. A student who transfers (see Bylaw 14.5.2) to a member institution from any collegiate institution is required to complete one full academic year of residence at the certifying institution before being eligible to compete for or to receive travel expenses from the member institution (see Bylaw 16.8.1.2), unless the student satisfies the applicable transfer requirements or qualifies for an exception as set forth in this bylaw. In baseball and basketball, a transfer student-athlete who satisfies the applicable transfer requirements or qualifies for an exception as set forth in this section, but initially enrolls as a full-time student after the first term of the academic year shall not be eligible for competition until the ensuing academic year. *(Revised: 1/10/91 effective 8/1/91, 4/27/00 effective 8/1/01, 5/19/08)*

14.5.1.1 Determination of Year of Residence. To satisfy an academic year of residence, a student shall:

(a) Be enrolled in and complete a minimum full-time program of studies for two full semesters or three full quarters; or

(b) Be enrolled in a minimum full-time program of studies for two full semesters or three full quarters and pass a number of hours that is at least equal to the sum total of the minimum load of each of the required terms. Any student-athlete (e.g., qualifier, nonqualifier, transfer student) admitted after the 12th class day may not use that semester or quarter for the purpose of establishing residency. *(Revised: 1/3/06)*

14.5.1.1.1 Summer Term. A summer term shall not be used to satisfy a term of residence, but hours earned at the certifying institution during the summer may be used to satisfy the requirements of Bylaw 14.5.1.1-(b) above.

14.5.1.2 Fulfillment of Residence Requirement in Night School. When a student transfers to a member institution and is required to fulfill a residence requirement before being eligible to participate in competition, it is permissible for the transfer student to meet the requirement by attending an institution's night school, provided the following conditions are met:

(a) The night school has regular terms (semesters or quarters) that are the same as the institution's day school;

(b) The student is enrolled in a minimum full-time program of studies during each night term counted; and

(c) The student is considered by the institution to be a regularly matriculated student in each term.

14.5.1.3 Disciplinary Suspension. A student who transfers to any NCAA institution from a collegiate institution while the student is disqualified or suspended from the previous institution for disciplinary reasons (as opposed to academic reasons) must complete one calendar year of residence at the certifying institution. *(Revised: 1/14/97 effective 8/1/97)*

14.5.1.4 Outside Competition—Not a Qualifier. A two-year college transfer student who is not a qualifier and does not meet the applicable transfer requirements may participate in the institution's intramural program (provided the intramural team is not coached by a member of the institution's athletics department staff), but such an individual is not permitted to practice or compete on an institution's club team or an outside sports team during the first academic year in residence. A four-year college transfer student who is not a qualifier and who has not completed an academic year in residence may participate in the institution's intramural program (provided the intramural team is not coached by a member of the institution's athletics department staff), but such an individual is not permitted to practice or compete on an institution's club team or an outside sports team during the first academic year in residence. *(Adopted: 1/14/97, Revised: 1/3/06)*

14.5.1.5 Eligibility for Championship in Progress. A transfer student shall be eligible for any NCAA championship that is in progress after a full calendar year has elapsed and at the time he or she has completed two full semesters or three full quarters of academic work.

14.5.1.6 Foreign Institution Transfers. A transfer student from a foreign collegiate institution (college, university or two-year college), except one entering as a bona fide exchange student, shall comply with the one-year residence requirement set forth in Bylaw 14.5.5.1.

14.5.1.6.1 Bona Fide International Exchange Student Exception. A bona fide international exchange student is an individual who is sponsored by his or her nation's government, or is sponsored by the U.S. Department of State, Rotary International, the Ford Foundation, the Institute of International Education or a similar organization. For a student to be considered a bona fide exchange student, the sponsoring organization shall identify the student prior to the student's departure from his or her home country and make the necessary arrangements to finance the student's education under the international exchange program. If these arrangements have not been completed before the student's enrollment at the certifying institution, the student is considered to be a transfer student and may not represent the institution in competition until the individual has met the required residence requirement.

14.5.2 Conditions Affecting Transfer Status. A transfer student is an individual who transfers from a collegiate institution after having met any one of the following conditions at that institution:

(a) The student was officially registered and enrolled in a minimum, full-time program of studies in any quarter or semester of an academic year, as certified by the registrar or admissions office, provided the student was present at the institution on the opening day of classes;

(b) The student attended a class or classes in any quarter or semester in which the student was enrolled in a minimum full-time program of studies, even if the enrollment was on a provisional basis and the student was later determined by the institution not to be admissible;

(c) The student is or was enrolled in an institution in a minimum full-time program of studies in a night school that is considered to have regular terms (semesters or quarters) the same as the institution's day school, and the student is or was considered by the institution to be a regularly matriculated student;

(d) The student attended a branch school that does not conduct an intercollegiate athletics program, but the student had been enrolled in another collegiate institution prior to attendance at the branch school;

(e) The student attended a branch school that conducted an intercollegiate athletics program and transfers to an institution other than the parent institution;

(f) The student reported for a regular squad practice (including practice or conditioning activities that occur prior to certification per Bylaws 14.3.5.1 and 14.5.4.5.5), announced by the institution through any member of its athletics department staff, prior to the beginning of any quarter or semester, as certified by the athletics director. Participation only in picture-day activities would not constitute "regular practice;"

(g) The student participated in practice or competed in a given sport even though the student was enrolled in less than a minimum full-time program of studies; or

(h) The student received institutional financial aid while attending a summer term, summer school or summer-orientation program (see Bylaws 15.2.8.1.3 and 15.2.8.1.4). A recruited student who receives institutional aid pursuant to Bylaw 15.2.8.1.4 is subject to the transfer provisions, except that a prospective student-athlete (recruited or nonrecruited) who is denied admission to the institution for full-time enrollment shall be permitted to enroll at another institution without being considered a transfer student. *(Adopted: 1/10/90, Revised: 4/26/01, 4/14/03)*

14.5.3 Conditions Not Constituting Transfer Status. Unless otherwise covered by conditions set forth in Bylaw 14.5.2, a student-athlete is not considered a transfer under the following enrollment conditions:

14.5.3.1 Summer School, Extension Courses or Night School. The student has been enrolled in or attended classes only in a summer school, extension course or night school, unless the night school is considered by the institution to be a regular term (semester or quarter) the same as its day school, the student is enrolled for a minimum full-time load in this regular night term, and the student is considered by the institution to be a regularly enrolled student.

14.5.3.2 Prospective Student-Athlete Attending Summer School Prior to Initial Full-time Enrollment. A prospective student-athlete receiving financial aid to attend summer school prior to initial full-time enrollment who is denied admission to the institution for full-time enrollment. *(Adopted: 4/26/01)*

14.5.3.3 Branch School. The student has been enrolled in or attended classes only in a branch school, provided the branch school does not conduct an intercollegiate athletics program. If the branch school conducts an intercollegiate athletics program, the student shall not be considered a transfer only upon enrollment at the parent institution directly from the branch school. (For definition of "branch school," see Bylaw 14.02.1.)

14.5.3.4 Second Campus of Institution. The student is in residence at an institution's campus that is not in the same city as the institution's main campus, provided the campus at which the student is in residence does not conduct an intercollegiate athletics program, classes on the campus are taught by the same instructors who teach classes on the main campus, the credits received by all class enrollees are considered as regular credits by the institution's main campus, and the degrees awarded to all students come from the institution's main campus.

14.5.3.5 Academic Exchange Program. The student participates in a regular academic exchange program between two four-year institutions that requires a participant to complete a specified period of time at each institution, and the program provides for the student-athlete to receive at least two baccalaureate or equivalent degrees at the conclusion of this joint academic program.

14.5.4 Two-Year College Transfers. A student who transfers to a member institution from a two-year college or from a branch school that conducts an intercollegiate athletics program must complete an academic year of residence unless the student meets the following eligibility requirements applicable to the division of which the certifying institution is a member. Further, a transfer student-athlete admitted after the 12th class day may not use that semester or quarter for the purpose of establishing residency. *(Revised: 1/10/92)*

14.5.4.1 Qualifier. A transfer student from a two-year college who was a qualifier (per Bylaw 14.3.1.1) is eligible for competition in the first academic year in residence only if the student: *(Revised: 4/24/03 effective 8/1/03 for those students entering an NCAA institution on a full-time basis on or after 8/1/03)*

(a) Has spent at least one full-time semester or one full-time quarter in residence at the two-year college (excluding summer sessions);

(b) Has presented a minimum grade-point average of 2.000 (see Bylaw 14.5.4.5.3.2); and

(c) Has satisfactorily completed an average of at least 12-semester or quarter hours of transferable-degree credit acceptable toward any baccalaureate degree program at the certifying institution for each full-time academic term of attendance at the two-year college.

14.5.4.1.1 Baseball and Basketball—Midyear Enrollee. In baseball and basketball, a qualifier who satisfies the provisions of Bylaw 14.5.4.1, but initially enrolls at the certifying institution as a full-time student after the conclusion of the institution's first term of the academic year, shall not be eligible for competition until the ensuing academic year. *(Adopted: 4/27/00 effective 8/1/01 for those student-athletes first entering the certifying institution on or after 8/1/01, Revised: 3/10/04, 4/26/07 effective 8/1/08)*

14.5.4.2 Not a Qualifier. A transfer student from a two-year college who was not a qualifier (per Bylaw 14.3.1.1) is eligible for institutional financial aid, practice and competition the first academic year in residence only if the student: *(Revised: 1/10/90 effective 8/1/90, 1/9/96 effective 8/1/96, 4/24/03 effective 8/1/03, 6/1/06, 4/24/08 effective 8/1/09 for student-athletes initially enrolling full time in a collegiate institution on or after 8/1/09)*

(a) Has graduated from the two-year college;

(b) Has completed satisfactorily a minimum of 48-semester or 72-quarter hours of transferable-degree credit acceptable toward any baccalaureate degree program at the certifying institution, including six semester or eight quarter hours of transferable English credit and three semester or four quarter hours of transferable math credit;

(c) Has attended a two-year college as a full-time student for at least three semesters or four quarters (excluding summer terms); and

(d) Has achieved a cumulative grade-point average of 2.000 (see Bylaw 14.5.4.5.3.2).

14.5.4.2.1 Use of Hours Earned during Summer Terms. Not more than a total of 18-semester or 27-quarter hours of the transferable-degree credit may be earned during summer terms, and not more than nine-semester or 13.5-quarter hours of the transferable-degree credit may be earned during the summer term(s) immediately prior to the transfer. *(Adopted: 1/9/96 effective 8/1/97)*

14.5.4.2.2 Three-Semester/Four-Quarter Attendance Requirement. A student-athlete is not permitted to satisfy the three-semester/four-quarter attendance requirement during one academic year. *(Adopted: 6/8/99)*

14.5.4.2.3 Baseball and Basketball—Midyear Enrollee. In baseball and basketball, a student who was not a qualifier (per Bylaw 14.3.1.1) who satisfies the provisions of Bylaw 14.5.4.2, but initially enrolls at a certifying institution as a full-time student after the conclusion of the institution's first term of the academic year, shall not be eligible for competition until the ensuing academic year. *(Adopted: 4/27/00 effective 8/1/01, Revised: 3/10/04, 6/1/06, 4/26/07 effective 8/1/08)*

14.5.4.3 Status as Qualifier or Nonqualifier. A prospective student-athlete who does not graduate from high school before enrolling as a regular student in a two-year college may not transfer work back to the high school, graduate from the high school and establish initial eligibility at a member institution on the basis of the revised high school record. Such a student is considered to be a two-year college transfer who was a nonqualifier.

14.5.4.4 Status of Nonqualifier, Nonrecruited. A two-year college student-athlete who transferred to a Division I institution without meeting the requirements of Bylaw 14.5.4.2 shall not be eligible for regular-season competition and practice during the first academic year in residence. However, such a student who was not recruited per Bylaw 13.02.12 and for whom admission and financial aid were granted without regard to athletics ability shall be eligible for nonathletics institutional financial aid, provided there is on file in the office of the athletics director certification by the faculty athletics representative, the admissions officer and the chair of the financial aid committee that admission and financial aid were so granted.

14.5.4.5 Two-Year College Transfer Regulations. The following regulations shall be applied in administering the eligibility requirements for two-year college transfers.

14.5.4.5.1 Multiple Two-Year Colleges. When a student-athlete has been in residence at two or more two-year colleges, the terms of residence at all two-year colleges may be combined in order to satisfy the residence requirement. All grades and all course credits that are transferable from the two-year colleges to the member institution shall be considered in determining the student-athlete's eligibility under Bylaw 14.5 (see also Bylaw 14.5.6). In addition, at least 25 percent of the credit hours used to fulfill the student's academic degree requirements must be earned at the two-year college that awards the degree per Bylaw 14.5. *(Revised: 1/11/94)*

14.5.4.5.2 Credit Earned at Four-Year Institution. If a student-athlete attends a two-year college and, prior to regular enrollment at a member institution, attains additional credits as a part-time student in a four-year collegiate institution, the hours accumulated at the four-year institution may be used by the member institution in determining the student-athlete's eligibility under the two-year college transfer provisions, provided:

(a) These hours are accepted by the two-year college and are placed on the transcript or other official document by the two-year college from which the student-athlete transfers prior to the date of initial regular enrollment at the NCAA member institution; and

(b) Any official document (other than the student's transcript) used by the two-year college for this purpose includes the official seal of the two-year college, is signed by the appropriate academic official of the two-year college and is forwarded directly from the two-year college to the appropriate admissions official of the certifying institution.

14.5.4.5.3 Determination of Transferable Degree Credit. For the purpose of determining transferable degree credit, the institution may count those courses accepted as degree credit in any of its colleges, schools or departments.

14.5.4.5.3.1 Transferable Credit, Unacceptable Grade. Credit hours for courses with grades not considered acceptable for transferable degree credit for all students at an institution shall not be counted in determining whether the transfer requirement for total number of hours is satisfied.

14.5.4.5.3.2 Calculation of Grade-Point Average for Transferable Credit. Grades earned in all courses that are normally transferable to an institution shall be considered in determining the qualitative grade-point average for meeting transfer requirements, regardless of the grade earned or whether such grade makes the course unacceptable for transferable degree credit. Only the last grade earned in a course that has been repeated shall be included in the grade-point-average calculation.

14.5.4.5.4 Degree Requirement. In order to satisfy the two-year-college graduation requirement for eligibility immediately upon transfer from a two-year college to a member institution, a student-athlete must receive an associate or equivalent degree in an academic or technical, rather than a vocational, curriculum. The Academics Cabinet shall have the authority to determine whether a two-year college degree is

academic or technical, rather than vocational, in nature. *(Revised: 1/10/95, 1/12/99 effective 8/1/99, 11/1/07 effective 8/1/08)*

14.5.4.5.5 Transfer to Four-Year College Prior to Completion of Requirements. The requirements set forth in Bylaw 14.5.4 must be met prior to a student-athlete's transfer to the certifying institution. Thus, if a two-year college student transfers (as defined in Bylaw 14.5.2) to a member institution prior to the completion of applicable transfer requirements, the student is subject to the one-year residence requirement at the certifying institution, even though the student transfers back to the two-year college and completes the necessary requirements.

14.5.4.5.6 Participation Prior to Certification.

14.5.4.5.6.1 Temporary Certification, Recruited Two-Year College Transfer. If a recruited two-year college transfer student reports for athletics participation before the student's high school or two-year college academic record has been certified, the student may practice, but not compete, during a 14-day period, provided the student meets all other requirements to be eligible to practice. An institution shall not provide athletically related financial aid to the student during this period. After the 14-day period, the student shall have established minimum requirements as a transfer student to continue practicing or to compete and receive athletically related financial aid. *(Adopted: 1/10/90, Revised: 10/7/05, 9/18/07)*

14.5.4.5.6.2 Temporary Certification, Nonrecruited Two-Year College Transfer. If a nonrecruited two-year college transfer student reports for athletics participation before the student's high school or two-year college academic record has been certified, the student may practice, but not compete, during a 45-day period, provided the student meets all other requirements to be eligible to practice. An institution shall not provide athletically related financial aid to the student during this period. After the 45-day period, the student shall have established minimum requirements as a transfer student to continue practicing or to compete and receive athletically related financial aid. *(Adopted: 1/10/90, Revised: 9/18/07)*

14.5.4.5.7 Competition in Year of Transfer. A transfer student from a two-year institution, who has met the two-year transfer eligibility requirements per Bylaw 14.5.4, is not eligible to compete at the certifying institution during the segment that concludes with the NCAA championship if the student-athlete has competed at the two-year college during that segment of the same academic year in that sport. *(Revised: 1/11/94, 4/29/04 effective 8/1/04)*

14.5.4.6 Exceptions for Transfers from Two-Year Colleges. A transfer student from a two-year college or from a branch school that conducts an intercollegiate athletics program is not subject to the residence requirement at the certifying institution if any one of the following conditions is met. An individual who is not a qualifier shall not be permitted to use the exceptions under this bylaw. *(Revised: 4/27/06)*

14.5.4.6.1 Discontinued/Nonsponsored Sport Exception. The student changed institutions in order to continue participation in a sport because the student's original two-year college dropped the sport from its intercollegiate program (even though it may subsequently establish that sport on a club basis) or never sponsored the sport on the intercollegiate level while the student was in attendance at that institution, provided the student never attended any other collegiate institution that offered intercollegiate competition in that sport and the student earned at least a minimum 2.000 grade-point average (see Bylaw 14.5.4.5.3.2) at the two-year college. *(Revised: 1/11/89, 1/10/90)*

14.5.4.6.1.1 Original Collegiate Institution. In applying this provision for an exception to the residence requirement, the original collegiate institution shall be the two-year college in which the student was enrolled immediately prior to the transfer to the certifying institution, provided that, if the student is transferring from a two-year college that never sponsored the sport on the intercollegiate level, the student never shall have attended any other collegiate institution that offered intercollegiate competition in that sport.

14.5.4.6.2 Two-Year Nonparticipation or Minimal Participation Exception. The student transfers to the certifying institution from a two-year college and, for a consecutive two-year period immediately prior to the date on which the student begins participation (practice and/or competition), the student has not competed in intercollegiate competition and has not engaged in other countable athletically related activities in the involved sport in intercollegiate athletics in the involved sport beyond a 14-consecutive-day period, or has neither practiced nor competed in organized noncollegiate amateur competition while enrolled as a full-time student in a collegiate institution. The 14-consecutive-day period begins with the date on which the student-athlete first engages in any countable athletically related activity (see Bylaw 17.02.1). The two-year period does not include any period of time prior to the student's initial-collegiate enrollment. *(Adopted: 1/9/06 effective 8/1/06, Revised: 5/9/06)*

The following Bylaw was adopted April 30, 2009, and is effective August 1, 2010.

14.5.4.7 Submission of Information Necessary to Determine Academic Initial-Eligibility Status. An institution shall ensure submission of all necessary information (e.g., high school transcripts, test scores) to the NCAA Eligibility Center to determine the academic initial-eligibility status of a two-year college transfer student athlete prior to the end of the student-athlete's first regular academic term of full-time enrollment at the institution. If a two-year college transfer student-athlete is added to an institution's squad list after the end of his or her first regular academic term of full-time enrollment at the institution, the institution shall ensure submission of all necessary information (e.g., high school transcripts, test scores) to the Eligibility Center to determine his or her academic initial-eligibility status prior to end of the academic year in which the student-athlete is added to the squad list. The necessary information may be submitted through official or unofficial transcripts or test-score reports. *(Adopted: 4/30/09 effective 8/1/10 for two-year college transfer student-athletes who initially enroll full time at the certifying institution on or after 8/1/10)*

14.5.4.7.1 Effect of Violation. A violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, the student-athlete's eligibility shall not be affected. *(Adopted 4/30/09 effective 8/1/10 for two-year college transfer student-athletes who initially enroll full time at the certifying institution on or after 8/1/10)*

14.5.4.7.2 Waiver. The Academics Cabinet may waive the requirements of this legislation based on objective evidence that demonstrates circumstances for which a waiver is warranted. The cabinet shall establish the process for reviewing such waiver requests. *(Adopted: 4/30/09 effective 8/1/10 for two-year college transfer student-athletes who initially enroll full time at the certifying institution on or after 8/1/10)*

14.5.5 Four-Year College Transfers. See Bylaw 13.1.1.3 for the prohibition against contacting student-athletes of another four-year collegiate institution without permission of that institution's athletics director.

14.5.5.1 General Rule. A transfer student from a four-year institution shall not be eligible for intercollegiate competition at a member institution until the student has fulfilled a residence requirement of one full academic year (two full semesters or three full quarters) at the certifying institution. Further, a transfer student-athlete admitted after the 12th class day may not use that semester or quarter for the purpose of establishing residency. *(Revised: 1/10/91 effective 8/1/91)*

14.5.5.1.1 Attendance for One Academic Year. A transfer student from a four-year institution who attended a four-year institution at least one academic year shall be eligible for financial aid (see Bylaw 14.5.5.4) and practice at a member institution under the rules of the institution and the conference of which the institution is a member, regardless of the student's qualification status (per Bylaw 14.3.1.1) at the time of initial enrollment. *(Revised: 1/9/06 effective 8/1/07)*

14.5.5.1.2 Attendance for Less Than One Academic Year. A transfer student from a four-year institution who was not a qualifier (as defined in Bylaw 14.02.9.2) and who attended a four-year institution less than one full academic year shall not be eligible for competition during the first academic year of attendance at the certifying institution. Participation in practice sessions and the receipt of financial aid during the first academic year of attendance at the certifying institution by such students is governed by the provisions of Bylaw 14.3.2.1 (see Bylaw 14.5.5.4). *(Revised: 1/3/06, 1/9/06 effective 8/1/07)*

14.5.5.2 Exceptions for Transfers from Four-Year Colleges. A transfer student (other than one under disciplinary suspension per Bylaw 14.5.1.3) from a four-year collegiate institution is not subject to the residence requirement for intercollegiate competition, provided the student does not have an unfulfilled residence requirement at the institution from which he or she is transferring (except for the return to original institution without participation or with minimal participation exception) and any of the following exceptions is satisfied. During the student-athlete's first academic year of full-time collegiate enrollment, such conditions may serve as a basis for an exception to the residence requirement only for transfer students who, at the time of initial collegiate enrollment, met the requirements for qualifiers (set forth in Bylaw 14.3.1) in Division I. In baseball and basketball, a student-athlete who initially enrolls at the certifying institution as a full-time student after the 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 ensuing academic year. *(Revised: 1/10/90, 1/10/91 effective 8/1/91, 4/27/00 effective 8/1/01, 3/10/04, 5/19/08)*

14.5.5.2.1 Educational Exchange Exception. The student returns to his or her original institution under any of the following conditions:

(a) After participation in a cooperative educational exchange program, provided the student is to receive a baccalaureate degree from the institution from which the student transferred to participate in the exchange program;

(b) After one semester or quarter of attendance at another institution for purposes of taking academic courses not available at the original institution, regardless of whether they are required in the degree

program the student-athlete is pursuing at the first institution. In such an instance, the student also may take additional courses that were available at the first institution; or

(c) After one academic year of attendance at another collegiate institution, in accordance with the program recommended by the appropriate academic officer at the original institution, provided the student was in good academic standing at the time the student left the original institution.

14.5.5.2.2 Exchange Student Exception. The student is enrolled in the certifying institution for a specified period of time as a bona fide exchange student participating in a formal educational exchange program that is an established requirement of the student-athlete's curriculum. *(Revised: 1/11/89, 1/10/92)*

14.5.5.2.3 Discontinued Academic Program Exception. The student changed institutions in order to continue a major course of study because the original institution discontinued the academic program in the student's major. *(Revised: 4/27/00)*

14.5.5.2.4 International Student Program Exception. The individual is an international student who is required to transfer (one or more times) because of a study program predetermined by the government of the student's nation or the sponsoring educational organization.

14.5.5.2.5 Military Service Exception. The student returns from at least 12 months of active service in the armed forces of the United States. *(Revised: 1/9/06, 1/17/09 effective 8/1/09)*

14.5.5.2.5.1 Collegiate Enrollment Concurrent with Military Service. The amount of time that an individual is enrolled as a regular student in a collegiate institution while concurrently on active military duty may not be counted as a part of the 12-month active-duty period that qualifies a student for an exception to the transfer-residence requirement. *(Revised: 1/9/06, 1/17/09 effective 8/1/09)*

14.5.5.2.6 Discontinued/Nonsponsored Sport Exception. In a particular sport when the student transfers at any time to the certifying institution and participates in the sport on the intercollegiate level after any of the following conditions has occurred:

(a) The student's original four-year collegiate institution dropped (or has publicly announced it will drop) the sport (in which the student has practiced or competed at that institution in intercollegiate competition) from its intercollegiate program; or *(Revised: 3/10/04)*

(b) The student's original four-year collegiate institution reclassified (or has publicly announced it will reclassify) the sport (in which the student has practiced or competed at that institution in intercollegiate competition) from Division I to Division III status, and the student subsequently had not competed in that sport on the Division III level; or *(Revised: 3/10/04)*

(c) The student's original four-year collegiate institution never sponsored the sport on the intercollegiate level while the student was in attendance at the institution, provided the student had never transferred from any other collegiate institution that offered intercollegiate competition in that particular sport.

14.5.5.2.6.1 Original Institution. In applying this provision for an exception to the residence requirement, the original collegiate institution shall be the one in which the student was enrolled immediately prior to transfer to the certifying institution, it being understood that, if the student is transferring from an institution that never sponsored the sport on the intercollegiate level, the student never shall have attended any other collegiate institution that offered intercollegiate competition in that sport.

14.5.5.2.7 Two-Year Nonparticipation or Minimal Participation Exception. The student transfers to the certifying institution from another four-year college and, for a consecutive two-year period immediately prior to the date on which the student begins participation (practice and/or competition), the student has not competed in intercollegiate competition and has not engaged in other countable athletically related activities in intercollegiate athletics in the involved sport beyond a 14-consecutive-day period, or has neither practiced nor competed in organized noncollegiate amateur competition while enrolled as a full-time student in a collegiate institution. The 14-consecutive-day period begins with the date on which the student-athlete first engages in any countable athletically related activity (see Bylaw 17.02.1). The two-year period does not include any period of time prior to the student's initial-collegiate enrollment. *(Revised: 1/10/95, 1/9/06)*

14.5.5.2.8 Return to Original Institution without Participation or with Minimal Participation Exception. The student transfers to a second four-year collegiate institution, does not compete at the second institution and does not engage in other countable athletically related activities in the involved sport at the second institution beyond a 14-consecutive-day period and returns to the original institution. The 14-consecutive-day period begins with the date on which the student-athlete first engages in any countable athletically related activity (see Bylaw 17.02.1). A student may use this exception even if he or she has an unfulfilled residence requirement at the institution from which he or she is transferring. *(Revised: 3/10/04, 1/9/06)*

14.5.5.2.9 Nonrecruited Student Exception. The student transfers to the certifying institution, and the following conditions are met:

(a) The student-athlete was not recruited by the certifying institution (per Bylaw 13.02.12.1);

(b) No athletically related financial assistance has been received by the student-athlete; and

(c) The student-athlete has not competed for any previous institution and has not engaged in other countable athletically related activities in intercollegiate athletics beyond a 14-consecutive-day period at any previous institution. The 14-consecutive-day period begins with the date on which the student-athlete first engages in any countable athletically related activity (see Bylaw 17.02.1). *(Revised: 1/9/06)*

14.5.5.2.10 One-Time Transfer Exception. The student transfers to the certifying institution from another four-year collegiate institution, and all of the following conditions are met (for graduate students, see Bylaw 14.1.9.1): *(Revised: 4/28/05 effective 8/1/05 for those student-athletes who transfer to a Division I institution for the 2005-06 academic year and thereafter)*

(a) The student is a participant in a sport other than baseball, basketball, bowl subdivision football or men's ice hockey at the institution to which the student is transferring. A participant in championship subdivision football at the institution to which the student is transferring may use this exception only if the participant transferred to the certifying institution from an institution that sponsors bowl subdivision football and has two or more seasons of competition remaining in football or the participant transfers from a Football Championship Subdivision institution that offers athletically related financial aid in football to a Football Championship Subdivision institution that does not offer athletically related financial aid in football; *(Revised: 1/16/93 effective 8/1/93, 1/11/94, 1/10/95, 11/1/00 effective 8/1/01, 4/27/06 effective 10/15/06, 12/15/06, 4/27/07 effective 8/1/08 applicable to student-athletes who transfer on or after 8/1/08)*

(b) The student has not transferred previously from one four-year institution unless, in the previous transfer, the student-athlete received an exception per Bylaw 14.5.5.2.6 (discontinued/nonsponsored sport exception); *(Revised: 1/11/94, 1/11/97)*

(c) The student is in good academic standing and meets the progress-toward-degree requirements. The transferring student must be one who would have been academically eligible had he or she remained at the institution from which the student transferred, and he or she also must be eligible at the certifying institution as a regularly enrolled, full-time, degree-seeking student who was admitted in accordance with the regular, published entrance requirements of the institution. The student shall not be required to fulfill the necessary percentage-of-degree requirements at the previous institution; and *(Revised: 1/10/95, 1/9/96)*

(d) If the student is transferring from an NCAA or NAIA member institution, the student's previous institution shall certify in writing that it has no objection to the student's being granted an exception to the transfer-residence requirement. If the student's previous institution denies his or her request for the release, the institution shall inform the student-athlete in writing that he or she, upon request, shall be provided a hearing conducted by an institutional entity or committee outside of the athletics department (e.g., the office of student affairs; office of the dean of students; or a committee composed of the faculty athletics representative, student-athletes and nonathletics faculty/staff members). The institution shall have established reasonable procedures for promptly hearing such a request. *(Revised: 1/11/94, 4/26/01)*

14.5.5.2.10.1 Nonrecruited Student. A student-athlete who does not qualify for the exception due to Bylaw 14.5.5.2.10-(a) may use the one-time transfer exception, provided he or she was not recruited by the original four-year institution and has never received institutional athletically related financial aid from any four-year institution. *(Adopted: 1/9/06 effective 8/1/06)*

14.5.5.3 Competition in Year of Transfer. A transfer student from a four-year institution, who has received a waiver of or qualifies for an exception to the transfer residence requirement (per Bylaw 14.5.5.2), is not eligible to compete at the certifying institution during the segment that concludes with the NCAA championship if the student-athlete has competed during that segment of the same academic year in that sport at the previous four-year institution. *(Adopted: 1/10/95 effective 8/1/95, Revised: 1/14/97 effective 8/1/97, 4/29/04 effective 8/1/04)*

The following Bylaw was adopted January 17, 2009, and is effective August 1, 2010.

14.5.5.3.1 Competition and Receipt of Athletically Related Financial Aid in Year of Transfer—Tennis. In tennis, a transfer student from a four-year institution who enrolls at the certifying institution as a full-time student after the 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 and received athletically related financial aid during the same academic year from the previous four-year institution. *(Adopted: 1/17/09 effective 8/1/10)*

14.5.5.4 Eligibility for Institutional Athletically Related Financial Aid. A transfer student from a four-year institution may receive institutional athletically related financial aid during his or her first academic year at the certifying institution only if he or she would have been academically eligible to compete during the next reg-

ular academic term had the student-athlete remained at the previous institution. A student-athlete who transfers from a four-year institution to a two-year institution and then to the certifying institution shall complete at least one regular academic term of enrollment at the two-year institution to be eligible for institutional athletically related financial aid at the certifying institution. *(Adopted: 1/9/06 effective 8/1/07, Revised: 1/8/07 effective 8/1/07)*

14.5.5.4.1 Exceptions. A four-year transfer student-athlete may receive institutional athletically related financial aid during his or her first academic year at the certifying institution, provided: *(Adopted: 9/18/07)*

(a) The student-athlete transferred from a four-year institution that did not sponsor the student-athlete's sport on the intercollegiate level while he or she was in attendance and the student did not previously transfer from any other collegiate institution that offered intercollegiate competition in the sport; or

(b) The student-athlete has not participated in intercollegiate competition and has not engaged in other countable athletically related activities in the sport beyond a 14-consecutive-day period.

14.5.6 4-2-4 College Transfers. A student who transfers from a four-year college to a two-year college and then to the certifying institution shall complete one academic year of residence at the certifying institution prior to engaging in intercollegiate competition, unless the student has: *(Revised: 1/9/06 effective 8/1/06)*

(a) Completed an average of at least 12-semester or -quarter hours of transferable degree credit, with a cumulative minimum grade-point average of 2.000, acceptable toward any baccalaureate degree program at the certifying institution for each term of full-time attendance at the two-year college following transfer from the four-year college most recently attended; *(Revised: 1/9/06 effective 8/1/06)*

(b) One calendar year has elapsed since the student's departure from the previous four-year college (one year since the date that the student-athlete takes formal action with the appropriate institutional authorities required for all students to indicate that the student-athlete is leaving the previous four-year institution and no longer will be attending classes); and *(Revised: 1/9/06 effective 8/1/06)*

(c) The student has graduated from the two-year college (see Bylaws 14.5.4.5.1 and 14.5.4.5.3.2). *(Revised: 1/10/90, 2/16/00, 1/9/06 effective 8/1/06)*

14.5.6.1 Exceptions. A "4-2-4" transfer student who does not meet the requirements of Bylaw 14.5.6 is not subject to the residence requirement for intercollegiate competition if any of the following conditions are met:

(a) The student returns to the four-year college from which he or she transferred to the two-year college, provided the student did not have an unfulfilled residence requirement at the time of the transfer from the four-year college. The amount of time originally spent in residence at the first four-year college may be used by the student in completing the unfulfilled residence requirement at that institution;

(b) The student initially was enrolled in a four-year collegiate institution that never sponsored the student's sport on the intercollegiate level while the student was in attendance at the institution (provided the student never had attended any other four-year collegiate institution that offered intercollegiate competition in that particular sport) and provided the student was a qualifier and satisfactorily completed an average of at least 12-semester or -quarter hours of transferable-degree credit acceptable toward any baccalaureate degree program at the certifying institution during each academic term of attendance with an accumulative minimum grade-point average of 2.000 (see Bylaw 14.5.4.5.3.2), and spent at least two semesters or three quarters in residence at the two-year college (excluding summer sessions); or *(Adopted: 1/11/89)*

(c) The student qualifies for an exception to the two-year college transfer requirements (see Bylaw 14.5.4.6) and qualifies for the same exception to the four-year college transfer residence requirement (see Bylaw 14.5.5.2). *(Adopted: 9/18/07)*

14.5.6.2 Baseball and Basketball—Midyear Enrollee. In baseball and basketball, a student who satisfies the provisions of Bylaw 14.5.6, but initially enrolls at a certifying institution as a full-time student after the conclusion of the institution's first term of the academic year, shall not be eligible for competition until the ensuing academic year. *(Revised: 3/10/04, 4/26/07 effective 8/1/08)*

14.5.6.3 Calendar-Year Time Lapse. It is not required that the calendar year specified in Bylaw 14.5.6 elapse prior to the student's initial enrollment as a regular student in the second four-year institution, but the calendar year must elapse before the student represents the certifying institution in intercollegiate competition. However, the student-athlete shall be eligible on the first day of classes or on the date of the first scheduled intercollegiate contest that falls earlier than the first day of classes in the regular academic term in which the student would become eligible, provided the student has fulfilled the one-academic-year requirement.

14.5.6.4 Transfer Prior to Completion of Requirements. All transfer requirements set forth in Bylaw 14.5.6, except the calendar-year time-lapse requirement (see Bylaw 14.5.6.3), must be met prior to the student-athlete's transfer to the certifying institution. Thus, if a student-athlete transfers from a four-year institution to a two-year college and, prior to completing the applicable transfer requirements, transfers to a member institution, the student-athlete shall be subject to the one-year residence requirement, even though during the course of that one-year residence at the certifying institution, the student-athlete may complete the necessary requirements.

14.5.6.5 Eligibility for Institutional Athletically Related Financial Aid. A student-athlete who transfers from a four-year institution to a two-year institution and then to the certifying institution shall complete at least one regular academic term of enrollment at the two-year institution to be eligible for institutional athletically related financial aid at the certifying institution. (See Bylaw 14.5.5.4.) *(Adopted: 1/8/07 effective 8/1/07)*

The following Bylaw was adopted April 30, 2009, and is effective August 1, 2010.

14.5.6.6 Submission of Information Necessary to Determine Academic Initial-Eligibility Status. An institution shall ensure submission of all necessary information (e.g., high school transcripts, test scores) to the NCAA Eligibility Center to determine the academic initial-eligibility status of a 4-2-4 transfer student-athlete prior to the end of the student-athlete's first regular academic term of full-time enrollment at the institution. If a 4-2-4 transfer student-athlete is added to an institution's squad list after the end of his or her first regular academic term full-time enrollment at the institution, the institution shall ensure submission of all necessary information (e.g., high school transcripts, test scores) to the Eligibility Center to determine his or her academic initial-eligibility status prior to the end of the academic year in which the student-athlete is added to the squad list. The necessary information may be submitted through official or unofficial transcripts or test-score reports. *(Adopted: 4/30/09 effective 8/1/10 for 4-2-4 transfer student-athletes who initially enroll full time at the certifying institution on or after 8/1/10)*

14.5.6.6.1 Effect of Violation. A violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, the student-athlete's eligibility shall not be affected. *(Adopted: 4/30/09 effective 8/1/10 for 4-2-4 transfer student-athletes who initially enroll full time at the certifying institution on or after 8/1/10)*

14.5.6.6.2 Waiver. The Academics Cabinet may waive the requirements of this legislation based on objective evidence that demonstrates circumstances for which a waiver is warranted. The cabinet shall establish the process for reviewing such waiver requests. *(Adopted: 4/30/09 effective 8/1/10 for 4-2-4 transfer student-athletes who initially enroll full time at the certifying institution on or after 8/1/10)*

14.6 HIGH SCHOOL ALL-STAR GAMES, EFFECTS ON ELIGIBILITY

A student-athlete shall be denied the first year of intercollegiate athletics competition if, following completion of high school eligibility in the student-athlete's sport and prior to the student-athlete's high school graduation, the student-athlete competes in more than two all-star football contests or two all-star basketball contests (see Bylaw 30.2.1.1 for definition of high school all-star contest).

14.7 OUTSIDE COMPETITION, EFFECTS ON ELIGIBILITY

The eligibility of a student-athlete who engages in outside competition (see Bylaw 17.02.9) is affected as set forth in the following regulations.

14.7.1 Outside Competition—Sports Other Than Basketball. A student-athlete in any sport other than basketball who participates during the academic year as a member of any outside team in any noncollegiate, amateur competition becomes ineligible for intercollegiate competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement. A student-athlete is permitted to practice on such a team. *(Adopted: 1/10/91 effective 8/1/91, Revised: 1/16/93, 1/11/94, 1/10/05)*

14.7.1.1 Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed the applicable limits set forth in Bylaw 17.29.2. *(Adopted: 1/11/94 effective 8/1/94)*

14.7.1.2 Exception—Soccer, Women's Volleyball, Field Hockey and Men's Water Polo. In soccer, women's volleyball, field hockey and men's water polo, a student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition, provided: *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/22/98 effective 8/1/98, 1/12/99 effective 5/1/99)*

(a) Such participation occurs no earlier than May 1;

(b) In soccer, women's volleyball and field hockey, the number of student-athletes from any one institution does not exceed the applicable limits set forth in Bylaw 17.29.2; *(Revised: 1/12/99 effective 5/1/99)*

(c) The competition is approved by the institution's director of athletics;

(d) No class time is missed for practice activities or for competition; and

(e) In women's volleyball, all practice and competition is confined to doubles tournaments in outdoor volleyball, either on sand or grass.

14.7.1.3 Exception—Conference All-Star Competition Against U.S. National Team—Women's Ice Hockey. In women's ice hockey, a student-athlete may compete during the academic year as a member of a conference all-star team in up to two contests against the U.S. Women's National Ice Hockey Team in the 12 months prior to the Winter Olympic Games, provided the student-athlete is academically eligible for competition at the time of the competition. *(Adopted: 1/17/09)*

14.7.1.4 Exception—Preseason Tryouts. A student-athlete who fails to make an institution's team during a given year after participating in limited preseason tryouts shall not be subject to the provision of Bylaw 14.7.1. *(Revised: 4/5/06)*

14.7.1.5 Competition as Individual/Not Representing Institution. It is permissible for a student-athlete to participate in outside competition as an individual during the academic year in the student-athlete's sport, as long as the student-athlete represents only himself or herself in the competition and does not engage in such competition as a member of or receive expenses from an outside team.

14.7.1.6 Exempt Teams. In individual sports (see Bylaw 17.02.12.2), such units as "pro-am" golf teams, doubles tennis teams and relay teams in track and field are not considered to be outside teams for purposes of this legislation.

14.7.2 Outside Competition—Basketball. A student-athlete who participates in any organized basketball competition except while representing the institution in intercollegiate competition in accordance with the permissible playing season specified in Bylaw 17.5 becomes ineligible for any further intercollegiate competition in basketball (see Bylaws 14.7.3 and 14.7.4 for exceptions and waivers).

14.7.2.1 Organized Basketball Competition. Outside basketball competition, including competition involving teams with fewer than five players, shall be considered "organized" if any one of the following conditions exists:

(a) Teams are regularly formed or team rosters are predetermined;

(b) Competition is scheduled and publicized in advance;

(c) Official score is kept;

(d) Individual or team standings are maintained;

(e) Official timer or game officials are used;

(f) Team uniforms are used;

(g) Admission is charged;

(h) A team is privately or commercially sponsored; or

(i) Competition is either directly or indirectly sponsored, promoted or administered by an individual, an organization or any other agency.

14.7.2.2 Individual Subject to Outside-Competition Regulations. Once a student-athlete becomes a candidate for the institution's basketball team (has reported for the squad), or if the student was recruited by a member institution in part for basketball ability and subsequently enrolls in the institution, this prohibition against outside organized basketball competition remains applicable until the student-athlete's intercollegiate basketball eligibility has been exhausted. This includes time while the student is officially withdrawn from college, fulfilling a residence requirement after transfer to another college, awaiting transfer or enrolled in a nonmember collegiate institution.

14.7.2.3 Nonrecruited, Nonparticipant. Participation by a student-athlete in organized basketball competition while enrolled in a member institution and having participated in a sport other than basketball would not jeopardize the student's eligibility in basketball if the individual had not been recruited in basketball and had not participated on or been a candidate for the institution's intercollegiate basketball team.

14.7.3 Exceptions to Outside-Competition Regulations. The following exceptions to the outside-competition regulations are permitted.

14.7.3.1 In All Sports.

(a) **High School Alumni Game.** A student-athlete may compete in one game a year involving participants from the student-athlete's former high school and its alumni team. In sports other than basketball, this game must take place during an official vacation period of the institution's academic year.

(b) **Olympic Games.** A student-athlete may participate in the official Olympic Games, in final tryouts that directly qualify competitors for the Olympic Games, and in officially recognized competition directly qualifying participants for final Olympic Games tryouts. *(Revised: 1/14/97 effective 8/1/97)*

(c) **Official Pan American Games Tryouts and Competition.** A student-athlete may participate in official Pan American Games tryouts and competition. *(Adopted: 1/14/97 effective 8/1/97)*

(d) **U.S. National Teams.** A student-athlete may participate in official tryouts and competition involving national teams and junior national teams sponsored by the appropriate national governing bodies of the U.S. Olympic Committee (or, for the student-athletes representing another nation, the equivalent organization of that nation or, for student-athletes competing in a non-Olympic sport, the equivalent organization of that sport). *(Adopted: 1/14/97 effective 8/1/97)*

(e) **Official World Championships, World University Games and World Cup Tryouts and Competition.** A student-athlete may participate in official World Championships, World University Games and World Cup tryouts and competition. *(Adopted: 1/14/97 effective 8/1/97, Revised: 8/9/01)*

(f) **Multisport Events.** A student-athlete may participate in officially recognized state and national multisport events. *(Adopted: 1/14/97 effective 8/1/97)*

14.7.3.2 Additional Exceptions for Basketball Only.

(a) **Summer League.** A student-athlete may compete during the period between June 15 and August 31 or the institution's opening day of classes (see Bylaw 17.02.11.3), whichever comes earlier, on a team in a league certified per Bylaw 30.14, provided the student-athlete has received written permission from the institution's athletics director (or the director's official representative) prior to participation in the league. If the student-athlete is transferring and has been officially accepted for enrollment in a second institution, and if the previous institution certifies that the student has withdrawn and does not intend to return to that institution for the next term, this written permission is to be obtained from the member institution to which the student-athlete is transferring. Under such circumstances, the student-athlete does not count on the summer-league roster as a representative of either institution. *(Revised: 1/11/94, 1/14/97 effective 8/1/97, 10/28/99 effective 8/1/00, 2/24/03, 4/14/03)*

(b) **Puerto Rico Superior Basketball League.** A student-athlete who is a resident of Puerto Rico may participate in the Superior Basketball League of Puerto Rico (see Bylaw 12.02.4).

(c) **United States vs. U.S. National Teams.** A student-athlete may participate in the United States against U.S. national teams. *(Adopted: 1/14/97 effective 8/1/97)*

(d) **Outside-Team Tours.** A student-athlete may participate in an outside team summer foreign basketball tour (see Bylaw 17.32.2).

(e) **Predraft Basketball Camp**. A student-athlete using the draft exception set forth in Bylaw 12.2.4.2.1 may participate in a predraft camp sponsored by a professional sports organization (during the summer or academic year), provided the student-athlete has received written permission from the institution's director of athletics. *(Adopted: 4/24/03)*

14.7.3.3 National-Team Criteria. The criteria for determining a national team under this regulation are set forth in Bylaw 30.8.1. *(Adopted: 1/14/97 effective 8/1/97)*

14.7.4 Collegiate All-Star Contests. A student-athlete who competes as a member of a squad in any college all-star football or basketball contest shall be denied further intercollegiate eligibility in that sport.

14.8 ADDITIONAL WAIVERS FOR ELIGIBILITY REQUIREMENTS

Conditions under which exceptions are permitted or waivers may be granted to specific eligibility requirements in this bylaw are noted in other sections of this bylaw. *(Revised: 11/1/07 effective 8/1/08)*

14.8.1 Academic and General Requirements Waivers. The Academics Cabinet may waive academic and general eligibility requirements under the following conditions or circumstances: *(Revised: 11/1/07 effective 8/1/08)*

(a) For student-athletes in times of national emergency;

(b) For member institutions that have instituted a trimester or other accelerated academic program, provided any member institution applying for a waiver shall demonstrate a reasonable need for such waiver. Further, no waiver shall be granted that permits a student-athlete to compete in more than four seasons of intercollegiate competition. Under the waiver allowed, if a student in an accelerated academic program completes the requirements for a degree before completing eligibility, the student may participate in competition that begins within 90 days after completion of the requirements for the degree; and *(Revised: 11/1/07 effective 8/1/08)*

(c) For institutions that have suffered extraordinary personnel losses from one or more of their intercollegiate athletics teams due to accident or illness of a disastrous nature.

14.8.2 Residence Requirement Waivers. The Legislative Council Subcommittee for Legislative Relief may waive the one-year residence requirement for student-athletes under the following conditions or circumstances: *(Revised: 11/1/07 effective 8/1/08)*

(a) For a student-athlete who transfers to a member institution for reasons of health. Such request for waiver shall be initiated by the member institution from which the student-athlete is transferring and shall be supported by medical recommendations of that institution's team physician and/or the student-athlete's personal physician;

(b) For a student-athlete who transfers to a member institution after loss of eligibility due to a violation of the regulation prohibiting pay for participation in intercollegiate athletics (see Bylaw 12.1.2); a violation of recruiting regulations (see Bylaw 13.01.1), or for a student-athlete who transfers to a Division I institution after loss of eligibility due to involvement in a violation of the freshman or transfer eligibility requirements for financial aid, practice and competition set forth in Bylaws 14.3.1, 14.5.4, 14.5.5 and 14.5.6. These requirements may be waived only on a determination of the innocence or inadvertent involvement of the student-athlete in the violation; *(Revised: 11/1/07 effective 8/1/08)*

(c) On the recommendation of the Committee on Infractions, for a student-athlete who transfers to a member institution to continue the student-athlete's opportunity for full participation in a sport because the student-athlete's original institution was placed on probation by the NCAA with sanctions that would preclude the institution's team in that sport from participating in postseason competition during all of the remaining seasons of the student-athlete's eligibility (see also Bylaw 13.1.1.3.3); *(Revised: 1/10/92)*

(d) On the recommendation of the Committee on Athletics Certification for a student-athlete who transfers to a member institution to continue the student-athlete's opportunity for full participation in a sport because the student-athlete's original institution, per Bylaw 22.3.3, is placed in a membership category that would preclude the institution's team in that sport from participating in postseason competition during all of the remaining seasons of the student-athlete's eligibility; and *(Adopted: 1/16/93 effective 1/1/94)*

(e) On the recommendation of the Committee on Academic Performance, for a student-athlete who transfers to a member institution to continue the student-athlete's opportunity for full participation in a sport because the student-athlete's original institution is ineligible for postseason competition, pursuant to the Academic Performance Program, that would preclude the institution's team in that sport from participating in postseason competition during all of the remaining seasons of the student-athlete's eligibility, provided the student-athlete would have been academically eligible had he or she remained at his or her original institution (see also Bylaw 13.1.1.3.4). *(Adopted: 1/9/06 effective 8/1/06)*

14.9 U.S. SERVICE ACADEMY EXCEPTIONS, SPECIAL ELIGIBILITY PROVISIONS

14.9.1 Five-Year Rule. The Committee on Student-Athlete Reinstatement, by a two-thirds majority of its members present and voting, may approve waivers to the five-year rule (see Bylaw 14.2) for student-athletes of the national service academies who have exhausted eligibility in one sport but wish to compete in another sport or sports in which they have eligibility remaining. *(Revised: 4/24/03 effective 8/1/03)*

14.9.2 Transfer Status. A student who has attended as a freshman (plebe) only in the official summer-enrollment program of one of the four national service academies is not considered a transfer in the application of the transfer regulations of Bylaw 14.5.

14.10 CERTIFICATION OF ELIGIBILITY

14.10.1 Institutional Responsibility for Eligibility Certification. The president or chancellor is responsible for approving the procedures for certifying the eligibility of an institution's student-athletes under NCAA legislation. The president or chancellor may designate an individual on the institution's staff to administer proper certification of eligibility. Certification of eligibility must occur prior to allowing a student-athlete to represent the institution in intercollegiate competition (see Bylaw 14.01.1). A violation of this bylaw in which the institution fails to certify a student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition. *(Revised: 3/8/06, 1/14/08)*

14.10.2 Squad-List Form. The institution's athletics director shall compile on a form maintained by the Awards, Benefits, Expenses and Financial Aid Cabinet and approved by the Legislative Council a list of the squad members in each sport on the first day of competition and shall indicate thereon the status of each member in the designated categories. A student-athlete's name must be on the official institutional form in order for the student to be eligible to represent the institution in intercollegiate competition. Violations of this bylaw do not affect a student-athlete's eligibility if the violation occurred due to an institutional administrative error or oversight and the student-athlete is subsequently added to the form; however, the violation shall be considered an institutional violation per Constitution 2.8.1. (See Bylaw 30.13 for details about the administration of the squad list.) *(Revised: 1/14/97, 11/1/07 effective 8/1/08)*

14.11 INELIGIBILITY

14.11.1 Obligation of Member Institution to Withhold Student-Athlete from Competition. If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.12 if it concludes that the circumstances warrant restoration.

14.11.2 Ineligibility Resulting from Recruiting Violation. An institution shall not enter a student-athlete (as an individual or as a member of a team) in any intercollegiate competition if it is acknowledged by the institution or established through the Association's enforcement procedures that the institution or representative(s) of its athletics interests violated the Association's legislation in the recruiting of the student-athlete. The institution

may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.12 if it concludes that circumstances warrant restoration.

14.11.2.1 Payment of Legal Fees during Appeal. A member institution may provide actual and necessary expenses for a prospective student-athlete to attend proceedings conducted by the institution, its athletics conference or the NCAA that relate to the prospective student-athlete's eligibility to participate in intercollegiate athletics, provided the prospective student-athlete either has signed a National Letter of Intent with the institution or (if the institution is not a subscribing member of the National Letter of Intent program) the prospective student-athlete has been accepted for enrollment by the institution and has provided written confirmation of his or her intent to enroll at the institution. The cost of legal representation in such proceedings also may be provided by the institution (or a representative of its athletics interests).

14.11.3 Application of Ineligibility Ruling Pending Appeal. Once an interpretation (per Constitution 5.4.1.2) applicable to a member institution has been issued and results in the ineligibility of a student-athlete, it is necessary for the institution to apply the rule to the eligibility of the student-athlete, even if review of the interpretation (per Constitution 5.4.1.2.1.1 or 5.4.1.2.2) at the request of the institution is pending. Failure to withhold such a student-athlete from competition is a violation of the conditions and obligations of membership. *(Revised: 12/22/08)*

14.11.4 Ineligible Participation.

14.11.4.1 Loss of Eligibility. A student-athlete shall be denied eligibility for intercollegiate competition in a sport if he or she participates in intercollegiate competition in that sport while ineligible under this bylaw or other applicable NCAA legislation. The certifying institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility if it concludes that the circumstances warrant restoration (see Bylaw 14.12).

14.11.4.2 Penalty for Ineligible Participation or Receipt of Improper Aid. A student-athlete who practices or competes in intercollegiate athletics and/or receives institutional financial assistance (based in some degree on athletics ability) while ineligible for such aid, practice or competition per Bylaw 14.3 shall be charged with the loss of one year of eligibility for practice and varsity competition for each year gained improperly. The student-athlete shall be declared ineligible at the time it is determined that eligibility was gained improperly. Prior to declaring the student-athlete ineligible, the institution may provide the student-athlete an opportunity for a hearing. The institution may appeal to the Committee on Student-Athlete Reinstatement for a reduction in the period of ineligibility. *(Revised: 4/26/01)*

14.12 RESTORATION OF ELIGIBILITY

14.12.1 Basis for Appeal. When a student-athlete is determined to be ineligible under any applicable provision of the constitution, bylaws or other regulations of the Association, the member institution, having applied the applicable rule and having withheld the student-athlete from all intercollegiate competition, may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student's eligibility, provided the institution concludes that the circumstances warrant restoration of eligibility.

14.12.2 Participation in Appeal Hearing. Any appeal to restore a student-athlete's eligibility shall be submitted in the name of the institution by the president or chancellor (or an individual designated by the president or chancellor), faculty athletics representative, senior woman administrator or athletics director (for the men's or women's program). At least one of those individuals must participate in any hearing of the appeal that involves direct participation by the student-athlete or other individuals representing the institution or the student. *(Revised: 1/11/94, 3/8/06)*

14.12.3 Student Responsibility, Relationship to Restoration of Eligibility. A student-athlete is responsible for his or her involvement in a secondary or major violation of NCAA regulations (as defined in Bylaws 19.02.2.1 and 19.02.2.2), and the Committee on Student-Athlete Reinstatement may restore the eligibility of a student involved in any violation only when circumstances clearly warrant restoration. The eligibility of a student-athlete involved in a major violation shall not be restored other than through an exception authorized by the Committee on Student-Athlete Reinstatement in a unique case on the basis of specifically stated reasons.

FIGURE 14-1
Initial Eligibility

How NCAA legislation (Bylaw 14.3) affects student-athletes during their initial year of college attendance.

Are they eligible for...	Qualifier	Nonqualifier
Academic/tutoring services	Yes	Yes
Competition	Yes	No
Complimentary admissions		
One for self; all regular-season home athletics contests	Yes	Yes
Four complimentary admissions; home or away contests in the student-athlete's sport	Yes	No
Conditioning program (including workout apparel)	Yes	Yes (supervised only by institution's strength coach or trainer)
Drug-rehabilitation expenses	Yes	Yes
Financial aid		
Regular term	Yes	Yes (aid must be based on financial need and may not be from an athletics source)
Summer-orientation program (subject to the conditions of Bylaw 15.2.8.1.3 and 15.2.8.1.4)	Yes	Yes
Summer school prior to initial year (subject to the conditions of Bylaw 15.2.8.1.3 and 15.2.8.1.4)	Yes	Yes
Training table	Yes	No (unless student-athlete pays full cost)
Institutional awards Banquets—expenses/meals	Yes	No
Insurance, athletics medical	Yes	Yes
Outside competition (basketball)		
During the season	No (except intramurals)	No (except intramurals)
During remainder of the academic year (other than during the season)	No (except intramurals)	No (except intramurals)
Summer after initial academic year	Yes (only in approved summer league)	Yes (only in approved summer league)
Outside competition (sports other than basketball)		
During the season	No (except intramurals and individual competition)	No (except intramurals and individual competition)
During remainder of the academic year (other than during the season)	No (except intramurals and individual competition)	No (except intramurals and individual competition)
Summer after initial academic year	Yes	Yes
Tryouts for NCAA-approved outside teams	Yes	Yes

Are they eligible for...	Qualifier	Nonqualifier
Practice	Yes	No
Promotional materials, inclusion of photos in media guide, game programs, brochures, etc.	Yes	Yes
Rehabilitation expenses (postsurgical) for injury unrelated to athletics participation	Yes	Yes
Student host	Yes	No
Surgical expenses for injury during voluntary workout	Yes	Yes
Team manager	Yes	No
Team travel	Yes	No
Training-room facilities (in conjunction with weight-training program)	Yes	Yes
Weight training	Yes	Yes (supervised only by institution's strength coach or trainer)
Occasional home meal	Yes	Yes

BYLAW, ARTICLE 15

Financial Aid

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15.01 GENERAL PRINCIPLES

15.01.1 Institutional Financial Aid Permitted. A student-athlete may receive scholarships or educational grants-in-aid administered by (see Bylaw 15.02.1) an educational institution that do not conflict with the governing legislation of this Association. (See Bylaws 15.01.6.1, 15.01.6.2, 16.3, 16.4 and 16.12.) *(Revised: 5/26/09)*

15.01.1.1 Financial Aid to Attend Another Institution. An institution may not provide financial aid to a student-athlete to attend another institution, except as specifically authorized by NCAA legislation. *(Adopted: 1/16/93)*

15.01.2 Improper Financial Aid. Any student-athlete who receives financial aid other than that permitted by the Association shall not be eligible for intercollegiate athletics.

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.

15.01.4 Contributions by Donor. An individual may contribute funds to finance a scholarship or grant-in-aid for a particular sport, but the decision as to how such funds are to be allocated in the sport shall rest exclusively with the institution. It is not permissible for a donor to contribute funds to finance a scholarship or grant-in-aid for a particular student-athlete.

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)*

15.01.5.1 Effect of Violation of Conference Rule. A violation of Bylaw 15.01.5 that relates only to a conference rule shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility. *(Adopted: 10/27/06)*

15.01.6 Maximum Institutional Financial Aid to Individual. An institution shall not award financial aid to a student-athlete that exceeds the cost of attendance that normally is incurred by students enrolled in a comparable program at that institution (see Bylaw 15.1). *(Revised: 4/29/04 effective 8/1/04)*

15.01.6.1 Special Assistance Fund. The receipt of monies from the NCAA Special Assistance Fund for student-athletes (see Bylaw 16.12.2) is not included in determining the permissible amount of financial aid that a member institution may award to a student-athlete. *(Adopted: 1/14/97)*

15.01.6.2 Student-Athlete Opportunity Fund. The receipt of money from the NCAA Student-Athlete Opportunity Fund for student-athletes is not included in determining the permissible amount of financial aid that a member institution may award to a student-athlete. Member institutions and conferences shall not use money received from the fund to finance salaries, grants-in-aid (other than summer school) for student-athletes with remaining eligibility, capital improvements, stipends and outside athletics development opportunities for student-athletes (e.g., participation in a sports camp or clinic, private sports-related instruction, greens fees, batting cage rental, outside foreign tour expenses). *(Adopted: 4/24/03, Revised: 1/8/07)*

15.01.7 Sport-by-Sport Financial Aid Limitations. Division I may establish limitations on the number of financial aid awards a member institution may provide to countable student-athletes (counters) (see Bylaw 15.5).

15.01.8 Additional Financial Aid Limitations. The Committee on Academic Performance shall have the authority to determine the circumstances which would require an institution or team(s) that fails to satisfy the academic performance program to apply additional financial aid limitations. The Committee on Academic Performance shall establish and annually publish to the membership such circumstances (see Bylaw 23). *(Adopted: 4/29/04 effective 8/1/04)*

15.01.9 Compliance with Legislation for Emerging Sports. Beginning with the first year of the Association's identification of an emerging sport for women (see Bylaw 20.02.5), the institution shall comply fully in that program with all applicable recruiting legislation set forth in Bylaw 15. *(Adopted: 1/10/95, Revised: 2/24/03)*

15.02 DEFINITIONS AND APPLICATIONS

15.02.1 Administered By. Financial aid is administered by an institution if the institution, through its regular committee or other agency for the awarding of financial aid to students generally, makes the final determination of the student-athlete who is to receive the award and of its value.

15.02.2 Cost of Attendance. The "cost of attendance" is an amount calculated by an institutional financial aid office, using federal regulations, that includes the total cost of tuition and fees, room and board, books and supplies, transportation, and other expenses related to attendance at the institution. *(Adopted: 1/11/94)*

15.02.2.1 Calculation of Cost of Attendance. An institution must calculate the cost of attendance for student-athletes in accordance with the cost-of-attendance policies and procedures that are used for students in general. Accordingly, if an institution's policy allows for students' direct and indirect costs (e.g., tuition, fees, room and board, books, supplies, transportation, child care, cost related to a disability and miscellaneous personal expenses) to be adjusted on an individual basis from the institution's standard cost figure, it is permissible to make the same adjustment for student-athletes, provided the adjustment is documented and is available on an equitable basis to all students with similar circumstances who request an adjustment. *(Adopted: 1/11/94)*

15.02.3 Counter. A "counter" is an individual who is receiving institutional financial aid that is countable against the aid limitations in a sport.

15.02.3.1 Initial Counter. [FBS/FCS] An "initial counter" is a counter who is receiving countable financial aid in a sport for the first time. (See Bylaw 15.5.6.3 in football for instances in which the institution is permitted to defer the counting of such financial aid until the following academic year.)

15.02.4 Financial Aid. "Financial aid" is funds provided to student-athletes from various sources to pay or assist in paying their cost of education at the institution. As used in NCAA legislation, "financial aid" includes all institutional financial aid and other permissible financial aid as set forth below. (See Bylaws 15.01.6.1, 15.01.6.2, 16.2, 16.3 and 16.4.) *(Revised: 5/26/09)*

15.02.4.1 Institutional Financial Aid. The following sources of financial aid are considered to be institutional financial aid:

(a) All funds administered by the institution, which include but are not limited to the following: *(Revised: 1/11/94 effective 8/1/94, 1/14/97 effective 8/1/97)*

(1) Scholarships;

(2) Grants;

(3) Tuition waivers;

(4) Employee dependent tuition benefits, unless the parent or the legal guardian of a student-athlete has been employed as a full-time faculty/staff member for a minimum of five years; and *(Revised: 4/26/01 effective 8/1/01, 10/31/02 effective 8/1/03)*

(5) Loans. *(Revised: 10/31/02 effective 8/1/03)*

(b) Aid from government or private sources for which the institution is responsible for selecting the recipient or determining the amount of aid, or providing matching or supplementary funds for a previously determined recipient; and *(Revised: 10/31/02 effective 8/1/03)*

(c) For the student-athlete 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 counts against an institution's sport-by-sport financial aid limitations and also against the individual's full-grant-in-aid limit. *(Revised: 10/31/02 effective 8/1/03)*

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)*

15.02.4.3 Exempted Institutional Financial Aid. The following institutional financial aid is exempt and is not counted in determining the institution's financial aid limitations: *(Revised: 4/29/04 effective 8/1/04)*

(a) An honorary award for outstanding academic achievement or an established institutional research grant that meets the criteria set forth in Bylaw 15.02.6 (and must be included in determining if the student-athlete's cost of attendance has been met); and *(Revised: 1/10/91, 1/10/92, 10/31/02 effective 8/1/03)*

(b) A postgraduate scholarship awarded by an institution in accordance with Bylaw 16.1.4.1.1. *(Adopted: 4/25/02)*

15.02.4.4 Exempted Government Grants. Government grants listed in Bylaw 15.2.5.1 shall not be included when determining the cost of attendance for a student-athlete. *(Revised: 1/11/89, 4/29/04 effective 8/1/04)*

15.02.4.5 Operation Gold Grant. Funds administered by the U.S. Olympic Committee pursuant to its Operation Gold Grant program shall not be included when determining the cost of attendance for a student-athlete. *(Revised: 4/29/04 effective 8/1/04)*

15.02.5 Full Grant-in-Aid. A full grant-in-aid is financial aid that consists of tuition and fees, room and board, and required course-related books.

15.02.6 Honorary Academic Award/Research Grant. An honorary academic award for outstanding academic achievement or a research grant is an award that meets the following criteria:

(a) The award or grant is a standing scholarship award or an established research grant; *(Revised: 10/28/04)*

(b) The basis for the award or grant shall be the candidate's academic record at the awarding institution;

(c) The award or grant shall be determined by competition among the students of a particular class or college of the institution. Competition for the award or grant may include additional objective criteria unrelated to athletics abilities (e.g., gender, race and ethnicity, financial need); and *(Revised: 1/14/08 effective 8/1/08)*

(d) The award or grant is included in determining if the student-athlete's cost-of-attendance limitation has been met. *(Revised: 1/10/91, 1/10/92)*

15.02.7 Period of Award. The period of award begins when the student-athlete receives any benefits as a part of the student's grant-in-aid on the first day of classes for a particular academic term, or the first day of practice, whichever is earlier, until the conclusion of the period set forth in the financial aid agreement. An athletics grant-in-aid shall not be awarded in excess of one academic year.

15.1 MAXIMUM LIMIT ON FINANCIAL AID—INDIVIDUAL

A student-athlete shall not be eligible to participate in intercollegiate athletics if he or she receives financial aid that exceeds the value of the cost of attendance as defined in Bylaw 15.02.2. A student-athlete may receive institutional financial aid based on athletics ability (per Bylaw 15.02.4.1), outside financial aid for which athletics participation is a major criterion (per Bylaw 15.2.6.4) and educational expenses awarded per Bylaw 15.2.6.5 up to the value of a full grant-in-aid, plus any other financial aid unrelated to athletics ability up to the cost of attendance. (See Bylaw 15.01.6.1, 15.01.6.2, 16.3, 16.4 and 16.12.) *(Revised: 4/29/04 effective 8/1/04, 5/26/09)*

15.1.1 Exception for Pell Grant. A student-athlete who receives a Pell Grant may receive financial aid equivalent to the limitation set forth in Bylaw 15.1 or the value of a full grant-in-aid plus the Pell Grant, whichever is greater. *(Adopted: 4/29/04 effective 8/1/04)*

15.1.2 Types of Aid Included in Limit. In determining whether a student-athlete's financial aid exceeds the cost of attendance, all institutional financial aid (per Bylaw 15.02.4.1) and all funds received from the following and similar sources shall be included (see Bylaws 15.02.4.3, 15.02.4.4 and 15.02.4.5 for types of financial aid that are exempt from a student-athlete's individual limit): *(Revised: 10/31/02 effective 8/1/03, 4/29/04 effective 8/1/04)*

(a) **Government Grants.** Government grants for educational purposes, except for those listed in Bylaw 15.2.5;

(b) **Other Scholarships and Grants**. Other institutional or outside scholarships or grants-in-aid; *(Revised: 1/10/95 effective 8/1/95, 4/29/04 effective 8/1/04)*

(c) **Gifts.** The value of gifts given to a student-athlete following completion of eligibility in appreciation for or recognition of the student-athlete's athletics accomplishments;

(d) **Professional Sports Stipend.** Any bonus or salary (no matter when received or contracted for) from a professional sports organization;

(e) **Athletics Participation Compensation.** Any other income (no matter when received or contracted for) from participation in an athletics event (except funds that are administered by the U.S. Olympic Committee pursuant to it Operation Gold Grant Program) unless eligibility has been exhausted in that sport; and *(Revised: 1/11/94 effective 8/1/94)*

(f) **Loans.** Loans, except legitimate loans that are based upon a regular repayment schedule, available to all students and administered on the same basis for all students.

15.1.3 Recruited Student-Athlete Receiving Institutional Financial Aid. Unearned financial aid (excluding loans) administered by an institution to an athletically recruited student is subject to the limitations set forth in Bylaw 15.1. Such aid is considered to be athletically related financial aid unless the faculty athletics representative and the director of financial aid certify that the aid was granted without regard in any degree to athletics ability (see Bylaw 15.5.1.1). *(Revised: 5/30/08, 5/28/09)*

15.1.4 Reduction When Excess Aid is Awarded. In the event that a student-athlete's financial aid from the sources listed in Bylaw 15.1.2, which includes institutional financial aid, will exceed the cost of attendance for the balance of the academic year, the institution shall reduce institutional financial aid so as not to exceed the cost of attendance. Payments credited to a student-athlete's account that are not refundable by the institution to the scholarship office or other appropriate institutional agency shall not become the student's obligation. *(Revised: 4/29/04 effective 8/1/04)*

15.2 ELEMENTS OF FINANCIAL AID

15.2.1 Tuition and Fees. An institution may provide a student-athlete financial aid that includes the actual cost of tuition and required institutional fees.

15.2.1.1 Permissible Fees. A student-athlete may be awarded financial aid that covers the payment of fees for a course in which the student-athlete is enrolled, if the course is part of the institution's regular curriculum (included in the institution's catalog of classes), and the institution pays these same fees for other students enrolled in the course who receive fees as a part of a grant-in-aid or scholarship.

15.2.1.2 Optional Fees. An institution may not pay fees for services offered on an optional basis to the student body in general (e.g., health insurance).

15.2.1.3 Noninstitutional Fees and Expenses. Fees paid by an institution are confined to required institutional fees and do not include noninstitutional fees or expenses (e.g., the cost of typing reports for student-athletes).

15.2.1.4 Fees and Related Expenses for Prospective Student-Athletes. An institution shall not waive, pay in advance or guarantee payment of the following expenses for a prospective student-athlete, unless such benefits generally conform to institutional policy as it applies to other prospective student-grantees:

(a) The institution's processing fee required prior to the admissions office's evaluation of the prospective student-athlete's application;

(b) The orientation-counseling tests fee required of all incoming freshmen;

(c) The preadmission academic testing fee;

(d) Advance tuition payment or room deposit;
(e) Damage deposits for dormitory rooms;
(f) ROTC deposits for military equipment; or
(g) Any other pre-enrollment fees required of prospective student-grantees.

15.2.1.4.1 Fees Rebate. If the prospective student-athlete enrolls and is awarded financial aid covering institutional fees, the fees described in Bylaw 15.2.1.4-(a) through Bylaw 15.2.1.4-(d) may be rebated as a part of the institution's regular fees.

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)*

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)*

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)*

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)*

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)*

15.2.2.1.4 Married Student Housing. Married student-athletes who live in noninstitutional housing are permitted to receive the same room and board allowance that is provided to married students with on-campus housing. If the institution does not provide on-campus room and board facilities for married students but has other on-campus dormitory facilities, it must use the provisions of Bylaw 15.2.2.1 in determining the amount of room-and-board expenses a married student-athlete who lives in noninstitutional facilities may receive. *(Adopted: 1/10/92)*

15.2.2.1.5 Cost-Free Apartment. It is permissible for the institution to arrange for a cost-free, off-campus apartment rather than to give a student-athlete an amount equal to the institution's official room allowance (as listed in its catalog) or the cost of a room as calculated based on its policies and procedures for calculating the cost of attendance for all students, provided the apartment is not rented by the institution at a reduced rate. However, if the actual rental rate is more than the institutional room allowance, the student-athlete shall pay the additional amount from the student-athlete's own resources. *(Revised: 4/27/06 effective 8/1/06)*

15.2.2.1.6 Training-Table Meals. The cost of meals provided on the institution's training table shall be deducted from a student-athlete's board allowance, even if the student-athlete is not receiving a full grant-in-aid. In determining the cost figure to be deducted, the institution may use the actual meal costs listed in the institution's catalog or the average meal costs of its student-athletes living on campus.

15.2.2.1.7 Game-Related Meals. The cost of meals provided for away-from-home practices and contests and meals at home contests need not be deducted from a student-athlete's board allowance. Such meals also may be received by a student-athlete who is not receiving athletically related financial aid inasmuch as they constitute a benefit incidental to athletics participation [see Bylaw 16.5.2-(d)].

15.2.2.2 Facility Designated by Institution. It is permissible for the institution to require a grant-in-aid recipient to obtain room and board in a facility designated by the institution, provided the requirement is contained in the written statement outlining the amount, duration, conditions and terms of the financial aid agreement (see Bylaw 15.3.2.3).

15.2.2.3 Summer Dormitory Rentals. An institution may rent dormitory space to a prospective or enrolled student-athlete during the summer months at the regular institutional rate, if it is the institution's policy to make such dormitory space available on the same basis to all prospective or enrolled students.

15.2.2.4 Sunday Evening Meals. If the regular eating facility used by a student-athlete who is receiving an award that covers the cost of meals is not available for a given meal (e.g., Sunday evening meal), the institution may provide actual expenses to cover the cost of the meal, provided the meal is similar to those served at the university's regular dining facilities and is not excessive in nature.

15.2.2.5 Food Stamps. A grant-in-aid recipient who lives and eats off campus may use the money provided for his or her board to obtain governmental food stamps, provided the stamps are available to the student body in general. Additionally, the student-athlete must be eligible for such stamps without any special arrangements on the part of athletics department personnel or representatives of the institution's athletics interests.

15.2.3 Books. A member institution may provide a student-athlete financial aid that covers the actual cost of required course-related books.

15.2.3.1 Dollar Limit. There is no dollar limit for books a student-athlete may receive, provided each book is required for a course in which the student-athlete is enrolled. The institution may provide the student-athlete with cash to purchase books, as long as the amount of cash provided is equal to the actual cost of the books purchased.

15.2.3.1.1 Eligibility Ramifications—Restitution for Receipt of Improper Benefits. For violations of Bylaw 15.2.3.1 in which the value of noncourse-related required books is $100 or less, the eligibility of the individual (prospective or enrolled student-athlete) shall not be affected conditioned on the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement services staff with the institution's self report of the violation. *(Adopted: 4/24/03 effective 8/1/03)*

15.2.4 Other Expenses Related to Attendance. An institution may provide a student-athlete financial aid that covers other expenses related to attendance in combination with other permissible elements of financial aid (per Bylaw 15.2) up to the cost of attendance (see Bylaws 15.02.2 and 15.1). (See Bylaws 15.01.6.1, 15.01.6.2, 16.3, 16.4 and 16.12.) *(Adopted: 4/29/04 effective 8/1/04, Revised: 5/26/09)*

15.2.5 Government Grants. Government grants for educational purposes shall be included when determining the permissible amount of the cost of attendance for a student-athlete, except for those listed in Bylaw 15.2.5.1. *(Revised: 1/11/89, 4/29/04 effective 8/1/04, 4/21/05)*

15.2.5.1 Exempted Government Grants. The following government grants for educational purposes shall not be included when determining the permissible amount of the cost of attendance of a student-athlete: *(Adopted: 1/11/89; Revised: 4/29/04 effective 8/1/04; 1/10/05)*

(a) **AmeriCorps Program.** Benefits received by student-athletes under the AmeriCorps Program; *(Adopted: 1/9/96 effective 8/1/96)*

(b) **Disabled Veterans.** State government awards to disabled veterans; *(Adopted: 4/28/05)*

(c) **Military Reserve Training Programs.** Payments to student-athletes for participation in military reserve training programs (e.g., payments by the U.S. government for a student's participation in advanced ROTC or National Guard training shall not be construed under this principle to be "employment" during semester or term time);

(d) **Montgomery G.I. Bill.** Benefits received by student-athletes under the Montgomery Bill—Active Duty and the Montgomery G.I. Bill—Selected Reserve;

(e) **Special U.S. Government Entitlement Programs.** Payments by the U.S. government under the terms of the Dependents Education Assistance Program (DEAP), Social Security Insurance Program [including the Reinstated Entitlement Program for Survivors (REPS)] or Non-Service-Connected Veteran's Death Pension Program;

(f) **U.S. Military Annuitant Pay.** U.S. Military Annuitant Pay or other family member service-related death benefits received by student-athletes from the U.S. Military. *(Adopted: 1/10/05)*

(g) **U.S. Navy Nuclear Propulsion Officer Candidate Program.** Benefits received by student-athletes under the U.S. Nuclear Propulsion Officer Candidate Program (NUPOC); *(Adopted: 4/26/01)*

(h) **Veterans Educational Assistance Program (VEAP).** Benefits received by student-athletes under the VEAP;

(i) **Vocational Rehabilitation for Service-Disabled Veterans Program.** Benefits received by student-athletes under the Vocational Rehabilitation for Service-Disabled Veterans Program; or

(j) **Welfare Benefits.** Welfare benefits received from a state or federal government. *(Adopted: 1/14/97 effective 8/1/97)*

15.2.6 Financial Aid from Outside Sources.

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.

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)*

15.2.6.2 No Relationship to Athletics Ability. A student-athlete may receive financial aid awarded solely on bases having no relationship to athletics ability.

15.2.6.2.1 Athletics Participation or Achievement as Part of Extracurricular Activities. A scholarship administered outside the institution that permits an applicant to include athletics participation or achievements as part of the application process may not be awarded under the provisions of Bylaw 15.2.6.2. *(Adopted: 1/11/94)*

15.2.6.2.1.1 Exception—Certification of Outside Aid Unrelated to Athletics Ability. A student-athlete may receive as an outside financial aid award unrelated to athletics ability per Bylaw 15.2.6.2 any aid for which he or she included athletics participation on the application form provided: *(Adopted: 6/10/04)*

(a) The application form for the award did not request the applicant list athletics participation, achievements, extracurricular activities or any other category in which athletics may be relevant (e.g., honors); and

(b) The awarding agency verifies that it does not consider athletics participation in selecting the recipient for the award.

15.2.6.3 Athletics Participation Not Major Criterion. A student-athlete may receive financial aid through an established and continuing program to aid students, provided the following conditions are met: *(Revised: 4/22/98 effective 8/1/98)*

(a) The award shall be made on the basis of the recipient's past performance and overall record, as measured by established criteria of which athletics participation is not the major criterion;

(b) Disbursement of the aid may be through the awarding agency for the recipient's educational expenses, provided the aid is awarded prior to the recipient's initial enrollment at a member institution, and the awarding agency provides written notification of the award to the institution. After enrollment at a member institution, disbursement of the aid shall be through the institution for the recipient's educational expenses while attending the institution. A violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, the violation shall not affect the student-athlete's eligibility, provided the student-athlete deposits the aid with the institution and the aid does not result in an overaward of financial aid to the student-athlete; and *(Adopted: 1/10/95 effective 8/1/95, Revised: 4/20/99 effective 8/1/99)*

(c) The recipient's choice of institutions shall not be restricted to a single designated institution or conference by the donor of the aid. *(Revised: 1/11/94)*

15.2.6.4 Athletics Participation as a Major Criterion. A student-athlete may receive financial aid through an established and continuing program for the recognition of outstanding high school graduates, provided the following conditions are met: *(Revised: 4/22/98 effective 8/1/98)*

(a) The award shall be made on the basis of the recipient's past performance and overall record, as measured by established criteria of which athletics participation may be a major criterion;

(b) Disbursement of the aid may be through the awarding agency for the recipient's educational expenses, provided the aid is awarded prior to the recipient's initial enrollment at a member institution and the awarding agency provides written notification of the award to the institution. After enrollment at a member institution, disbursement of the aid shall be through the institution for the recipient's educational expenses while attending the institution. A violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, the violation shall not affect the student-athlete's eligibility, provided the student-athlete deposits the aid with the institution and the aid does not result in an overaward of financial aid to the student-athlete; *(Adopted: 1/10/95 effective 8/1/95, Revised: 4/20/99 effective 8/1/99)*

(c) The recipient's choice of institutions shall not be restricted by the donor of the aid;

(d) The awarding individual or organization and the donor of the aid shall not be representatives of the athletics interests or an athletics booster group of a member institution;

(e) The value of the award alone or in combination with other athletically related financial aid shall not exceed the value of a full grant-in-aid or the value of the award in combination with nonathletically related financial aid shall not exceed the value of the student-athlete's cost of attendance; *(Revised: 8/23/06)*

(f) The award may be provided to the recipient on only one occasion;

(g) If the recipient is recruited, the recipient is considered a counter per Bylaw 15.5.1, and the amount is applied to the maximum awards limitations of Bylaw 15.5 for the sport in question; and

(h) The award is not received from an outside sports team or organization that conducts a competitive sports program by a member of that team.

15.2.6.4.1 Award Limited to Athletes. If an individual is considered for a financial aid award only if the individual is a participant in athletics, the provisions of Bylaw 15.2.6.4 shall be applicable.

15.2.6.4.2 Eligibility Effects of Improper Aid from Outside Organization. It is not permissible for a student-athlete to receive financial aid, directly or indirectly, from a source outside the institution (e.g., a foreign government, a sports association, a high school booster club) for expenses related to attendance at a member institution, if the award of such financial aid is based in any degree upon the recipient's athletics ability, except as permitted in Bylaws 15.2.6.3 and 15.2.6.4. Receipt of financial aid from such a source renders the student-athlete ineligible for all intercollegiate athletics participation.

15.2.6.5 Educational Expenses—U.S. Olympic Committee or U.S. National Governing Body. A student-athlete may receive educational expenses awarded by the U.S. Olympic Committee or a U.S. national governing body (or, for international student-athletes, expenses awarded by the equivalent organization of a foreign country). The amount of the financial assistance shall be subject to the following limitations: *(Adopted: 1/10/95 effective 8/1/95, Revised: 10/28/97 effective 8/1/98, 11/1/00)*

(a) Disbursement of the aid shall be through the member institution for the recipient's educational expenses while attending that institution;

(b) The recipient's choice of institutions shall not be restricted by the U.S. Olympic Committee or a U.S. national governing body (or, for international student-athletes, expenses awarded by the equivalent organization of a foreign country); *(Revised: 4/22/98, 11/1/00)*

(c) The value of the award alone or in combination with other aid per Bylaw 15.1.2 shall not exceed the value of a full grant-in-aid; and

(d) The recipient shall be considered a counter per Bylaw 15.5.1, and the amount shall be applied to the maximum awards limitation of Bylaw 15.5 for the sport in question.

15.2.7 Employment. Earnings from a student-athlete's on- or off-campus employment that occurs at any time is exempt and is not counted in determining a student-athlete's cost of attendance or in the institution's financial aid limitations, provided: *(Revised: 10/31/02 effective 8/1/03, 4/29/04 effective 8/1/04)*

(a) The student-athlete's compensation does not include any remuneration for value or utility that the student-athlete may have for the employer because of the publicity, reputation, fame or personal following that he or she has obtained because of athletics ability;

(b) The student-athlete is compensated only for work actually performed; and

(c) The student-athlete is compensated at a rate commensurate with the going rate in that locality for similar services (see Bylaw 12.4).

15.2.8 Summer Financial Aid. Summer financial aid may be awarded only to attend the awarding institution's summer term, summer school or summer-orientation program, provided the following conditions are met: *(Revised: 1/10/90)*

(a) The student has been in residence a minimum of one term during the regular academic year;

(b) The student is attending a summer term, summer school or summer-orientation program and financial aid is administered pursuant to Bylaw 15.2.8.1.2, 15.2.8.1.3 or 15.2.8.1.4; or *(Revised: 1/10/90, 1/10/92)*

(c) The student is a two-year or a four-year college transfer student and is receiving aid to attend the awarding institution's summer-orientation program. *(Adopted: 1/10/92)*

15.2.8.1 General Stipulations. A student-athlete who is eligible for institutional financial aid during the summer is not required to be enrolled in a minimum full-time program of studies. However, the student-athlete may not receive financial aid that exceeds the cost of attendance in that summer term. A student-athlete may receive institutional financial aid based on athletics ability (per Bylaw 15.02.4.1), outside financial aid for which athletics participation is a major criterion (per Bylaw 15.2.6.4) and educational expenses awarded (per Bylaw 15.2.6.5) up to the value of a full grant-in-aid, plus any other financial aid unrelated to athletics ability up to cost of attendance. (See Bylaws 15.01.6.1, 15.01.6.2, 16.3, 16.4 and 16.12.) *(Revised: 4/29/04 effective 8/1/04, 5/26/09)*

15.2.8.1.1 Exception for Pell Grant. A student-athlete who receives a Pell Grant may receive financial aid equivalent to the limitation set forth in Bylaw 15.2.8.1 or the value of a full grant-in-aid plus the Pell Grant, whichever is greater. *(Adopted: 4/29/04 effective 8/1/04)*

15.2.8.1.2 Enrolled Student-Athletes. After initial full-time enrollment during a regular academic year, a student-athlete shall not receive athletically related financial aid to attend the certifying institution's summer term or summer school unless the student-athlete received such athletically related aid from the certifying institution during the student-athlete's previous academic year at that institution. Further, such aid may be awarded only in proportion to the amount of athletically related financial aid received by the

student-athlete during the student-athlete's previous academic year at the certifying institution, except that this proportionality restriction shall not apply to a student-athlete who has exhausted his or her eligibility and is enrolled in a summer program of studies that will permit the student-athlete to complete his or her degree requirements. *(Adopted: 1/10/90 effective 8/1/90, Revised: 1/10/91, 1/10/92, 11/12/97)*

15.2.8.1.2.1 Attendance during Only One Term of Previous Academic Year. A student-athlete who attended the institution on a full-time basis for only one regular term during the previous academic year may receive the same percentage of financial aid during the following summer term that the student-athlete received during the term in which the student-athlete was enrolled on a full-time basis. *(Adopted: 1/10/92)*

15.2.8.1.2.2 Multiple Summer Sessions. An institution that conducts multiple summer sessions may not award athletically related financial aid to attend any one session that exceeds the proportion of the amount of athletically related financial aid received by the student-athlete during the previous academic year. *(Adopted: 1/10/92)*

15.2.8.1.2.3 Effect of Reduction When Excess Aid is Awarded. If an institution provides a student-athlete with a full athletics grant during the academic year but is required to reduce the grant in accordance with Bylaw 15.1.4 (reduction when excess aid is awarded), the institution may provide the student-athlete full athletically related financial aid to attend the institution's summer term.

15.2.8.1.2.4 Exception for Nonqualifiers. A nonqualifier may receive athletically related financial aid to attend an institution's summer term or summer school after the first academic year in residence under the following conditions: *(Adopted: 1/10/92, Revised: 1/14/97 effective 8/1/97)*

(a) The student-athlete has satisfied progress toward degree requirements and, thus, would be eligible for competition for the succeeding year (the student-athlete must have successfully satisfied the applicable requirements of Bylaw 14.4.3 and be in good academic standing at the institution);

(b) The student-athlete has been awarded athletically related financial aid for the succeeding academic year; and

(c) The student-athlete receives athletically related financial aid to attend the institution's summer term or summer school only in proportion to the amount of athletically related financial aid the student will receive for the succeeding year.

15.2.8.1.3 Prior to Initial, Full-Time Collegiate Enrollment—Institutional Nonathletics Aid. The following conditions apply to the awarding of institutional nonathletics financial aid to a prospective student-athlete to attend an institution in the summer prior to the prospective student-athlete's initial, full-time collegiate enrollment: *(Revised: 1/10/90, 1/10/92, 4/29/04, 1/10/05 effective 5/1/05)*

(a) The recipient shall be admitted to the awarding member institution in accordance with regular, published entrance requirements; *(Adopted: 1/10/90)*

(b) The recipient, if recruited, is subject to NCAA transfer provisions pursuant to Bylaw 14.5.2-(h); *(Adopted: 1/10/90)*

(c) During the summer term or orientation period, the recipient shall not engage in any countable athletically related activities except for those activities specifically permitted in Bylaw 17 (see Bylaws 17.1.1 and 17.1.1.1); and *(Adopted: 1/10/90, Revised: 3/14/05)*

(d) The awarding institution certifies in writing that the student's financial aid was granted without regard in any degree to athletics ability. The written certification shall be on file in the office of the director of athletics and shall be signed, or electronically authorized (e.g., electronic signature), by the faculty athletics representative and the director of financial aid. Violations of this bylaw do not affect a prospective student-athlete's eligibility and shall be considered institutional violations per Constitution 2.8.1. *(Adopted: 1/10/90, Revised: 4/26/01, 3/10/04)*

15.2.8.1.4 Prior to Initial, Full-Time Enrollment at the Certifying Institution—Athletics Aid. The following conditions apply to the awarding of athletically related financial aid to a prospective student-athlete (including a prospective student-athlete not certified by the NCAA Eligibility Center as a qualifier) to attend an institution in the summer prior to the prospective student's initial, full-time enrollment at the certifying institution (see also Bylaw 13.02.11.1): *(Adopted: 4/27/00 effective 8/1/00, Revised: 4/29/04, 1/10/05 effective 5/1/05, 5/9/07)*

(a) The recipient shall be admitted to the awarding member institution in accordance with regular, published entrance requirements;

(b) The recipient is enrolled in a minimum of six hours of academic course work (other than physical education activity courses) that is acceptable degree credit toward any of the institution's degree programs. Remedial, tutorial and noncredit courses may be used to satisfy the minimum six-hour requirement, provided the courses are considered by the institution to be prerequisites for specific courses acceptable for any degree program and are given the same academic weight as other courses offered by the institution; *(Revised: 9/6/00)*

(c) The recipient, if recruited, is subject to NCAA transfer provisions pursuant to Bylaw 14.5.2-(h), unless admission to the institution as a full-time student is denied; *(Revised: 4/26/01)*

(d) During the summer term or orientation period, the recipient shall not engage in any countable athletically related activities except for those activities specifically permitted in Bylaw 17 (see Bylaws 17.1.1 and 17.1.1.1); and *(Revised: 3/1/4/05)*

(e) Summer coursework is not used for the purpose of completing initial-eligibility or continuing-eligibility (transfer eligibility, progress toward degree) requirements. However, the hours earned during the summer prior to initial full-time enrollment at the certifying institution may be used to satisfy the applicable progress-toward-degree requirements in following years (see Bylaw 14.4.3). *(Revised: 6/21/01, 3/10/04)*

15.2.8.2 Separate Award Required. It is necessary to make an additional award for a summer term, inasmuch as a member institution is limited to the award of financial aid for a period not in excess of one academic year.

15.2.8.3 Branch School. An institution may not provide a student-athlete with financial aid to attend a summer session at a branch campus of the institution.

15.2.8.4 Olympic Waivers. Waivers of the restriction that financial aid may be used only to attend the awarding institution's summer term or summer school may be approved by the Legislative Council Subcommittee for Legislative Relief for member institutions that have summer terms or summer schools curtailed because of the use of their facilities for the Olympic Games. *(Revised: 11/1/07 effective 8/1/08)*

15.3 TERMS AND CONDITIONS OF AWARDING INSTITUTIONAL FINANCIAL AID

15.3.1 Eligibility of Student-Athletes for Financial Aid. Institutional financial aid may be awarded for any term during which a student-athlete is in regular attendance as an undergraduate with eligibility remaining under Bylaw 14.2, or 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), or as a graduate eligible under Bylaw 14.1.9.

15.3.1.1 Applicable Requirements. A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid (see Bylaws 15.01.5 and 15.01.6). A violation of this bylaw that relates only to a violation of a conference rule shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility. *(Revised: 10/27/06)*

15.3.1.2 Withdrawal from Institution. A student-athlete who withdraws from the institution may not receive financial aid during the remainder of the term.

15.3.1.3 Retroactive Financial Aid. Institutional financial aid awarded to an enrolled student-athlete after the first day of classes in any term may not exceed the remaining room and board charges and educational expenses for that term and may not be made retroactive to the beginning of that term.

15.3.1.4 Institutional Financial Aid to Professional Athlete. It is permissible to award institutional financial aid to a student-athlete who is under contract to or currently receiving compensation from a professional sports organization in the same sport, provided the student-athlete has completed his or her four seasons of competition, the student-athlete receives no more than five years of unearned aid and such aid is received within six years after initial collegiate enrollment. A professional athlete in one sport may represent a member institution in a different sport and may receive institutional financial assistance in the second sport. *(Revised: 8/11/98, 4/26/01, 4/27/06 effective 8/1/06)*

15.3.1.4.1 Exception for Former Professional Athlete in the Same Sport. A former professional athlete may receive institutional financial aid in the same sport, provided the following conditions are met: *(Revised: 4/27/06 effective 8/1/06)*

(a) The student-athlete no longer is involved in professional athletics;

(b) The student-athlete is not receiving any remuneration from a professional sports organization; and

(c) The student-athlete has no active contractual relationship with any professional athletics team, although the student-athlete may remain bound by an option clause [a clause in the contract that requires assignment to a particular team if the student-athlete's professional athletics career is resumed, as opposed to a clause that suspends the contractual relationship only for a specified period of time (e.g., during the academic year while the professional athletics team is not competing) and permits the contractual relationship to be reinstated by the student-athlete or the professional athletics team or organization]. *(Revised: 2/16/00)*

15.3.2 Terms of Institutional Financial Aid Award.

15.3.2.1 Conformance to Institutional and Conference Regulations. Financial aid awarded by an institution to a student-athlete shall conform to the rules and regulations of the awarding institution and of that institution's conference(s), if any. A violation of this bylaw that relates only to a violation of a conference rule

shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility. *(Revised: 10/27/06)*

15.3.2.2 Physical Condition of Student-Athlete. Financial aid awarded to a prospective student-athlete may not be conditioned on the recipient reporting in satisfactory physical condition. If a student-athlete has been accepted for admission and awarded financial aid, the institution shall be committed for the term of the original award, even if the student-athlete's physical condition prevents him or her from participating in intercollegiate athletics.

15.3.2.3 Written Statement Requirement. In all cases, the institutional agency making the financial aid award shall give the recipient a written statement of the amount, duration, conditions and terms of the award. The chair of the regular committee or other agency for the awarding of financial aid to students generally, or the chair's official designee, shall sign or electronically authorize (e.g., electronic signature) the written statement. The signature of the athletics director, attesting to the committee's award, does not satisfy this requirement. *(Revised: 3/10/04)*

15.3.2.4 Hearing Opportunity. The institution's regular financial aid authority shall notify the student-athlete in writing of the opportunity for a hearing when institutional financial aid based in any degree on athletics ability is to be reduced or canceled during the period of the award, or is reduced or not renewed for the following academic year. The institution shall have established reasonable procedures for promptly hearing such a request and shall not delegate the responsibility for conducting the hearing to the university's athletics department or its faculty athletics committee. The written notification of the opportunity for a hearing shall include a copy of the institution's established policies and procedures for conducting the required hearing, including the deadline by which a student-athlete must request such a hearing. *(Revised: 1/9/06 effective 8/1/06, 4/3/07, 4/23/08)*

15.3.2.4.1 Athletics Department Staff as Member of Committee. An institution's athletics department staff member may be a member of a committee (other than an athletics department or faculty athletics committee) that conducts hearings related to the nonrenewal or reduction of a student-athlete's financial aid. Under such circumstances, the athletics department staff member must be a standing member of the committee and may not serve as a member of a committee only for a specific student-athlete's hearing. *(Adopted: 4/3/07)*

15.3.3 Period of Institutional Financial Aid Award.

15.3.3.1 One-Year Period. If a student's athletics ability is considered in any degree in awarding financial aid, such aid shall neither be awarded for a period in excess of one academic year nor for a period less than one academic year (see Bylaw 15.01.5). *(Revised: 4/27/06 effective 8/1/06)*

15.3.3.1.1 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: *(Adopted: 4/27/06 effective 8/1/06)*

(a) **Midyear Enrollment.** A student-athlete whose first full-time attendance at the certifying institution during a particular academic year occurs at midyear (e.g., the beginning of the second semester or second or third quarter of an academic year) may receive a financial aid award for the remainder of that academic year. *(Revised: 5/9/06)*

(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.

(c) **One-Time Exception.** One time during a student-athlete's enrollment at the certifying institution, he or she may be awarded athletics aid for less than a full academic year, provided the student-athlete has been enrolled full time at the certifying institution for at least one regular academic term and has not previously received athletically related financial aid from the certifying institution. *(Revised: 5/19/09)*

(d) **Eligibility Exhausted/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. *(Adopted: 4/24/08 effective 8/1/08)*

15.3.3.1.2 Financial Aid Authority Precedent. A staff member may inform a prospective student-athlete that the athletics department will recommend to the financial aid authority that the prospective student-athlete's financial aid be renewed each year for a period of four years and may indicate that the

authority always has followed the athletics department's recommendations in the past. However, the prospective student-athlete must be informed that the renewal will not be automatic.

15.3.3.1.3 Injury or Illness Policy. It is not permissible for an institution to assure the prospective student-athlete that it automatically will continue a grant-in-aid past the one-year period if the recipient sustains an injury that prevents him or her from competing in intercollegiate athletics, but an institutional representative may inform the prospective student-athlete of the regular institutional policy related to renewal or continuation of aid past the one-year period for recipients who become ill or injured during their participation.

15.3.3.2 Regular Academic Year vs. Summer Term. An institution may award financial aid to a student-athlete for an academic year or, pursuant to the exceptions set forth in Bylaw 15.3.3.1.1, part thereof. An institution also may award financial aid for a summer term or summer-orientation period, provided the conditions of Bylaw 15.2.8 have been met. Such financial aid shall be awarded (as set forth in the written statement per Bylaw 15.3.2.3) in equal amounts for each term of the academic year. *(Revised: 4/27/06 effective 8/1/06)*

15.3.3.2.1 Summer Term as Additional Award. It is necessary to make an additional award for a summer term, inasmuch as a member institution is limited to the award of financial aid for a period not in excess of one academic year.

15.3.4 Reduction or Cancellation during Period of Award.

15.3.4.1 Increase Permitted. Institutional financial aid may be increased for any reason prior to the commencement of the period of the award. Once the period of the award begins, institutional aid may only be increased if the institution can demonstrate that such an increase is unrelated in any manner to an athletics reason. *(Adopted: 1/11/94, Revised: 2/26/03, 4/23/08)*

15.3.4.2 Reduction or Cancellation Permitted. Institutional financial aid based in any degree on athletics ability may be reduced or canceled during the period of the award if the recipient: *(Revised: 1/11/94, 1/10/95)*

(a) Renders himself or herself ineligible for intercollegiate competition;

(b) Fraudulently misrepresents any information on an application, letter of intent or financial aid agreement (see Bylaw 15.3.4.2.3);

(c) Engages in serious misconduct warranting substantial disciplinary penalty (see Bylaw 15.3.4.2.4); or

(d) Voluntarily (on his or her own initiative) withdraws from a sport at any time for personal reasons; however, the recipient's financial aid may not be awarded to another student-athlete in the academic term in which the aid was reduced or canceled. A student-athlete's request for written permission to contact another four-year collegiate institution regarding a possible transfer does not constitute a voluntary withdrawal. *(Revised: 1/10/92, 1/11/94, 1/10/95, 1/9/96, 12/13/05, 9/11/07)*

15.3.4.2.1 Timing of Reduction or Cancellation. Any reduction or cancellation of aid during the period of the award may occur only after the student-athlete has been provided an opportunity for a hearing per Bylaw 15.3.2.4. *(Revised: 4/23/08)*

15.3.4.2.2 Nonathletically Related Conditions. An institutional financial aid agreement may include nonathletically related conditions (e.g., compliance with academics policies or standards, compliance with athletics department rules or policies) by which the aid may be reduced or canceled during the period of the award. *(Adopted: 4/23/08)*

15.3.4.2.3 Fraudulent Misrepresentation. If a student-athlete is awarded institutional financial aid on the basis of declaring intention to participate in a particular sport by signing a letter of intent, application or tender, action on the part of the grantee not to participate (either by not reporting for practice or after making only token appearances as determined by the institution) would constitute fraudulent misrepresentation of information on the grantee's application, letter of intent or financial aid agreement and would permit the institution to cancel or reduce the financial aid. *(Revised: 1/11/94)*

15.3.4.2.4 Misconduct. An institution may cancel or reduce the financial aid of a student-athlete who is found to have engaged in misconduct by the university's regular student disciplinary authority, even if the loss-of-aid requirement does not apply to the student body in general. *(Revised: 1/11/94)*

15.3.4.3 Reduction or Cancellation Not Permitted. Institutional financial aid based in any degree on athletics ability may not be reduced or canceled during the period of its award: *(Adopted: 1/16/93, Revised: 1/11/94, 12/11/07)*

(a) On the basis of a student-athlete's athletics ability, performance or contribution to a team's success;

(b) Because of an injury, illness, or physical or mental medical condition (except as permitted pursuant to Bylaw 15.3.4.2); or *(Revised: 1/14/08)*

(c) For any other athletics reason.

15.3.4.3.1 Athletically Related Condition Prohibition. An institution may not set forth an athletically related condition (e.g., financial aid contingent upon specified performance or playing a specific posi-

tion) that would permit the institution to reduce or cancel the student-athlete's financial aid during the period of the award if the conditions are not satisfied. *(Adopted: 1/16/93, Revised: 1/11/94)*

15.3.4.3.2 Decrease Not Permitted. An institution may not decrease a prospective student-athlete's or a student-athlete's financial aid from the time the prospective student-athlete or student-athlete signs the financial aid award letter until the conclusion of the period set forth in the financial aid agreement, except under the conditions set forth in Bylaw 15.3.4.2. *(Adopted: 1/11/94, Revised: 4/2/03 effective 8/1/03)*

15.3.5 Renewals and Nonrenewals.

15.3.5.1 Institutional Obligation. The renewal of institutional financial aid based in any degree on athletics ability shall be made on or before July 1 prior to the academic year in which it is to be effective. The institution shall promptly notify in writing each student-athlete who received an award the previous academic year and who has eligibility remaining in the sport in which financial aid was awarded the previous academic year (under Bylaw 14.2) whether the grant has been renewed or not renewed for the ensuing academic year. Notification of financial aid renewals and nonrenewals must come from the institution's regular financial aid authority and not from the institution's athletics department. *(Revised: 1/10/95)*

15.3.5.2 Reconsideration of Nonrenewal. It is permissible for an institution that has notified a student-athlete that he or she will not be provided institutional financial aid for the next academic year subsequently to award financial aid to that student-athlete.

15.5 MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT

15.5.1 Counters. A student-athlete shall be a counter and included in the maximum awards limitations set forth in this bylaw under the following conditions: *(Revised: 6/10/04)*

(a) **Athletics Aid.** A student-athlete who receives financial aid based in any degree on athletics ability shall become a counter for the year during which the student-athlete receives the financial aid; or

(b) **Athletics Participation as a Major Criterion.** A recruited student-athlete who receives outside financial aid for which athletics participation is a major criterion (see Bylaw 15.2.6.4) shall become a counter for the year during which the student-athlete receives the aid; or

(c) **Educational Expenses—Olympic Committee/National Governing Body.** A student-athlete who receives educational expenses awarded by the U.S. Olympic Committee or a U.S. national governing body (or, for international student-athletes, expenses awarded by the equivalent organization of a foreign country) per Bylaw 15.2.6.5 shall become a counter for the year during which the student-athlete receives the aid.

15.5.1.1 No Athletics Aid—Certification Required. A student-athlete (except for a recruited football or basketball student-athlete) who does not receive athletically related financial aid per Bylaw 15.5.1-(a) through Bylaw 15.5.1-(c) but receives institutional financial aid (as set forth in Bylaw 15.02.4.1) shall not be a counter if the faculty athletics representative and the director of financial aid that the student-athlete's financial aid have certified was granted without regard in any degree to athletics ability. The certification shall be kept on file in the office of the athletics director.

15.5.1.2 Football or Basketball, Varsity Competition. In football or basketball, a student-athlete who was recruited by the awarding institution and who receives institutional financial aid (as set forth in Bylaw 15.02.4.1) granted without regard in any degree to athletics ability does not have to be counted until the student-athlete engages in varsity intercollegiate competition (as opposed to freshman, B-team, subvarsity, intramural or club competition) in those sports. For this provision to be applicable, there shall be on file in the office of the athletics director certification by the faculty athletics representative, the admissions officer and the chair of the financial aid committee that the student's admission and financial aid were granted without regard in any degree to athletics ability. *(Revised: 1/16/93 effective 8/1/93, 1/11/94, 6/20/04)*

15.5.1.2.1 Football or Basketball—Partial Qualifier. [Note: The following bylaw applies to student-athletes who first enrolled in a collegiate institution full time prior to August 1, 2005.] In football or basketball, a student-athlete who is a partial qualifier and who was recruited by the awarding institution and who receives institutional financial aid that is not from athletics sources and that is based on financial need only shall be a counter and included in the maximum awards limitations set forth in this bylaw when the student-athlete participates in an institutional practice session or represents the institution against outside competition. *(Revised: 1/16/93 effective 8/1/93, 1/11/94)*

15.5.1.2.2 Exception—Receipt of Institutional Academic Aid Only. In football or basketball, a student-athlete who was recruited by the awarding institution and whose only source of institutional financial aid is academic aid based solely on the recipient's academic record at the certifying institution, awarded independently of athletics interests and in amounts consistent with the pattern of all such awards made by the institution, may compete without counting in the institution's financial aid team limits, provided he or she has completed at least one academic year of full-time enrollment at the certifying institution and has achieved a cumulative grade-point average of at least 3.300 (on a 4.000 scale) at the certifying institution. *(Adopted: 10/27/05 effective 8/1/06)*

15.5.1.3 Counter Who Becomes Injured or Ill. A counter who becomes injured or ill to the point that he or she apparently never again will be able to participate in intercollegiate athletics shall not be considered a counter beginning with the academic year following the incapacitating injury or illness.

15.5.1.3.1 Incapacitating Injury or Illness. If an incapacitating injury or illness occurs prior to a prospective student-athlete's or a student-athlete's participation in athletically related activities and results in the student-athlete's inability to compete ever again, the student-athlete shall not be counted within the institution's maximum financial aid award limitations for the current, as well as later academic years. However, if the incapacitating injury or illness occurs on or after the student-athlete's participation in countable athletically related activities in the sport, the student-athlete shall be counted in the institution's maximum financial aid limitations for the current academic year but need not be counted in later academic years. *(Adopted: 1/10/91, Revised: 3/26/04, 9/18/07)*

15.5.1.3.2 Change in Circumstances. If circumstances change and the student-athlete subsequently practices or competes at the institution at which the incapacitating injury or illness occurred, the student-athlete again shall become a counter, and the institution shall be required to count that financial aid under the limitations of this bylaw in the sport in question during each academic year in which the financial aid was received. *(Revised: 4/26/01 effective 8/1/01)*

15.5.1.3.3 Waiver. The Legislative Council Subcommittee for Legislative Relief may waive the requirements of Bylaw 15.5.1.3.2 upon determination that sufficient documentation is available from competent medical authorities to indicate that the original injury or illness clearly appeared to be incapacitating and that there was no reasonable expectation that the student-athlete ever again would be able to participate in intercollegiate athletics. *(Revised: 11/1/07 effective 8/1/08)*

15.5.1.4 Aid Not Renewed, Successful Appeal. If an institution does not renew financial aid for a counter in a following year, and a hearing before the institution's regular financial aid authority results in a successful appeal for restoration of aid, the student-athlete shall continue to be a counter if the individual continues to receive athletically related financial aid. However, the student-athlete shall not be a counter if he or she receives institutionally arranged or awarded, nonathletically related financial aid available to all students, provided such financial aid was granted or arranged without regard in any degree to athletics ability. If the student-athlete ever participates again in intercollegiate athletics at that institution, he or she will be considered to have been a counter during each year the financial aid was received.

15.5.1.5 Cancellation of Aid. Once an individual becomes a counter in a head-count sport (see Bylaws 15.5.2, 15.5.4, 15.5.5, 15.5.7), the individual normally continues as a counter for the remainder of the academic year. However, if he or she voluntarily withdraws from the team prior to the first day of classes or before the first contest of the season (whichever is earlier) and releases the institution from its obligation to provide financial aid, the individual no longer would be considered a counter (see Bylaws 15.5.2.2 and 15.5.6.4.1).

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.) *(Revised: 1/10/91)*

15.5.1.6.1 Cross Country/Track and Field. A student-athlete who is awarded athletically related financial aid and who has exhausted eligibility in either cross country, indoor track and field, or outdoor track and field, but has eligibility remaining in any of the other sports is not a counter in the cross country/track and field financial aid limitations, provided the student-athlete subsequently does not practice or compete in any of the sports that he or she has eligibility remaining in during the academic year in which the aid was awarded. *(Adopted: 6/26/01 effective 8/1/01)*

15.5.1.7 Aid after Student-Athlete Becomes Permanently Ineligible. A student-athlete receiving institutional financial aid after becoming permanently ineligible due to a violation of NCAA regulations (e.g., amateurism legislation) may receive athletics aid during later academic years without counting in the institution's financial aid limitations, provided the student-athlete is otherwise eligible for the aid and does not practice or compete in intercollegiate athletics again. If circumstances change and the student-athlete practices or competes, the institution is required to count the financial aid received by the student-athlete during each academic year in which the aid was received (see Bylaw 15.3.1.4). *(Adopted: 1/11/94)*

15.5.1.8 Summer-Term Aid. Institutional financial aid received during a summer term is not countable in these limitations and does not make a student-athlete a counter.

15.5.1.9 Offers Exceeding Maximum Allowable Awards. An institution may offer more than the maximum number of permissible awards in a sport (per Bylaw 15.5) in anticipation that not all of the offers will be accepted, but the institution shall not exceed the awards limitation in the sport in question.

15.5.2 Head-Count Sports Other Than Football and Basketball.

15.5.2.1 Maximum Limits. An institution shall be limited in any academic year to the total number of counters (head count) in each of the following sports: *(Revised: 1/10/91 effective 8/1/92, 1/9/96 effective 8/1/96)*

Women's Gymnastics	12	Women's Tennis	8
Women's Volleyball	12		

15.5.2.2 Voluntary Withdrawal. An institution may replace a counter who voluntarily withdraws from the team in a head-count sport by providing the financial aid to another student who already has enrolled in the institution and is a member of the team. For this replacement to occur, the counter must withdraw prior to the first day of classes or before the first game of the season, whichever is earlier, and release the institution from its obligation to provide financial aid. The institution may not award the financial aid to another student-athlete in the academic term in which the aid was reduced or canceled. Further, if the financial aid is canceled before a regular academic term (e.g., preseason practice period), the aid may not be provided to another student-athlete during the ensuing academic term.

15.5.2.3 Midyear Graduate Replacement—Women's Volleyball. In women's volleyball, the financial aid of a counter who graduates at midyear may be provided to another student-athlete without making the second student-athlete a counter for the remainder of that academic year. *(Adopted: 1/11/89)*

15.5.2.4 Midyear Graduate Replacement—Women's Gymnastics and Women's Tennis. In women's gymnastics and women's tennis, the financial aid of a counter who graduates at midyear with eligibility remaining and who does not return to the institution for the following academic term may be provided to another student-athlete without making the second student-athlete a counter for the remainder of the academic year. *(Adopted: 4/26/07 effective 8/1/07)*

15.5.3 Equivalency Sports.

15.5.3.1 Maximum Equivalency Limits.

15.5.3.1.1 Men's Sports. There shall be a limit on the value (equivalency) of financial aid awards (per Bylaw 15.02.4.1) that an institution may provide in any academic year to counters in the following men's sports: *(Revised: 1/10/91, 1/10/92, 1/16/93 effective 8/1/93, 4/26/07 effective 8/1/08)*

Cross Country/Track and Field	12.6	Soccer	9.9
Fencing	4.5	Swimming and Diving	9.9
Golf	4.5	Tennis	4.5
Gymnastics	6.3	Volleyball	4.5
Lacrosse	12.6	Water Polo	4.5
Rifle	3.6	Wrestling	9.9
Skiing	6.3		

15.5.3.1.2 Women's Sports. There shall be a limit on the value (equivalency) of financial aid awards (per Bylaw 15.02.4.1) that an institution may provide in any academic year to counters in the following women's sports: *(Revised: 1/10/91, 1/10/92 effective 8/1/94, 1/16/93, 1/11/94 effective 9/1/94, 1/9/96 effective 8/1/96, 11/1/01 effective 8/1/02, 4/28/05 effective 8/1/05, 4/28/05 effective 8/1/06, 1/17/09 effective 8/1/09)*

Bowling	5	Rowing	20
Cross Country/Track and Field	18	Rugby	12
Equestrian	15	Skiing	7
Fencing	5	Soccer	14
Field Hockey	12	Softball	12
Golf	6	Squash	12
Lacrosse	12	Swimming and Diving	14
		Water Polo	8

15.5.3.1.3 Maximum Equivalency Limits—Institutions That Sponsor Cross Country but Do Not Sponsor Track and Field. There shall be a limit of five on the value (equivalency) of financial aid awards (per Bylaw 15.02.4.1) that an institution may provide in any academic year to counters in men's cross country, if the institution does not sponsor indoor or outdoor track and field for men. There shall be a limit of six on the value (equivalency) of financial aid awards (per Bylaw 15.02.4.1) that an institution may provide in any academic year to counters in women's cross country, if the institution does not sponsor indoor or outdoor track and field for women. *(Adopted: 1/10/91 effective 9/1/94, Revised: 1/9/96 effective 8/1/96)*

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.

15.5.3.2.1 Additional Requirements. The following additional requirements shall apply to equivalency computations: *(Revised: 10/20/08)*

(a) An institution may use either the actual cost or average cost of any or all of the elements (other than books) of the equivalency calculation (room, board, tuition and fees), provided the same method is used in both the numerator and denominator for each element. Either method (or different combinations of methods among elements) may be used for each student-athlete on the same team or for separate teams generally.

(b) In computing equivalencies for tuition and fees, it is not permissible to average the value of in-state and out-of-state tuition and fees to determine an average cost for tuition and fees.

(c) Books shall count for calculation purposes as $400 in the denominator. If a student-athlete receives a full book allowance for the academic year, the institution must use $400 in the denominator and numerator for books, regardless of the actual cost of the books. If a student-athlete receives less than the full book allowance, the institution must determine the fraction of book aid and must use the appropriate numerator based on the $400 denominator to reflect the fraction of the book allowance actually received.

15.5.3.2.2 Exceptions.

15.5.3.2.2.1 Academic Honor Awards. Academic honor awards that are part of an institution's normal arrangements for academic scholarships, based solely on the recipient's high school record and awarded independently of athletics interests and in amounts consistent with the pattern of all such awards made by the institution, are exempt from an institution's equivalency computation, provided the recipient was ranked in the upper 10 percent of the high school graduating class or achieved a cumulative grade-point average of at least 3.500 (based on a maximum of 4.000) or a minimum ACT sum score of 105 or a minimum SAT score of 1200 (critical reading and math). *(Adopted: 1/12/99 effective 8/1/99, Revised: 1/14/08 effective 8/1/08)*

15.5.3.2.2.1.1 Additional Requirements. The following additional requirements shall be met: *(Adopted: 1/12/99 effective 8/1/99)*

(a) The awards may include additional, nonacademic criteria (e.g., interviews, essays, need analysis), provided the additional criteria are not based on athletics ability, participation or interests, and the awards are consistent with the pattern of all such awards provided to all students;

(b) No quota of awards shall be designated for student-athletes;

(c) Athletics participation shall not be required before or after collegiate enrollment;

(d) No athletics department staff member shall be involved in designating the recipients of such awards;

(e) Any additional criteria shall not include athletics ability, participation or interests; and

(f) There must be on file in the office of the director of athletics certification by the financial aid director or the chair of the financial aid committee that such awards are part of the institution's normal arrangements for academic scholarships, awarded independently of athletics ability, participation and interests and in amounts consistent with the pattern of all such awards made by the institution.

15.5.3.2.2.1.2 Renewals. The renewal of an academic honor award (per Bylaw 15.5.3.2.2.1) is exempt from an institution's equivalency computation, provided: *(Adopted: 1/12/99 effective 8/1/99)*

(a) The recipient achieves a cumulative grade-point average of at least 3.000 (based on a maximum of 4.000) at the certifying institution; and

(b) The recipient meets all NCAA, conference and institutional progress toward degree requirements.

15.5.3.2.2.2 Institutional Academic Scholarships. Institutional academic scholarships that are part of an institution's normal arrangements for academic scholarships, based solely on the recipient's academic record at the certifying institution, awarded independently of athletics interests and in amounts consistent with the pattern of all such awards made by the institution, are exempt from an institution's equivalency computation, provided the recipient has completed at least one academic year of full-time enrollment at the certifying institution and has achieved a cumulative grade-point average of at least 3.300 (on a 4.000 scale) at the certifying institution. *(Adopted: 10/27/05 effective 8/1/06)*

15.5.3.2.3 Cancellation of Athletically Related Aid. If a student-athlete is dismissed from or voluntarily withdraws from a team and his or her athletically related financial aid is cancelled (see Bylaw 15.3.2.4 and 15.3.4.2) during an academic term, all other countable financial aid the student-athlete receives during the remainder of the term is countable toward the student-athlete's equivalency for the academic year; however, the institution is not required to count other countable financial aid toward the student-athlete's equivalency during any remaining terms of the academic year. If a student-athlete is dismissed from or voluntarily withdraws from a team and his or her athletically related financial aid is cancelled at the end of an academic term, the institution is not required to count other countable financial aid toward the student-athlete's equivalency during any remaining terms of the academic year. *(Adopted: 12/13/05)*

15.5.4 Baseball Limitations. There shall be an annual limit of 11.7 on the value of financial aid awards (equivalencies) to counters and an annual limit of 27 on the total number of counters in baseball at each institution. *(Adopted: 4/26/07 effective 8/1/08)*

15.5.4.1 Minimum Equivalency Value. An institution shall provide each counter athletically related and other countable financial aid that is equal to or greater than 25 percent of an equivalency. *(Adopted: 4/26/07 effective 8/1/08 for student-athletes who initially enroll full time at any four-year collegiate institution on or after 8/1/08, Revised: 8/9/07)*

15.5.4.1.1 Exception—Need-Based Athletics Aid Only. In baseball, an institution that awards athletically related financial aid based solely on demonstrated financial need, as determined for all students by the institution's financial aid office using methodologies that conform to federal, state and written institutional guidelines (including institutional financial aid that is considered athletically related financial aid based on the intervention of athletics department staff), is not subject to the 25 percent minimum equivalency value per counter. *(Adopted: 1/14/08 effective 8/1/08)*

15.5.5 Basketball Limitations.

15.5.5.1 Men's Basketball. There shall be a limit of 13 on the total number of counters in men's basketball at each institution. *(Adopted: 1/10/91 effective 8/1/92, Revised: 4/27/00 effective 8/1/01, 11/01/01, 4/29/04 effective 8/1/04)*

15.5.5.2 Women's Basketball. There shall be an annual limit of 15 on the total number of counters in women's basketball at each institution. *(Adopted: 1/10/91 effective 8/1/92, Revised: 1/10/92 effective 8/1/93, 1/16/93)*

15.5.6 Football Limitations.

15.5.6.1 Bowl Subdivision Football. [FBS] There shall be an annual limit of 25 on the number of initial counters (per Bylaw 15.02.3.1) and an annual limit of 85 on the total number of counters (including initial counters) in football at each institution. *(Revised: 1/10/91 effective 8/1/92, 12/15/06)*

15.5.6.2 Championship Subdivision Football. [FCS] There shall be an annual limit of 30 on the number of initial counters (per Bylaw 15.02.3.1), an annual limit of 63 on the value of financial aid awards (equivalencies) to counters, and an annual limit of 85 on the total number of counters (including initial counters) in football at each football championship subdivision institution. *(Revised: 1/10/91 effective 8/1/92, 12/15/06)*

15.5.6.2.1 Exception—Championship Subdivision. [FCS] Championship subdivision football programs that meet the following criteria are exempt from the championship subdivision football counter and initial-counter requirements of Bylaws 15.5.1 and 15.5.6, regardless of multisport student-athletes who receive athletics aid in a sport(s) other than football: *(Adopted: 1/11/94 effective 8/1/94, Revised: 1/10/95, 12/15/06)*

(a) In football, the institution awards financial aid only to student-athletes who demonstrate financial need, except loans, academic honor awards, nonathletics achievement awards, or certain aid from outside sources may be provided without regard to financial need; *(Revised: 10/31/02 effective 8/1/03)*

(b) The institution uses methodologies for analyzing need that conform to federal, state and written institutional guidelines. The methodologies used to determine the need of a student-athlete must be consistent with the methodologies used by the institution's financial aid office for all students; and *(Revised: 1/10/95)*

(c) The composition of the financial aid package offered to football student-athletes is consistent with the policy established for offering financial assistance to all students. The financial aid packages for football student-athletes also shall meet the following criteria:

(1) The institution shall not consider athletics ability as a criterion in the formulation of any football student-athlete's financial aid package; and

(2) The procedures used to award financial aid to football student-athletes must be the same as the existing financial aid procedures used for all students at the institution.

15.5.6.3 Initial Counters—Football (Also see Bylaw 15.02.3.1).

15.5.6.3.1 Recruited Student-Athlete Entering in Fall Term, Aided in First Year. [FBS/FCS] A student-athlete recruited by the awarding institution who enters in the fall term and receives institutional financial aid (based in any degree on athletics ability) during the first academic year in residence shall be

an initial counter for that year in football. Therefore, such aid shall not be awarded if the institution has reached its limit on the number of initial counters prior to the award of institutional financial aid to the student-athlete.

15.5.6.3.2 Recruited Student-Athlete Entering after Fall Term, Aided in First Year. [FBS/FCS] A student-athlete recruited by the awarding institution who enters after the first term of the academic year and immediately receives institutional financial aid (based in any degree on athletics ability) shall be an initial counter for either the current academic year (if the institution's annual limit has not been reached) or the next academic year. The student-athlete shall be included in the institution's total counter limit during the academic year in which the aid was first received.

15.5.6.3.3 Recruited Student-Athlete, Aid Received After First Year. [FBS/FCS] A recruited student-athlete (including a student-athlete who was not a qualifier) in football who first receives athletically related financial aid after the student-athlete's first academic year in residence shall be an initial counter for that academic year in which the aid is first received, if such aid is received during the fall term. However, such a student-athlete who first receives athletically related financial aid in the second or third term of an academic year may be considered an initial counter during the academic year in which aid was first received or the next academic year. In either case, the student-athlete shall be included in the institution's total counter limit during the academic year in which the aid was first received. *(Revised: 1/3/06)*

15.5.6.3.4 Nonrecruited Student-Athlete Receiving Institutional Financial Aid. [FBS/FCS] A student-athlete not recruited by the institution who receives institutional financial aid (based in any degree on athletics ability) after beginning football practice becomes a counter but need not be counted as an initial counter until the next academic year if the institution has reached its initial limit for the year in question. However, the student-athlete shall be considered in the total counter limit for the academic year in which the aid was first received.

15.5.6.3.5 Midyear Replacement. [FBS/FCS] A counter who graduates at midyear or who graduates during the previous academic year (including summer) may be replaced by an initial counter, who shall be counted against the initial limit for the following academic year, or by a student-athlete who was an initial counter in a previous academic year and is returning to the institution after time spent on active duty in the armed services or on an official church mission. In bowl subdivision football, an institution may use the midyear replacement exception only if it previously has provided financial aid during that academic year to the maximum number of overall counters (85 total counters). In championship subdivision football, an institution may use the midyear replacement exception only if it previously has provided financial aid during that academic year that equals the maximum number of overall equivalencies or overall counters. *(Revised: 4/20/99 effective 8/1/99, 6/8/99, 4/26/01 effective 8/1/01, 8/2/05, 12/15/06, 1/14/08 effective 8/1/08)*

15.5.6.3.6 Aid First Awarded After Second Year. [FBS/FCS] A student-athlete who has been in residence at the certifying institution for at least two academic years may receive athletically related financial aid for the first time without such aid counting as an initial award, provided the aid falls within the overall grant limitation. *(Adopted: 1/11/89, Revised: 1/10/90 effective 8/1/90)*

15.5.6.3.7 Recruited Student-Athlete, Varsity Competition. [FBS/FCS] In accordance with Bylaw 15.5.1.2, a recruited student-athlete receiving institutional financial aid certified as having been granted without regard in any degree to athletics ability becomes an initial counter in the first academic year in which the student-athlete competes on the varsity level. (See Bylaw 15.5.1.2.2.) *(Revised: 10/27/05 effective 8/1/06)*

15.5.6.3.8 Returning Two-Year Transfer. [FBS/FCS] A student-athlete who previously was an initial counter and who transferred to a two-year college shall not be an initial counter upon return to the original institution.

15.5.6.3.9 Delayed Initial Counter Who Does Not Return to School. [FBS/FCS] A student-athlete who receives countable financial aid but whose status as an initial counter under this bylaw is delayed until the following academic year shall be counted against the initial limit the following academic year, regardless of whether the student-athlete reports for participation or attends the institution in that academic year.

15.5.6.4 Exceptions.

15.5.6.4.1 Voluntary Withdrawal. An institution may replace a counter who voluntarily withdraws from the football team by providing the financial aid to another student who already has enrolled in the institution and is a member of the football squad. For this replacement to occur, the counter must withdraw prior to the first day of classes or before the first game of the season, whichever is earlier, and provide the institution with a signed statement releasing the institution from its obligation to provide institutional financial aid and verifying the voluntary nature of the withdrawal. The institution may immediately (beginning with the fall term) award the financial aid to a student-athlete who has been a member of the team for at least one academic year and has not previously received athletically related financial aid. A student-athlete who has not been a member of the team for at least one academic year may not receive the financial aid during the fall term, but may receive it in a following term (e.g., spring semester, winter quarter). *(Revised: 4/28/05 effective 8/1/05)*

15.5.6.4.2 Sprint Football. Participants in sprint football programs who do not participate in the institution's regular varsity intercollegiate program shall not be counted in the institution's financial aid limitations.

15.5.7 Ice Hockey Limitations. There shall be an annual limit of 18 on the value of financial aid awards (equivalencies) to counters and an annual limit of 30 on the total number of counters in ice hockey at each institution. *(Adopted: 1/16/93 effective 8/1/93)*

15.5.8 Limitations on Re-Awarding of Financial Aid. A team that presents an academic progress rate below the standard rate, as determined by the Committee on Academic Performance, shall not re-award any financial aid countable toward team limits that was previously awarded to a student-athlete who renders himself or herself academically ineligible for the following academic year and withdraws from the institution or does not remain enrolled for any reason at any time. *(Adopted: 4/29/04 effective 8/1/05, Revised: 12/14/04)*

15.5.8.1 Application. A team subject to the re-awarding of financial aid limitations specified in this bylaw shall apply such limitation(s) for one full-academic year and at the next available opportunity, but not later than two academic years after the withdrawal of the student-athlete. For purposes of this legislation, the academic year is composed of two full semesters or three full quarters beginning with first term of the traditional academic year (e.g., fall semester) and concluding with the final term of that same year (e.g., spring semester). *(Adopted: 4/29/04 effective 8/1/05, Revised: 12/14/04)*

15.5.8.1.1 Maximum Institutional Limitations. A re-awarding of financial aid limitation assessed under this bylaw shall be applied to maximum institutional grant-in-aid limitations set forth in Bylaws 15.5.2, 15.5.3, 15.5.5, 15.5.6 and 15.5.7. Contemporaneous penalties must be deducted from the maximum team financial aid limit. A team that provides financial aid equal to the penalized team limit (maximum team financial limit minus the applicable penalties) may not reward the financial aid in excess of the penalized team limit to any student. *(Adopted: 4/29/04 effective 8/1/05, Revised: 8/5/04, 12/14/04)*

15.5.8.1.1.1 Head Count Sports. In head-count sports, the limitations on the re-awarding of aid shall be applied to the full-counter status (1.0) for one full-academic year (or the equivalent), regardless of whether the student-athlete was awarded a full or partial athletics scholarship. *(Adopted: 1/10/05 effective 8/1/05)*

15.5.8.1.1.2 Equivalency Sports.

15.5.8.1.1.2.1 Annual Awards. In equivalency sports, for an institution that awards financial aid on an annual basis to the ineligible student-athlete, the limitation on aid is applied to the total amount of countable aid awarded to the ineligible student-athlete in the most recent year of attendance prior to withdrawal from the institution. *(Adopted: 4/28/05 effective 8/1/05)*

15.5.8.1.1.2.2 Term-by-Term Awards—Student-Athlete Not in Attendance For All Terms of the Academic Year. In equivalency sports, for an institution that awarded financial aid for a period of less than one academic year to the ineligible student-athlete when the student-athlete was not in attendance for all terms of the academic year, the limitation on aid is applied to the sum of the amount of countable aid awarded to the student-athlete for those term(s) of attendance (e.g., semester or quarter) plus those term(s) the student-athlete was not in attendance. For those term(s) the student-athlete was not in attendance, the institution shall impute the greatest value of the term(s) in which the student-athlete was in attendance into the equation. The limitation shall not exceed one full equivalency value (1.0). *(Adopted: 4/28/05 effective 8/1/05)*

15.5.8.1.1.2.2.1 Exception. An institution is not subject to Bylaw 15.5.8.1.1.2.2 when financial aid was awarded for less than a full year to a student athlete who initially enrolled as a full-time student at the certifying institution at midyear (i.e., the beginning of the second semester or second or third quarter of the academic year). In such circumstances, the limitation is applied to the actual amount of countable aid awarded to the student-athlete for the academic year. *(Adopted: 4/28/05 effective 8/1/05)*

15.5.8.1.1.2.3 Term-by-Term Awards—Student-Athlete in Attendance For All Terms of the Academic Year. In equivalency sports, for an institution that awarded financial aid on a term-by-term basis to the ineligible student-athlete when the student-athlete was in attendance for all terms of the academic year and the student-athlete received aid for all terms of the academic year or part thereof, the limitation on aid is applied to the total amount of countable aid received by the student-athlete from the most recent year of attendance prior to withdrawal from the institution (equivalency value of that student-athlete). *(Adopted: 4/28/05 effective 8/1/05)*

15.5.8.2 Exception. This regulation is not applicable to a student-athlete that has exhausted eligibility in a sport or a student-athlete who is receiving institutional financial aid per Bylaws 15.5.1.3, 15.5.1.6 and 15.5.1.7. *(Adopted: 4/29/04 effective 8/1/05, Revised: 8/4/05)*

15.5.8.3 Waiver. An institution may request a waiver of Bylaw 15.5.8 to the Committee on Academic Performance if the institution or one of its teams is not eligible to re-award any financial aid countable toward team limits pursuant to Bylaw 15.5.8. The Committee on Academic Performance determination shall be final, bind-

ing and conclusive and not subject to further review by any other authority. *(Adopted: 4/29/04 effective 8/1/05, Revised: 1/29/05)*

15.5.9 Multi-Sport Participants.

15.5.9.1 Football. [FBS/FCS] In football, a counter who was recruited and/or offered financial aid to participate in football and who participates (practices or competes) in football and one or more sports (including basketball) shall be counted in football. A counter who was not recruited and/or offered financial aid to participate in football and who competes in football and one or more sports (including basketball) shall be counted in football. *(Revised: 1/10/95 effective 8/1/95, 1/9/96 effective 8/1/96)*

15.5.9.1.1 Initial Counter. [FBS/FCS] A counter who previously has not been counted in football shall be considered an initial counter even though the student-athlete already has received countable financial aid in another sport.

15.5.9.1.2 Championship Subdivision Football Exception. [FCS] A counter who practices or competes in football at a football championship subdivision institution that elects to use the football counter and initial-counter exception set forth in Bylaw 15.5.6.2.1 and who practices or competes in another sport and receives countable financial aid in another sport shall be counted in the institution's financial aid limitations in the other sport. *(Adopted: 1/10/95, Revised: 12/15/06)*

15.5.9.2 Basketball. A counter who practices or competes in basketball and one or more other sports (other than football) shall be counted in basketball.

15.5.9.3 Ice Hockey. A counter who practices or competes in men's ice hockey and one or more other sports (other than football or basketball) shall be counted in men's ice hockey. *(Adopted: 1/16/93 effective 8/1/93)*

15.5.9.4 Swimming and Diving/Water Polo, Men's. A counter who practices or competes in both men's swimming and diving and men's water polo at a member institution shall be counted in men's swimming and diving, unless he counts in football or basketball.

15.5.9.5 Volleyball, Women's. A counter who practices or competes in women's volleyball and one or more other sports (other than basketball) shall be counted in women's volleyball.

15.5.9.6 Two-Year Exception. If an individual has participated in a sport other than basketball, field hockey or women's volleyball for two years or more since the individual's initial collegiate enrollment and would be involved only in basketball, field hockey or women's volleyball practice sessions, such a student would not become a counter in those sports until the student actually competes as a member of that institution's intercollegiate team, at either the varsity or junior varsity level. *(Revised: 1/10/95 effective 8/1/95, 1/9/96 effective 8/1/96)*

15.5.9.7 Other Sports. Except as otherwise provided in this section, a counter who participates in two or more sports shall be counted in one of the sports but shall not be counted in the others.

15.5.9.7.1 Requirement to Qualify as Multiple-Sport Athlete. To be considered a multiple-sport athlete under this section, an individual must meet all of the following requirements:

(a) The individual shall report and participate fully in regularly organized practice with each squad;

(b) The individual shall participate where qualified in actual competition in each sport;

(c) The individual shall be a member of each squad for the entire playing and practice season; and

(d) If a recruited student-athlete, the individual shall have been earnestly recruited to participate in the sport in which financial aid is counted (the institution recruiting the student-athlete shall have a reasonable basis to believe that the student-athlete is capable of participating in the institution's varsity intercollegiate program in that sport, including documentation of a record of previous participation in organized competition in the sport that supports the student-athlete's potential to participate in that sport in varsity intercollegiate competition.)

15.5.10 Changes in Participation. If a student-athlete changes sports during an academic year, the student-athlete's financial aid shall be counted in the maximum limitations for the first sport for the remainder of the academic year. If the student-athlete continues to receive financial aid, the award shall be counted the next academic year against the maximum limitations in the second sport. A student-athlete shall be counted as an initial counter in football during the year in which the student-athlete first becomes countable in that sport, regardless of whether countable financial aid was received previously for another sport. *(Revised: 4/3/02)*

15.5.11 Squad List.

15.5.11.1 Eligibility Requirement. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall be included on the institution's squad-list form.

15.5.11.2 Squad-List Form. The member institution's athletics director shall compile a list on a form maintained by the Awards, Benefits, Expenses and Financial Aid Cabinet and approved by the Legislative Council of the squad members in each sport on the first day of competition and shall indicate thereon the status of each member in the categories listed (see Bylaw 30.13). *(Revised: 11/1/07 effective 8/1/08)*

15.5.11.3 Drug-Testing Consent-Form Requirement. Any student-athlete who signs a drug-testing consent form must be included on the institution's squad-list form, and any student-athlete who is included on

the squad-list form must have signed a drug-testing consent form pursuant to Bylaw 14.1.4. *(Adopted: 1/10/92 effective 8/1/92)*

15.5.11.3.1 Exception—14-Day Grace Period. An institution is not required to place a student-athlete who is "trying out" for a team on the squad list form for 14 days from the first date the student engages in countable athletically related activities or until the institution's first competition, whichever occurs earlier. *(Adopted: 4/28/05)*

15.5.11.4 Eligibility Ramifications. Violations of Bylaw 15.5.11 shall not affect the student-athlete's eligibility; however, such violations shall be considered institutional violations per Constitution 2.8.1. *(Adopted: 4/26/01)*

15.5.12 Waivers for Extraordinary Personnel Losses. The Legislative Council Subcommittee for Legislative Relief may approve waivers of the financial aid limitations set forth in this bylaw for institutions that have suffered extraordinary personnel losses due to accident or illness of a disastrous nature from one or more of their intercollegiate athletics teams. *(Revised: 11/1/07 effective 8/1/08)*

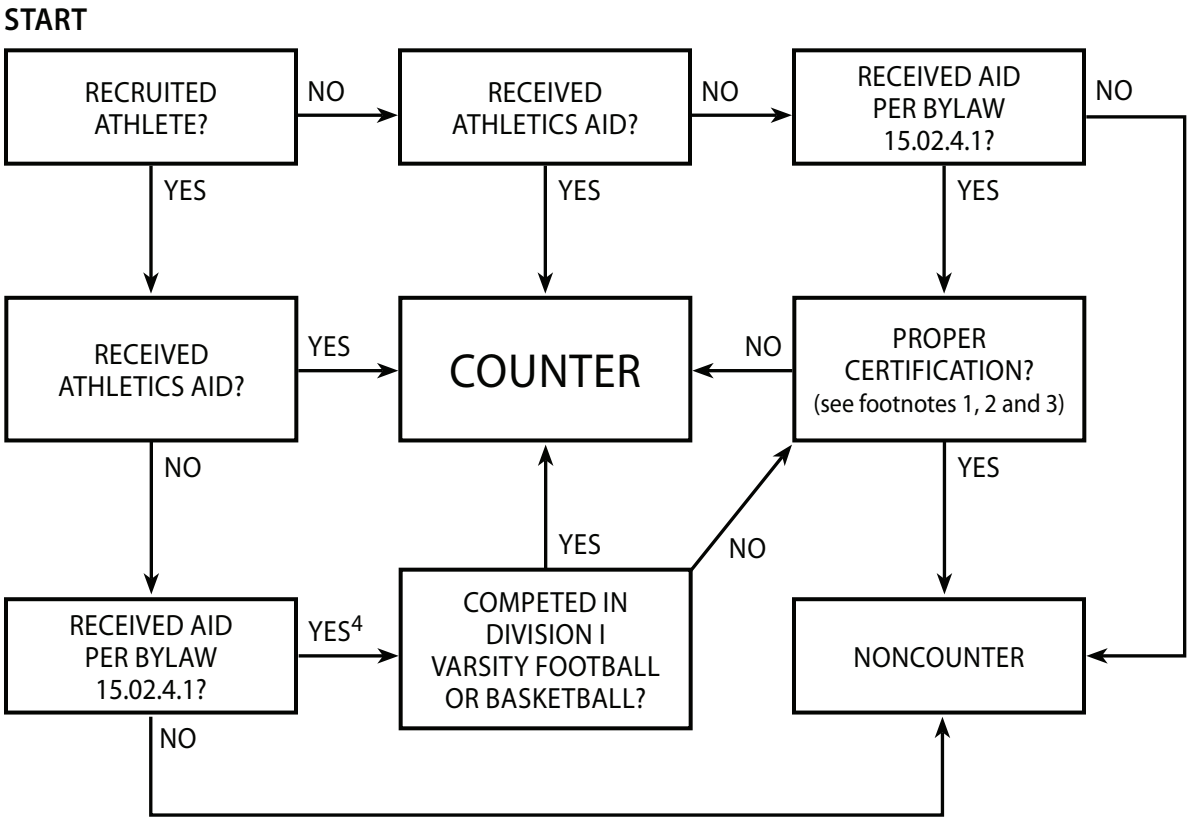
FIGURE 15-1
Financial Aid Maximum Limits

	Citation	Individual Limitation[1]	Institutional Sport Limitation
Academic honor award	15.5.3.2.2.1	Yes	No
Aid based on athletics ability	15.02.4.1-(a)	Yes[2]	Yes
Americorps Program	15.2.5.1-(a)	No	No
Athletics grant	15.02.4.1-(a)	Yes[2]	Yes
Athletics participation compensation	15.1.2-(e)	Yes, if eligibility has not been exhausted[3]	No[3]
Dependents Education Assistance Program	15.2.5.1-(e)	No	No
Disabled Veterans award	15.2.5.1-(b)	No	No
Educational Expenses USOC or NGB	15.02.4.2-(e) 15.2.6.5	Yes[2] Yes[2]	Yes[7] Yes[7]
Employment	15.2.7	No	No
Gifts following completion of eligibility	15.1.2-(c)	Yes	No
Government grants, institutionally administered	15.02.4.1-(b) 15.1.2-(a) 15.2.5	Yes Yes Yes	Yes[4] Yes[4] Yes[4]
Government grants, not institutionally administered	15.1.2-(a) 15.2.5 15.2.5.1	Yes Yes No	No No No
Honorary academic award	15.02.4.3-(a) 15.02.6	Yes Yes	No No
Institutional Employee Dependent Tuition Benefit	15.02.4.1-(a)	Yes	No[5]
Institutional grant or scholarship	15.02.4.1-(a) 15.5.3.2.2.2	Yes Yes	Yes[4] No
Loan, legitimate, repayment schedule	15.02.4.1-(a) 15.1.2-(f)	No No	No No
Military reserve training program	15.2.5.1-(c)	No	No
Montgomery G.I. Bill-Active Duty and Selected Reserve	15.2.5.1-(d)	No	No
Operation Gold Grant	15.02.4.5	No	No
Outside aid for educational purposes, unrelated to athletics ability	15.2.6.2 15.2.6.2.1.1 15.02.4.2-(b)	Yes Yes Yes	No No No
Outside aid, athletics participation considered a major criterion	15.2.6.4	Yes[2]	Yes, if recruited[7]
Outside aid, athletics participation not considered a major criterion	15.02.4.2-(c) 15.2.6.3	Yes Yes	No No
Parent/guardian contribution	15.2.6.1 15.2.6.1.1	No	No
Pell Grant	15.1.1	Yes	No
Postgraduate Scholarship	15.02.4.3-(b)	Yes	No
Professional sports stipend	15.1.2-(d)	Yes[3]	No[3]
Research grant	15.02.4.3-(a) 15.02.6	Yes Yes	No No
Social Security Insurance Program (including the Reinstated Entitlement Program for Survivors)	15.2.5.1-(e)	No	No
Special Assistance Fund	15.01.6.1	No	No
Summer school financial aid	15.2.8	Yes[6]	No
Supplemental Educational Opportunities Grant	15.02.4.1-(b)	Yes	Yes[4]
Student-Athlete Opportunity Fund	15.01.6.2	No	No
Tuition waiver	15.02.4.1-(a)	Yes	Yes[4]
U.S. Nuclear Propulsion Officer Candidate Program	15.2.5.1-(g)	No	No
Veteran's Death Pension Program	15.2.5.1-(e)	No	No
Veterans Educational Assistance Program	15.2.5.1-(h)	No	No
Vocational Rehabilitation for Service-Disabled Veterans Program	15.2.5.1-(i)	No	No
Welfare Benefits	15.2.5.1-(j)	No	No

Key:
[1] The limitation is equal to the value of the cost of attendance as defined by Bylaw 15.02.2.
[2] This type of aid is limited to the value of a full grant-in-aid.
[3] However, receipt of such compensation renders a student-athlete ineligible for intercollegiate athletics competition under the Association's rules of amateurism (see Bylaw 12).
[4] If considered a counter per Bylaw 15.5.
[5] Exempt if the student-athlete's parent or guardian has been employed as a full-time employee or staff member by the institution for at least five years.
[6] Institution is limited to providing value of full grant-in-aid during summer.
[7] Aid is countable toward team's limit up to full grant-in-aid. Additional aid up to the cost of attendance cannot be athletically related.

FIGURE 15-2

How to Determine a Counter



1. Recruited student-athlete who is a varsity football or basketball team member but does not compete: Admission and financial aid must be certified as unrelated to athletics ability (Bylaw 15.5.1.2).
2. Recruited student-athlete participating in sport other than football or basketball: Financial aid must be certified as unrelated to athletics ability (Bylaw 15.5.1.1).
3. Nonrecruited student-athlete participating in any sport: Financial aid must be certified as unrelated to athletics ability (Bylaw 15.5.1.1).
4. Recruited partial qualifier in football or basketball who receives institutional financial aid based on financial need becomes a counter when he or she participates in institutional practice sessions or represents the institution against outside competition (Bylaw 15.5.1.2.1).

FIGURE 15-3

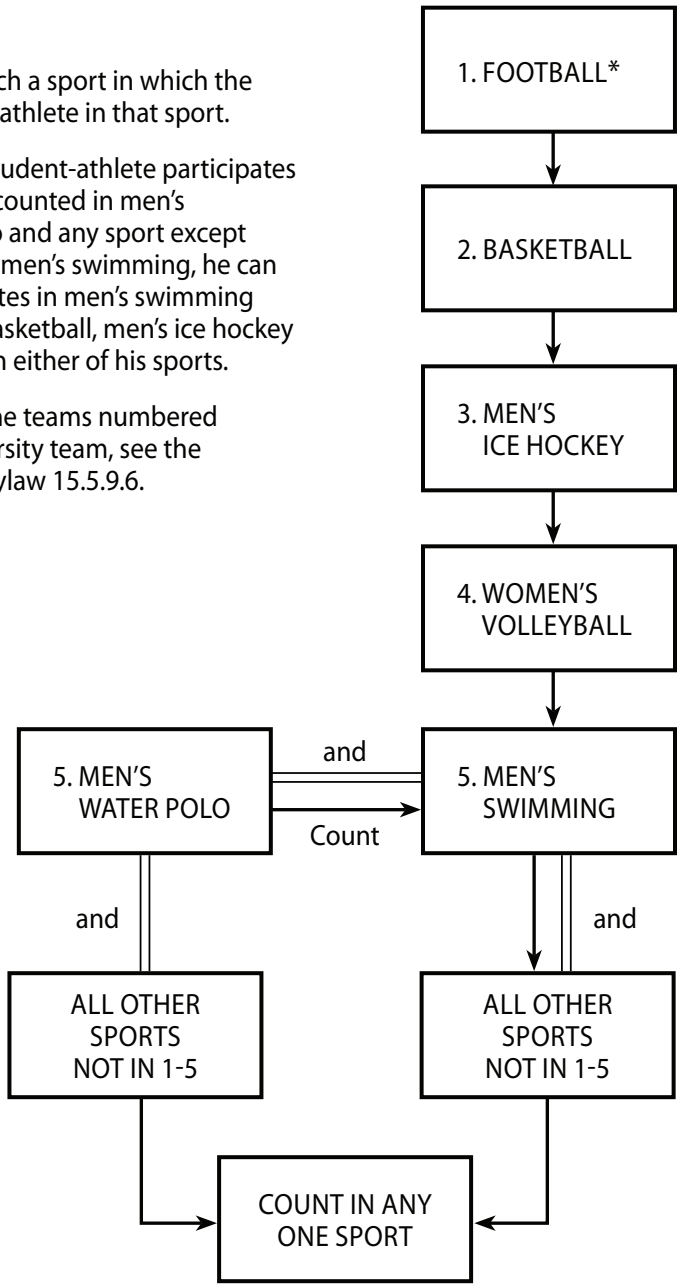
Where To Count Student-Athletes Who Participate in More Than One Intercollegiate Sport

DIRECTIONS:

Start at 1, football, and keep going until you reach a sport in which the student-athlete participates. Count the student-athlete in that sport.

Note the alternatives for men's water polo. If a student-athlete participates in men's water polo and men's swimming, he is counted in men's swimming. If he participates in men's water polo and any sport except football, men's basketball, men's ice hockey and men's swimming, he can be counted in either of his sports. If he participates in men's swimming and any other sport except for football, men's basketball, men's ice hockey and men's water polo, then he can be counted in either of his sports.

For student-athletes who practice with one of the teams numbered 1-2 and 4 but don't play on a junior varsity or varsity team, see the information on the two-year exception rule in Bylaw 15.5.9.6.



*In football, a counter who was not recruited and/or offered financial aid to participate in football and who competes in football and one or more sports (including basketball) must be counted in the sport of football (see Bylaw 15.5.9.1).

BYLAW, ARTICLE 16

Awards, Benefits and Expenses for Enrolled Student-Athletes

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16.01 GENERAL PRINCIPLES

16.01.1 Eligibility Effect of Violation. A student-athlete shall not receive any extra benefit. Receipt by a student-athlete of an award, benefit or expense allowance not authorized by NCAA legislation renders the student-athlete ineligible for athletics competition in the sport for which the improper award, benefit or expense was received. If the student-athlete receives an extra benefit not authorized by NCAA legislation, the individual is ineligible in all sports.

16.01.1.1 Restitution for Receipt of Impermissible Benefits. For violations of Bylaw 16 in which the value of the benefit is $100 or less, the eligibility of the student-athlete shall not be affected conditioned upon the student-athlete repaying the value of the benefit to a charity of his or her choice. The student-athlete, however, shall remain ineligible from the time the institution has knowledge of receipt of the impermissible benefit until the student-athlete repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the student-athlete's repayment shall be forwarded to the enforcement staff. For violations of Bylaw 16 in which there is no monetary value to the benefit, violations shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the student-athlete's eligibility. *(Adopted: 11/1/01, Revised: 8/5/04)*

16.01.2 Compliance with Legislation for Emerging Sports. Beginning with the second year of a member institution's sponsorship the Association's identification of an emerging sport for women (see Bylaw 20.02.5), the institution shall comply fully in that program with all applicable amateurism legislation set forth in Bylaw 16. *(Adopted: 1/10/95, Revised: 2/24/03)*

16.02 DEFINITIONS AND APPLICATIONS

16.02.1 Award. An award is an item given in recognition of athletics participation or performance. Such awards are subject to the limitations set forth in Bylaw 16.1.

16.02.2 Excessive Expense. An excessive expense is one not specifically authorized under regulations of the Association concerning awards, benefits and expenses.

16.02.3 Extra Benefit. An extra benefit is any special arrangement by an institutional employee or a representative of the institution's athletics interests to provide a student-athlete or the student-athlete's relative or friend a benefit not expressly authorized by NCAA legislation. Receipt of a benefit by student-athletes or their relatives or friends is not a violation of NCAA legislation if it is demonstrated that the same benefit is generally available to the institution's students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability. *(Revised: 1/10/91)*

16.02.4 Pay. Pay is the receipt of funds, awards or benefits not permitted by governing legislation of the Association for participation in athletics. (See Bylaw 12.1.2.1 for explanation of forms of pay prohibited under the Association's amateur-status regulations.)

16.1 AWARDS

16.1.1 Application of Awards Legislation.

16.1.1.1 Prior to Enrollment. Awards received by an individual prior to enrollment shall conform to the rules of the amateur sports organization that governs the competition, but may not include cash that exceeds actual and necessary expenses (see Bylaw 12.1.2.1.4.1).

16.1.1.2 Awards Received by a Student-Athlete While Enrolled as a Full-Time Student. The awards limitations of Bylaw 16.1 apply to awards received by a student-athlete while enrolled during the academic year (from the beginning of the fall term through completion of the spring term, including any intervening vacation period) as a regular student in a minimum full-time academic load, or awards received by a student-athlete while representing the student-athlete's institution at any other time. Such awards may not include cash, gift certificates, a cash-equivalent award (an item that is negotiable for cash or trade or other services, benefits or merchandise) for athletics participation, or a country club or sports club membership.

16.1.1.3 Student-Athlete Not Regularly Enrolled. Awards received by a student-athlete participating in an event while not enrolled as a regular student during the academic year, or received during the summer while not representing his or her institution, shall conform to the regulations of the recognized amateur organization that governs the competition. Such awards may include gift certificates, but may not include cash.

16.1.1.3.1 Exception—Prize Money Outside the Playing Season During the Summer Vacation Period—Individual Sports. In individual sports, a student-athlete may accept prize money that does not exceed his or her actual and necessary expenses, pursuant to Bylaw 12.1.2.4.2. *(Adopted: 4/30/09)*

16.1.1.3.2 Olympic Games. It is permissible for a student-athlete to receive a nonmonetary award associated with participation in the Olympic Games at any time regardless of when the Games are held or whether the student-athlete is enrolled as a regular student during the academic year. *(Adopted: 11/1/00)*

16.1.1.4 After Completion of Athletics Eligibility. Awards limitations apply to enrolled student-athletes who have exhausted their collegiate athletics eligibility. An institution shall be held responsible through the Association's enforcement procedures for the provision of improper awards to graduating seniors by the institution or its booster organizations. Awards to graduating seniors may not include cash, gift certificates, a cash-equivalent award (an item that is negotiable for cash or trade or other services, benefits or merchandise) for athletics participation, or country club or sports club membership.

16.1.2 Uniformity of Awards. Awards presented by a member institution, conference or other approved agency must be uniform for all team members receiving the award.

16.1.3 Transfer of Nonpermissible Award. Cash or any other award that an individual could not receive under NCAA legislation may not be forwarded in the individual's name to a different individual or agency (e.g., a collegiate institution).

16.1.4 Types of Awards, Awarding Agencies, Maximum Value and Numbers of Awards. Athletics awards given to individual student-athletes shall be limited to those approved or administered by the member institution, its conference or an approved agency as specified in the following subsections and shall be limited in value and number as specified in this section. Awards received for intercollegiate athletics participation may not be sold, exchanged or assigned for another item of value, even if the student-athlete's name or picture does not appear on the award. Each of the following subsections is independent of the others so that it is permissible for an individual student-athlete to receive the awards described in all subsections. *(Revised: 9/12/03)*

16.1.4.1 Participation Awards. Awards for participation in intercollegiate athletics may be presented each year, limited in value and number as specified in Figure 16-1. Awards for participation in special events may be provided only to student-athletes eligible to participate in the competition. *(Revised: 4/25/02 effective 8/1/02)*

16.1.4.1.1 Senior Scholar-Athlete Award. An institution may provide a maximum of two senior scholar-athlete awards each year to graduating seniors. The award may consist of a tangible item valued at not more than $175 and a postgraduate scholarship not to exceed $10,000. The postgraduate scholarship shall be used for graduate studies at the recipient's choice of institution and shall be disbursed directly to that institution. Such a scholarship only may be awarded to a student-athlete who has completed the requirements for a baccalaureate degree. A student-athlete who has received an institutional postgraduate scholarship as part of a senior scholar-athlete award shall no longer be eligible to participate in intercollegiate athletics, except that the student may complete the remainder of any season currently in progress at the time of the award (e.g., postseason competition in the spring sport that occurs after graduation). *(Adopted: 4/25/02, Revised: 6/1/06, 1/14/08)*

16.1.4.2 Awards for Winning Conference and National Championships. Awards for winning an individual or team conference or national championship may be presented each year, limited in value and number as specified in Figure 16-2. Awards for winning a conference or national championship in a team sport may be provided only to student-athletes who were eligible to participate in the championship event. The total value of any single award received for a national championship may not exceed $415. The total value of any single award received for a conference championship may not to exceed $325, and each permissible awarding agency is subject to a separate $325 limit per award. Each permissible awarding agency may provide only a single award

for each championship to each student-athlete. Separate awards may be presented to both the regular-season conference champion and the postseason conference champion (with a separate $325 limitation), but if the same institution wins both the regular-season and postseason conference championship, the combined value of both awards shall not exceed $325. *(Revised: 4/25/02 effective 8/1/02)*

16.1.4.3 Special Achievement Awards. Awards may be provided each year to individual student-athletes and teams to recognize special achievements, honors and distinctions, limited in value and number as specified in Figure 16-3. *(Revised: 4/25/02 effective 8/1/02)*

16.1.4.4 Local Civic Organization. A local civic organization (e.g., Rotary Club, Touchdown Club) may provide awards to a member institution's team(s), provided such awards are approved by the institution and are counted in the institution's limit for institutional awards. *(Adopted: 1/10/92, Revised: 1/9/96 effective 8/1/96, 6/11/09)*

16.1.5 Purchase Restrictions.

16.1.5.1 Assignment of Normal Retail Value. Normal retail value shall be assigned as the value of an award when determining whether an award meets specified value limits, even when a member institution receives institutional awards from an athletics representative or organization free of charge or at a special reduced rate. Normal retail value is the cost to the institution that is based solely on volume and is available to all purchasers of a similar volume and that does not involve an obligation to make additional purchases to enable the supplier to recover the costs for the original purchase. *(Adopted: 1/16/93)*

16.1.5.2 Supplementary-Purchase Arrangement. An institution may not enter into a supplementary-purchase arrangement with an awards supplier whereby the supplier agrees to sell an award (e.g., a watch or ring) at a price below the maximum amount specified by NCAA legislation with the understanding that the institution will make additional purchases of other unrelated items to enable the supplier to recover the costs for the original purchase. Such an arrangement would exceed the specific-value limitations placed on permissible awards.

16.1.5.3 Combining Values. An institution may not combine the value limits of awards given in a sport during the same season, or given to athletes who participate in more than one sport, to provide an award more expensive than permissible under separate application to some or all of its participating student-athletes.

16.1.5.4 Student-Athlete Contribution to Purchase. The value of an award may not exceed specified value limits, and a student-athlete may not contribute to its purchase in order to meet those limits.

16.1.6 Institutional Awards Banquets. An institution may conduct awards banquets to commemorate the athletics and/or academic accomplishments of its student-athletes. *(Revised: 1/9/96 effective 8/1/96)*

16.1.6.1 Booster Club Recognition Banquet. One time per year, an institution's athletics booster club may finance an intercollegiate team's transportation expenses to a recognition banquet, provided all expenses are paid through the institution's athletics department, the location of the event is not more than 100 miles from the campus and no tangible award is provided to members of the team. *(Revised: 1/9/96 effective 8/1/96)*

16.1.7 Expenses to Receive Noninstitutional Awards.

16.1.7.1 Hometown Awards. A hometown group may pay reasonable and necessary expenses of a student-athlete returning home to receive an award for athletics accomplishments. *(Revised: 1/14/97, 11/1/01 effective 8/1/02)*

16.1.7.2 Established Regional, National or International Awards. It is permissible for an outside organization (other than a professional sports organization) to provide actual and necessary expenses for a student-athlete to travel to a banquet designed to recognize the individual's accomplishments as an athlete in order for the student-athlete to receive an established regional, national or international award (permitted by NCAA legislation). The outside organization also may provide actual and necessary expenses for the student-athlete's spouse, parents or other relatives to attend the recognition event.

16.1.7.3 Recognition by President, Governor or State Legislative Body. An institution, the U.S. Olympic Committee or the appropriate national governing body (or the international equivalent) may provide actual and necessary expenses when a team (or its senior student-athletes) is accorded special recognition by the President of the United States or by the governor or legislative body of the state in which the member institution is located or the international equivalent of an international student-athlete's home nation. *(Revised: 1/10/05, 1/9/06)*

16.1.7.4 Conference Awards. A conference or its member institutions may provide actual and necessary expenses for a student-athlete to travel to the conference office or other site to receive a conference award. In addition, the conference may provide actual and necessary expenses for the student-athlete's parents (or legal guardians) and spouse to attend the presentation of the conference's male or female "athlete of the year" award to the student-athlete, provided not more than one male and one female student-athlete receive such an award per academic year. The conference also may provide actual and necessary expenses for the student-athlete's parents (or legal guardians) and spouse to attend the presentation of conference academic awards to the student-athlete, provided the academic awards are presented on a regular basis in recognition of outstanding academic achievement. *(Adopted: 1/10/92, Revised: 1/10/95, 4/28/05 effective 8/1/05)*

16.2 COMPLIMENTARY ADMISSIONS AND TICKET BENEFITS

16.2.1 Permissible Procedures.

16.2.1.1 Institutional Events in the Student-Athlete's Sport. An institution may provide four complimentary admissions per home or away intercollegiate athletics event to a student-athlete in the sport in which the individual participates (either practices or competes), regardless of whether the student-athlete competes in the contest.

16.2.1.1.1 Exception—Postseason Events. An institution may provide each student-athlete who participates in or is a member of a team participating in a postseason event (e.g., conference championship, NCAA championship, National Invitation Tournament, bowl game) with six complimentary admissions to all intercollegiate athletics events at the site at which the student (or team) participates. *(Adopted: 1/9/96 effective 8/1/96, Revised: 11/1/01 effective 8/1/02, 1/17/09 effective 8/1/09)*

16.2.1.1.2 Tournaments. Complimentary admissions may be provided to members of the institution's team for all intercollegiate athletics events in a tournament in which the team is participating, rather than only for the games in which the institution's team participates. However, the contests must be at the site at which the institution's team participates.

16.2.1.2 General Regulations. Complimentary admissions shall be provided only through a pass list for individuals designated by the student-athlete. "Hard tickets" shall not be issued. A violation of this administrative procedure shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility. The student-athlete's eligibility shall be affected by involvement in action contrary to the provisions of Bylaws 16.2.1.1 and 16.2.2.1 (receipt of more than the permissible four complimentary admissions or the sale or exchange of a complimentary admission for any item of value). *(Revised: 1/11/94 effective 8/1/94, 1/14/08)*

16.2.1.2.1 Issuance Procedures. The individual using the complimentary admission must present identification to the person supervising the use of the pass list at the admission gate. The individual then shall be provided a ticket stub or other identification of a specified reserved seat or seating area or treated as a general-admission ticket holder. *(Revised: 11/1/01 effective 8/1/02)*

16.2.1.3 Institution's Home Events in Other Sports. An institution may provide admission for each student-athlete to all of the institution's regular-season home intercollegiate athletics events in sports other than that in which the student-athlete is a participant, via a printed student-athlete pass or gate list. Proof of identity shall be required upon admission.

16.2.1.3.1 Nonqualifier. A nonqualifier (per Bylaw 14.02.10.2) may receive a complimentary admission to all of the institution's regular-season home intercollegiate athletics events in the first academic year of residence. *(Revised: 1/3/06)*

16.2.1.3.2 Complimentary Admissions to an Institution's Home Contest Honoring a Student-Athlete. An institution may provide a maximum of four complimentary admissions to a student-athlete for an institution's game or event during which a student-athlete is being honored but not participating, provided such complimentary admissions are used by the student-athlete's parents, legal guardians and/or spouse. *(Adopted: 4/27/00 effective 8/1/00, Revised: 1/8/07 effective 8/1/07)*

16.2.2 Nonpermissible Procedures.

16.2.2.1 Sale of Complimentary Admissions. A student-athlete may not receive payment from any source for his or her complimentary admissions and may not exchange or assign them for any item of value.

16.2.2.2 Payment to Third Party. Individuals designated by the student-athlete to receive complimentary admissions are not permitted to receive any type of payment for these admissions or to exchange or assign them for any item of value. Receipt of payment for complimentary admissions by such designated individuals is prohibited and considered an extra benefit.

16.2.2.3 Student-Athlete Ticket Purchases. An institution may not provide a special arrangement to sell a student-athlete ticket(s) to an athletics event. Tickets shall be available for purchase by student-athletes according to the same purchasing procedures used for other students.

16.2.2.4 Sale above Face Value. A student-athlete may not purchase tickets for an intercollegiate athletics event from the institution and then sell the tickets at a price greater than their face value.

16.2.2.5 Professional Sports Tickets. An institution or any representative of its athletics interests may not purchase or otherwise obtain tickets to a professional sports event and make these tickets available to student-athletes enrolled in an NCAA member institution. Such a gift of tickets would represent an unacceptable extra benefit. (See Bylaw 16.7.1.1 for permissible provision of professional sports tickets as team entertainment related to an away-from-home contest.)

16.3 ACADEMIC AND OTHER SUPPORT SERVICES

16.3.1 Mandatory.

16.3.1.1 Academic Counseling/Support Services. Member institutions shall make general academic counseling and tutoring services available to all student-athletes. Such counseling and tutoring services may be provided by the department of athletics or the institution's nonathletics student support services. In addition, an institution may finance other academic and support services that the institution, at its discretion, determines to be appropriate and necessary for the academic success of its student-athletes. *(Adopted: 1/10/91 effective 8/1/91, Revised: 4/25/02 effective 8/1/02, 5/9/06)*

16.3.1.1.1 Specific Limitations. An institution may provide the following support services subject to the specified limitations. *(Revised: 5/9/06)*

(a) Use of institutionally owned computers and typewriters on a check-out and retrieval basis; however, typing/word processing/editing services or costs may not be provided, even if typed reports and other papers are a requirement of a course in which a student-athlete is enrolled; *(Revised: 4/25/02 effective 8/1/02)*

(b) Use of copy machines, fax machines and the Internet, including related long-distance charge, provided the use is for purposes related to the completion of required academic course work; *(Adopted: 4/25/02 effective 8/1/02)*

(c) Course supplies (e.g., calculators, art supplies, computer disks, subscriptions), provided such course supplies are required of all students in the course and specified in the institution's catalog or course syllabus or the course instructor indicates in writing that the supplies are required; *(Adopted: 4/25/02 effective 8/1/02, Revised: 4/23/08)*

(d) Cost of a field trip, provided the field trip is required of all students in the course and the fee for such trips is specified in the institution's catalog; and

(e) Nonelectronic day planners. *(Adopted: 4/27/00, Revised: 4/25/02 effective 8/1/02)*

16.3.1.2 Champs/Life Skills Programs. Member institutions shall be required to conduct NCAA Champs/Life Skills programs (or an equivalent program) on its campus. *(Adopted: 4/27/00 effective 8/1/00)*

16.3.2 Expenses Related to Legal and Other Proceedings. An institution may provide actual and necessary expenses to attend proceedings conducted by the institution, its athletics conference or the NCAA that relate to the student-athlete's eligibility to participate in intercollegiate athletics or legal proceedings that result from the student-athlete's involvement in athletics practice or competitive events. The cost of legal representation in such proceedings also may be provided by the institution (or a representative of its athletics interests). *(Revised: 5/9/06)*

16.3.3 Expenses Related to Initial or Transfer-Eligibility Requirements. An institution shall not provide academic expenses or services (e.g., tutoring, test preparation) to assist a prospective student-athlete or enrolled student-athlete in completing initial-eligibility or transfer-eligibility requirements or in improving his or her academic profile in conjunction with a waiver request. *(Adopted: 4/23/08)*

16.4 MEDICAL EXPENSES

16.4.1 Permissible. Identified medical expense benefits incidental to a student-athlete's participation in intercollegiate athletics that may be financed by the institution are: *(Revised: 4/29/04)*

(a) Medical insurance; *(Revised: 8/4/08)*

(b) Death and dismemberment insurance for travel connected with intercollegiate athletics competition and practice;

(c) Drug-rehabilitation expenses;

(d) Counseling expenses related to the treatment of eating disorders; *(Adopted: 1/11/89)*

(e) Special individual expenses resulting from a permanent disability that precludes further athletics participation. The illness or injury producing the disability must involve a former student-athlete or have occurred while the student-athlete was enrolled at the institution, or while the prospective student-athlete was on an official paid visit to the institution's campus. An institution or outside agency, or both, may raise money through donations, benefits or like activities to assist the student-athlete or a prospective student-athlete. All funds secured shall be controlled by the institution, and the money shall be used exclusively to meet these expenses;

(f) Glasses, contact lenses or protective eye wear (e.g., goggles) for student-athletes who require visual correction in order to participate in intercollegiate athletics;

(g) Medical examinations at any time; *(Revised: 4/29/04)*

(h) Expenses for medical treatment (including transportation and other related costs). Such expenses may include the cost of traveling to the location of medical treatment or the provision of actual and necessary living expenses for the student-athlete to be treated at a site on or off the campus during the summer months while the student-athlete is not actually attending classes. Medical documentation shall be available to support the necessity of the treatment at the location in question; and *(Revised: 4/29/04)*

(i) Medical expenses (including surgical expenses, medication, rehabilitation and physical therapy expenses and dental expenses). *(Adopted: 9/6/00, Revised: 4/29/04)*

16.5 HOUSING AND MEALS

16.5.1 General Rule. An institution is required to apply the same housing policies to student-athletes as it applies to the student body in general. During the academic year, the institution may not house student-athletes in athletics dormitories or athletics blocks within institutional or privately owned dormitories or apartment buildings (when the institution arranges for the housing) on those days when institutional dormitories are open to the general student body. *(Adopted: 10/1/01 effective 8/1/02)*

16.5.1.1 Athletics Dormitories. Athletics dormitories shall be defined as institutional dormitories in which at least 50 percent of the residents are student-athletes. *(Adopted: 1/10/91 effective 8/1/96, Revised: 11/1/01 effective 8/1/02)*

16.5.1.2 Athletics Blocks. Athletics blocks shall be defined as individual blocks, wings or floors within institutional dormitories or privately owned dormitories or apartment buildings in which at least 50 percent of the residents are student-athletes. *(Adopted: 1/10/91 effective 8/1/96, Revised: 1/10/92, 11/1/01 effective 8/1/02)*

16.5.1.3 Exception—Nondiscriminatory Housing Policies. The prohibition against the use of athletics dormitories or blocks does not apply when the institution demonstrates that its housing assignment policies do not differentiate between student-athletes and students generally. *(Adopted: 1/16/93 effective 8/1/96, Revised: 11/1/01 effective 8/1/02)*

16.5.2 Permissible. Identified housing and meal benefits incidental to a student's participation in intercollegiate athletics that may be financed by the institution are:

(a) **Summer-Dormitory Rentals**. An institution may rent, at the regular institutional rate, dormitory space to a prospective or enrolled student-athlete during the summer months if it is the institution's policy to make dormitory space available on the same basis to all prospective or enrolled students (see Bylaw 15.2.2.3 for permissible housing benefits for student-athletes eligible to receive financial aid while attending summer school);

(b) **Preseason Practice Expenses.** The institution may provide the cost of room and board to student-athletes who report for preseason practice prior to the start of the academic year, it being understood that the student-athlete has been accepted for admission to the institution at the time such benefits are received. Further, an institution, at its discretion, may provide an additional meal (as opposed to the cash equivalent) to student-athletes to meet their nutritional needs as a benefit incidental to participation during the preseason practice period prior to the start of the academic year; *(Revised: 4/24/03, 3/10/04)*

(c) **Training Table Meals**. An institution may provide only one training table meal per day to a student-athlete during the academic year on those days when regular institutional dining facilities are open (see Bylaw 15.2.2.1.6). A student-athlete who does not receive institutional athletically related financial aid covering the full cost of board, including a walk-on or partial scholarship recipient, may purchase one training table meal per day at the same rate that the institution deducts from the board allowance of student-athletes who receive athletically related financial aid covering board costs pursuant to Bylaw 15.2.2.1.6; *(Adopted: 1/10/91 effective 8/1/96, Revised: 11/1/01 effective 8/1/02, 5/8/06, 4/26/07)*

(d) **Meals Incidental to Participation.**

(1) **Missed Meal Due to Practice Activities.** A student-athlete who is not receiving athletically related financial aid (e.g., walk-on) may receive the benefit of a training-table meal during the permissible playing and practice season in those instances in which the student-athlete's schedule is affected by involvement in practice activities, provided the student-athlete previously has paid for the same meal (e.g., dinner) at an institutional dining facility. *(Revised: 5/9/06)*

(2) **Meals in Conjunction with Home Competition.** All student-athletes are permitted to receive meals at the institution's discretion beginning with the evening before competition and continuing until they are released by institutional personnel. An institution shall not provide cash to student-athletes in lieu of meals during this time period. An institution, at its discretion, may provide a meal or cash, not to exceed $15 (but not both) to student-athletes at the time of their release by institutional personnel; *(Revised: 4/25/02, 4/29/04, 5/2/05, 5/9/06, 12/12/06, 4/24/08 effective 8/1/08)*

(3) **Meals in Conjunction with Away-from-Home Competition.** An institution may provide meals to student-athletes in conjunction with away-from-home competition pursuant to one of the following options:

(i) All student-athletes are permitted to receive a pregame or postgame meal as a benefit incidental to participation in addition to regular meals (or meal allowances per Bylaw 16.8.1.2.3). An institution, at its discretion, may provide cash, not to exceed $15, in lieu of a postgame meal; or *(Revised: 5/9/06, 4/24/08 effective 8/1/08)*

(ii) All student-athletes are permitted to receive meals at the institution's discretion from the time the team is required to report on call for team travel until the team returns to campus. If a student-athlete does not use team travel to return to campus, he or she may receive meals at the institution's discretion up to the point he or she is released from team-related activities by the appropriate institu-

tional authority. An institution shall not provide cash to student-athletes in lieu of meals under this option. *(Adopted: 4/24/08 effective 8/1/08)*

(e) **Vacation-Period Expenses.** The institution may provide the cost of room and board to student-athletes (during official institutional vacation periods) in the following circumstances. If an institution does not provide a meal to its student-athletes under such circumstances, a cash allowance may be provided (except for the permissible additional meal as described below), not to exceed the amount provided by the institution to institutional staff members on away-from-campus trips: *(Revised: 4/17/07)*

(1) Student-athletes who are required to remain on the institution's campus for organized practice sessions or competition during the institution's official vacation period. If the student-athlete lives at home during the vacation period, the cost of room and board may not be provided by the institution, other than to permit the student-athlete to participate in team meals incidental to practice sessions; *(Revised: 1/14/97, 10/28/99, 5/26/06)*

(2) Student-athletes who return to campus during the institution's official vacation period occurring during a regular academic term (not including vacation periods between terms) from institutional competition. Under such circumstances, room and board expenses may be provided beginning with the student-athlete's arrival on campus until the institution's regular dormitories and dining facilities reopen. If the student-athlete lives at home during the vacation period, the cost of room and board may not be provided by the institution; or *(Adopted: 10/28/99, Revised: 5/26/06)*

(3) Student-athletes who return to campus during the institution's official vacation period between regular academic terms (e.g., summer-vacation period) from institutional competition that occurs at the end of the institution's playing and practice season or a segment thereof. Under such circumstances, room and board expenses may be provided for no more than a 48-hour period, beginning with the student-athlete's return to campus. If the student-athlete lives at home during the vacation period, the cost of room and board may not be provided by the institution. *(Adopted: 10/28/99, Revised: 5/26/06)*

In addition, an institution, at its discretion, also may provide an additional meal (as opposed to the cash equivalent) to student-athletes to meet nutritional needs as a benefit incidental to participation during each day of any vacation period, provided the student-athlete is required to remain on campus to be involved in practice or competition. *(Adopted: 4/29/04, Revised: 1/8/07 effective 8/1/07; 4/17/07)*

(f) **Meals Related to Institutional Committee Service.** A student-athlete who serves on an institutional committee may receive expenses to cover the cost of a meal missed as a result of a committee meeting that occurs when regular institutional dining facilities are open; *(Adopted: 8/11/98)*

(g) **Nutritional Supplements.** An institution may provide permissible nutritional supplements to a student-athlete for the purpose of providing additional calories and electrolytes. Permissible nutritional supplements do not contain any NCAA banned substances and are identified according to the following classes: Carbohydrate/electrolyte drinks, energy bars, carbohydrate boosters and vitamins and minerals. *(Adopted: 4/27/00 effective 8/1/00, Revised: 11/1/01 effective 8/1/02, 4/14/09)*

(h) **Fruit, Nuts and Bagels.** An institution may provide fruit, nuts and bagels to a student-athlete at any time. *(Adopted: 4/30/09 effective 8/1/09)*

16.6 EXPENSES FOR STUDENT-ATHLETE'S FRIENDS AND RELATIVES

16.6.1 Permissible. An institution may not provide any expenses to a student-athlete's relatives or friends, except as permitted in 16.6.1 and 16.11.

16.6.1.1 Expenses for Spouse/Children to Postseason Football Game or NCAA Championship. The institution may provide the cost of actual and necessary expenses (e.g., transportation, lodging, meals and expenses associated with team entertainment functions) for the spouse and children of an eligible student-athlete to accompany the student-athlete to a licensed postseason football game or an NCAA football championship in which the student-athlete is a participant, and in other sports, to one round (conducted at the site) of any NCAA championship in which the student-athlete is a participant. *(Revised: 2/1/05)*

16.6.1.2 Family Lodging at Postseason Events. An institution may reserve or secure lodging at any postseason event (other than a conference event) at a reduced or special rate for the parents (or legal guardians) and immediate family of a student-athlete who is a participant. It is not permissible for an institution to cover any portion of the cost of lodging, including any cost associated with reserving or securing lodging. *(Adopted: 10/28/99)*

16.6.1.3 Life-Threatening Injury or Illness. The institution may pay transportation, housing and meal expenses for parents (or legal guardians) and the spouse of a student-athlete and for the student-athlete's teammates to be present in situations in which a student-athlete suffers a life-threatening injury or illness, or, in the event of a student-athlete's death, to provide these expenses in conjunction with funeral arrangements. *(Revised: 1/11/89)*

16.6.1.3.1 Family Member of Student-Athlete. An institution may pay transportation, housing and meal expenses for a student-athlete's spouse, children and teammates to be present in situations in which a family member or legal guardian of the student-athlete suffers a life-threatening injury or illness or, in the

event of a family member's or legal guardian's death, to provide the student-athlete's spouse, children and teammates with such expenses in conjunction with funeral arrangements. *(Adopted: 1/10/95 effective 8/1/95, Revised: 11/1/01 effective 8/1/02, 4/25/02 effective 8/1/02, 5/22/07, 4/13/09)*

16.6.1.4 Olympic Games—Family Benefits. A commercial company (other than a professional sports organization) or members of the local community may provide actual and necessary expenses for a student-athlete's spouse, parents, legal guardians or other relatives to attend the Olympic Games in which the student-athlete will participate. In addition, family members of student-athletes may receive nonmonetary benefits provided to the family members of all Olympic team members in conjunction with participation in the Olympic Games. *(Adopted: 1/11/94, Revised 11/1/00)*

16.6.1.5 Reasonable Refreshments. An institution may provide the parents (or legal guardians) of a student-athlete with reasonable refreshments (e.g., soft drinks, snacks) on an occasional basis. *(Adopted: 4/27/00 effective 8/1/00, Revised: 4/25/02 effective 8/1/02)*

16.6.1.6 Complimentary Admissions to Institutional Awards Banquets. An institution may provide complimentary admissions to an institutional awards banquet for the spouse and children of any student-athlete being honored at the banquet. *(Adopted: 11/1/00)*

16.7 TEAM ENTERTAINMENT

16.7.1 Away-from-Home Contests and Vacation Periods. The institution may pay the actual costs (but may not provide cash) for reasonable entertainment that takes place within a 100-mile radius of where a team plays or practices in connection with an away-from-home contest or en route to or from such a contest. In addition, an institution may pay the actual costs (but may not provide cash) for reasonable entertainment that takes place within a 30-mile radius of the institution's campus or practice site during vacation periods when the team is required to reside on campus (or at a practice site normally used by the institution) and classes are not in session. *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 1/11/94, 4/24/03 effective 8/1/03)*

16.7.1.1 Professional Sports Tickets. Complimentary tickets to professional sports contests shall not be provided to student-athletes, unless the tickets are provided by the institution (or by a representative of athletics interests through the institution) for entertainment purposes to student-athletes involved in an away-from-home contest. Under the latter circumstances, the institution may pay actual costs for reasonable entertainment that takes place during a team trip.

16.7.2 Movies in Conjunction with a Home Contest. The institution may rent a film or movie, provide pay-per-view movies in the student-athletes' hotel rooms or take its intercollegiate team to the movies the night before a home contest without the film or movie being considered an extra benefit. *(Adopted: 1/10/92, Revised: 5/9/06)*

16.8 EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION

16.8.1 Permissible. The permissible expenses for practice and competition that an institution may provide a student-athlete are defined in the following subsections. (See Bylaw 16.9 for expenses that may be provided by individuals or organizations other than the institution.)

16.8.1.1 Practice. Expenses may be paid for practice sessions only if they are associated with an away-from-home contest or conducted at a site located within the member institution's state or, if outside that state, no more than 100 miles from the institution's campus. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1 and shall not affect the student-athlete's eligibility. *(Revised: 1/10/05)*

16.8.1.1.1 Practice Sites on Road Trips. Any practice on an extended road trip shall take place either at the competition site or on a direct route between two consecutive competition sites. It is not permissible for an institution to schedule practice sessions at other locations in order to provide entertainment opportunities for team members.

16.8.1.1.2 Skiing—Weather Exception. In the sports of men's and women's skiing, a member institution may transport a team to a practice site beyond the mileage limitations of Bylaw 16.8.1.1 if necessitated by weather conditions. *(Adopted: 1/11/89)*

16.8.1.1.3 Women's Rowing—Weather Exception. In women's rowing, a member institution may transport a team to a practice site beyond the mileage limitations of Bylaw 16.8.1.1 if necessitated by weather conditions. If such practice activities are conducted during an institution's academic term, the practice activities shall occur only at a site located within the member institution's state or, if outside the state, no more than 200 miles from the institution's campus. All practice activities must be within the institution's declared playing and practice season in women's rowing. *(Adopted: 1/9/96 effective 8/1/96, Revised: 10/27/98)*

16.8.1.1.4 On- or Off-Campus Practice Sites. An institution may transport student-athletes from a central on-campus site (e.g., the locker room) to an on- or off-campus practice site. *(Adopted: 1/10/92)*

16.8.1.2 Competition While Representing Institution. An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) to a student-athlete for participation in athletics

competition, provided the student-athlete is representing the institution (competes in the uniform of the institution) and is eligible for intercollegiate competition. Violations of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, they shall not affect the student-athlete's eligibility. Such competition includes: *(Revised: 1/10/92, 10/28/97, 11/1/01)*

(a) Regularly scheduled intercollegiate athletics events;

(b) NCAA championship events and NGB championship events in an emerging sport; *(Revised: 1/14/97)*

(c) A licensed postseason football game (see Bylaws 18.7 and 30.9 for conditions required for licensing); *(Revised: 2/1/05)*

(d) Nonintercollegiate open, amateur competition; *(Adopted: 1/10/92)*

(e) Other institutional competition permissible under NCAA legislation, including postseason events; and

(f) Fundraising activities that an institution counts against its maximum contest limitations per Bylaw 17. *(Adopted: 4/2/03 effective 8/1/03)*

16.8.1.2.1 Departure/Return Expense Restrictions. An eligible student-athlete may receive actual and necessary travel expenses to represent the institution in athletics competition, provided the student-athlete departs for the competition no earlier than 48 hours prior to the start of the actual competition and remains no more than 36 hours following the conclusion of the actual competition even if the student-athlete does not return with the team. *(Revised: 1/10/91 effective 8/1/91)*

16.8.1.2.1.1 Exceptions. These travel expense restrictions do not apply in the following circumstances: *(Revised: 1/10/91 effective 8/1/91)*

(a) Travel prior to and following contests in Hawaii or Alaska; *(Revised: 1/10/91 effective 8/1/91)*

(b) Travel prior to and following contests in the 48 contiguous states for member institutions located in Hawaii or Alaska; *(Adopted: 1/16/93)*

(c) Travel prior to and following regular-season competition that takes place during the institution's official vacation period during the academic year; *(Revised: 1/10/91 effective 8/1/91, 1/11/94, 1/10/95)*

(d) Travel prior to contests in NCAA championship events, NGB championships in emerging sports or licensed postseason football games; *(Revised: 1/10/91 effective 8/1/91, 1/14/97, 2/1/05)*

(e) Return transportation following contests in NCAA championship events, NGB championships in emerging sports or licensed postseason football games that take place during the institution's official vacation period during the academic year or between regular academic terms; *(Adopted: 1/17/09)*

(f) Travel prior to the National Football Foundation Hall of Fame benefit game or the American Football Coaches Retirement Trust benefit game; *(Adopted: 1/10/92)*

(g) Travel prior to and following regular-season competition that takes place during the institution's summer-vacation period; *(Adopted: 1/10/92)*

(h) Travel prior to and following regular-season competition that takes place in one or more foreign countries on one trip during the prescribed playing season and limited to not more than once every four years; *(Adopted: 1/10/92)*

(i) Travel prior to the USA Gymnastics (USAG) intercollegiate championships; or *(Adopted: 1/16/93)*

(j) Travel prior to and following contests when inclement weather (e.g., hurricanes, snow storm) requires the institution to adjust original travel plans to depart no more than 72 hours prior to the start of the actual competition or return no more than 60 hours following the conclusion of the actual competition. An institution that uses this exception is required to annually submit a detailed summary to the NCAA national office by July 31. *(Adopted: 4/28/05)*

16.8.1.2.1.2 Conference-Administered Waiver—Conference Championship. A conference may grant a waiver of the 48-hour departure restriction for extenuating circumstances associated with travel prior to competition in a conference championship event. *(Adopted: 4/24/08 effective 8/1/08)*

16.8.1.2.2 Transportation for Competition Occurring between Terms. It is permissible for any athletics department staff member to furnish transportation to eligible student-athletes to the campus from the nearest bus or train station or major airport in conjunction with practice and/or team travel relating to competition that occurs between the end of a final examination period of the fall semester (or fall or winter quarter) and the beginning of the following regular term. *(Adopted: 1/10/90 effective 8/1/90)*

16.8.1.2.3 Meal-Allowance Limitation. All student-athletes on the same team must receive identical meal allowances on intercollegiate trips and during vacation periods when student-athletes are required to remain on the institution's campus for organized practice sessions or competition. Such allowances may not exceed the amount provided by the institution to institutional staff members on away-from-campus trips

and may not be provided for a particular meal if the student-athlete receives that meal (or its equivalent) from another source. *(Revised: 1/14/97 effective 8/1/97)*

16.8.1.3 Other Competition. During an academic year in which a student-athlete is eligible to represent an institution in athletics competition (or in the following summer), an institution may provide actual and necessary expenses related to participation in the following activities: *(Revised: 1/10/92, 1/14/97)*

(a) Established national championship events (including junior national championships);

(b) Specific competition (e.g., Olympic Trials) from which participants may directly qualify for the Olympic Games, Pan American Games, World Championships, World Cup and World University Games; and *(Revised: 1/9/96 effective 8/1/96, 1/8/07 effective 8/1/07)*

(c) One national team tryout competition event from which participants are selected for the national team that will participate in the Olympic Games, Pan American Games, World Championships, World Cup or World University Games. Although national team participants may be selected from multiple tryout events for a particular listed competitive event, an institution may provide expenses for only one such tryout event for each of the listed competitive events. *(Adopted: 1/8/07 effective 8/1/07)*

16.8.1.4 Travel to Regular-Season Contests during Vacation Period.

16.8.1.4.1 General Rule. An institution may provide team transportation for a student-athlete to travel from campus to the site of a regular-season contest and back to campus. *(Revised: 1/11/94 effective 8/1/94, 1/10/95, 1/9/96 effective 8/1/96)*

16.8.1.4.1.1 Exception. If a student-athlete travels to a site other than the event site during the vacation period, the institution may provide the cost of round-trip transportation for the student-athlete to travel from campus to the event site and back to campus even if the student-athlete does not travel with the team. The student-athlete shall pay only the additional cost associated with traveling to a site other than the event site. *(Adopted: 1/9/96 effective 8/1/96)*

16.8.1.5 Travel to NCAA Championships, NGB Championships in Emerging Sports and Postseason Bowl Games during Vacation Period. *(Revised: 1/14/97)*

16.8.1.5.1 General Rule. The institution may provide team transportation for a student-athlete to travel from campus to the site of an NCAA championship, NGB championship in an emerging sport or a postseason bowl game and back to campus. *(Revised: 1/11/94 effective 8/1/94, 1/10/95, 1/14/97)*

16.8.1.5.1.1 Exceptions.

(a) **Student-Athlete Does Not Use Team Transportation.** The institution may provide (in lieu of team transportation) the greater of the transportation costs for the student-athlete to travel from: *(Revised: 1/9/06 effective 8/1/06)*

(1) Campus to the event site and back to campus;

(2) Campus to the student-athlete's home and back to campus; or

(3) The student-athlete's home to the event site and back home. *(Revised: 1/11/89, 1/10/95)*

(b) **Student-Athlete Uses "Leg" of Team Transportation.** An institution that provides one "leg" of actual team transportation (campus to the event site or from the event site back to campus) must deduct the value of the actual transportation cost of that "leg" from the allowance provided the student-athlete in (a) above. *(Adopted: 1/10/95)*

(c) **Second Trip Home.** If a student-athlete either uses team transportation to travel from campus to the event site and back to campus, or participates in an event that takes place in the institution's home community, and also has personally paid for a round-trip ticket home during that same vacation period, that student-athlete may be provided actual transportation expenses to travel between campus and home on a second occasion during that same period. *(Adopted: 1/10/95)*

16.8.1.6 Incidental Expenses at NCAA Championships, NGB Championships in Emerging Sports and Licensed Bowl Games. An institution may provide $20 per day to each member of the squad to cover unitemized incidental expenses during travel and practice for NCAA championship events or NGB championship events in emerging sports, during a period limited to the maximum number of days of per diem allowed for the involved championship, or, for licensed postseason bowl contests, for a period not to exceed 10 days. The $20 per day may be provided only after the institution's team departs for or reports to the site of the championship or postseason bowl contest. *(Revised: 1/16/93, 1/10/95, 1/14/97, 2/1/05)*

16.8.1.6.1 Excessive Per Diem Subsidies. When a sponsoring agency provides a per diem in excess of a student-athlete's actual and necessary expenses, it is not permissible for the institution to provide the student-athlete with the cash difference between the amount allocated for per diem by the sponsoring agency and the actual cost of the individual's room and board expenses. *(Adopted: 1/10/91)*

16.8.1.7 Sports Organization Membership Fee. An institution may provide a student-athlete membership in a sports organization (e.g., U.S. Volleyball Association, U.S. Gymnastics Federation) if the membership

is a component of an entry fee required for competition in which the student-athlete is representing the member institution. Further, the student-athlete would be permitted to retain resultant membership benefits under such circumstances.

16.8.1.8 Foreign-Tour Expenses. An institution may provide a student-athlete with expenses for participation in an institution's foreign tour in his or her sport as provided in Bylaw 30.7. *(Adopted: 11/1/01)*

16.8.1.9 Apparel for Community Service or Team Travel. An institution may provide a student-athlete with one shirt (e.g., polo, oxford style) bearing the institution's logo to be used for team travel or other events at which he or she is representing the institution. The shirt may bear a single manufacturer's or distributor's normal trademark or logo not to exceed 2 1/4 square inches in area, including any additional materials surrounding the normal trademark or logo. *(Adopted: 4/28/05 effective 8/1/05)*

16.8.2 Nonpermissible.

16.8.2.1 Travel Apparel. Except as permitted in Bylaw 16.8.1.9, an institution may not provide to student-athletes team travel outfits, blazers or other items of clothing that are not sports-related practice or competition apparel. *(Revised: 4/28/05 effective 8/1/05)*

16.8.2.2 Transportation to/from Student-Athlete's Residence. An institution may not provide transportation (e.g., shuttle, van) to on-campus practice sites for student-athletes traveling to and from their on- or off-campus residences, except in unusual situations involving danger, inclement weather or other similar extenuating circumstances. *(Adopted: 1/10/92)*

16.8.2.3 Reimbursement for Travel to Practice. An institution may not reimburse a student-athlete if the individual provides his or her own transportation to attend practice at an on- or off-campus site. *(Adopted: 1/10/92)*

16.8.2.4 Reimbursement for Travel to Competition. An institution may not reimburse a student-athlete for expenses incurred while driving to an institution's off-campus competition site if the parents (or other relatives or friends) accompany the student-athlete to the competition site. *(Adopted: 1/10/92)*

16.8.2.5 Expenses for Participation in Postseason Bowl Games—Midyear Enrollee—Bowl Subdivision Football. [FBS] In bowl subdivision football, an institution may not provide expenses (e.g., travel, room and board, entertainment, incidental expenses, etc.) to a student-athlete who is a midyear enrollee (freshman or transfer) for participation in a postseason bowl game that occurs before or during the student-athlete's initial term of full-time enrollment at the institution. *(Adopted: 4/28/05 effective 8/1/05, Revised: 12/15/06)*

16.9 OTHER TRAVEL EXPENSES PROVIDED BY THE INSTITUTION

16.9.1 Permissible Travel Expenses Not Related to Practice or Competition. It is permissible for an institution to provide the following travel expenses not related to practice or competition:

(a) **Goodwill Tours.** Actual and necessary expenses for a student-athlete to participate in a preseason goodwill tour to promote its intercollegiate athletics program, provided the tour does not involve more than two student-athletes in the same sport who have eligibility remaining and is confined to the state in which the institution is located, or within 100 miles of the institution's main campus, if out of state;

(b) **Media Appearances.** Actual and necessary transportation expenses during the playing season for media appearances (e.g., radio, television, print media) if the student-athlete's appearance is related to athletics ability or prestige, provided the student-athlete does not miss class to participate, except for class time missed in conjunction with away-from-home competition or to participate in a conference-sponsored media day. The institution may pay actual and necessary expenses for its student-athletes to attend conference-sponsored media days at any time; *(Revised: 1/9/06, 4/10/06)*

(c) **National Girls and Women in Sports Day/National Student-Athlete Day.** Actual and necessary expenses for a student-athlete to participate in activities and events associated with National Girls and Women in Sports Day and National Student-Athlete Day, provided such activities and events are conducted either in the state in which the institution is located or in Washington, D.C., as part of a national celebration; *(Adopted: 1/16/93)*

(d) **Student-Athlete Advisory Committee Meetings.** An institution or conference may pay actual and necessary expenses for a student-athlete to attend conference, regional or national student-athlete advisory committee meetings; and *(Adopted: 1/11/94)*

(e) **Local Transportation.** Reasonable local transportation to student-athletes on an occasional basis. *(Adopted: 1/10/95)*

16.10 PROVISION OF EXPENSES BY INDIVIDUALS OR ORGANIZATIONS OTHER THAN THE INSTITUTION

16.10.1 Permissible.

16.10.1.1 Broken-Time Payments. The student-athlete may receive compensation authorized by the U.S. Olympic Committee to cover financial loss as a result of absence from employment to prepare for or participate in the Olympic Games. Such compensation ("broken-time" payments) is limited to the period immediately preceding and

including actual Olympic competition. The receipt of payments during any other period, or from other sports governing bodies (e.g., U.S. Ski Association) independent of the USOC, would jeopardize the student-athlete's eligibility.

16.10.1.1.1 Exception When Student-Athlete Not Enrolled in Regular Term. A student-athlete may receive broken-time payments administered by the U.S. Olympic Committee or the national governing body in the sport during a period when the student-athlete is not enrolled (full or part time) in a regular term to cover financial loss as a result of absence from employment as a direct result of practicing and competing on a national team (defined in Bylaw 14.02.8), provided the amounts are consistent with the principles set forth in Bylaw 12.4.2.2 and do not exceed $300 per week, and the payment period covers no more than the period from the date the student-athlete begins practice with the national team following selection to that team to one week after the conclusion of the competition. *(Adopted: 1/10/90, Revised: 1/9/96 effective 8/1/96)*

16.10.1.2 Exception for USOC Elite Athlete Health Insurance Program. An individual may receive the comprehensive benefits of the USOC Elite Athlete Health Insurance Program. *(Adopted: 1/10/90)*

16.10.1.3 FCA/AIA Encampments. Nationally recognized service organizations and church groups (including the Fellowship of Christian Athletes and Athletes in Action) may underwrite the actual and necessary expenses of student-athletes attending Fellowship of Christian Athletes or Athletes in Action encampments. Neither the institution nor an athletically related organization may underwrite such expenses. *(Revised: 4/27/00 effective 8/1/00)*

16.10.1.4 Outside Sports Teams. An amateur outside sports team or organization may provide actual and necessary expenses to team members only if the expenses are:

(a) A reasonable amount for travel and meal expenses, and apparel and equipment (for individual and team use only from teams or organizations not affiliated with member institutions, including local sports clubs as set forth in Bylaw 13.11.2.3); *(Revised: 1/10/90)*

(b) For practice and game competition;

(c) Made on a regular basis; and

(d) Not an incentive and not based on performance.

16.10.1.4.1 Practice in Conjunction with Competition. Practice expenses may be accepted only when such practice is directly related to a competition and is conducted during a continuous time period preceding the competition. *(Adopted: 1/10/92)*

16.10.1.4.1.1 National Team Practice Exception. If a student-athlete is involved in practice sessions conducted by a national team, the student-athlete may receive such practice expenses even if the practice is not continuous and occasionally is interrupted for specified periods of time preceding the competition. *(Adopted: 1/10/92)*

16.10.1.5 Student-Teaching. A student-athlete may accept actual and necessary travel expenses from a high school where he or she is student-teaching (even if teaching or coaching a sport) if the high school is located in a city other than the one in which the collegiate institution is located. In order for the student-athlete to accept such expenses:

(a) Receipt of the expenses must be permitted by the established guidelines of the institution for other student-teacher trainees;

(b) The assigned coaching responsibilities must be a part of the supervised, evaluated teacher-training program in which the student-athlete is enrolled; and

(c) The high school must provide such expenses for all of its student-teacher trainees.

16.10.1.6 Luncheon Meeting Expenses. A student-athlete may accept transportation and meal expenses in conjunction with participation in a luncheon meeting of a booster club or civic organization, provided the meeting occurs within a 30-mile radius of the institution's main campus and no tangible award is provided to the student-athlete.

16.10.1.7 Charitable, Educational or Nonprofit Activities. A student-athlete may accept legitimate and normal expenses from a charitable or educational agency for participation in activities set forth in Bylaw 12.5. *(Revised: 1/11/89, 4/28/05)*

16.10.1.8 Recognition by Professional Sports Organization. A student-athlete may accept complimentary admission to a professional sports contest during which the student-athlete and/or intercollegiate team is being recognized by the professional sports organization for extraordinary achievements. Further, it shall be permissible for the professional sports organization to promote this event to the general public. *(Adopted: 1/9/96 effective 8/1/96)*

16.10.1.9 Predraft Camp—Basketball. In basketball, an enrolled student-athlete using the draft exception set forth in Bylaw 12.2.4.2.1 may accept expenses from a professional sports organization to attend that organization's predraft camp.

16.10.2 Nonpermissible.

16.10.2.1 Unitemized Expenses. A student-athlete may not accept money for unspecified or unitemized expenses from any organization or individual.

16.10.2.2 Prohibited Expenses. A student-athlete may not accept money for expenses that are prohibited by the rules governing an amateur noncollegiate event in which the individual participates.

16.10.2.3 Broken-Time Payments. The receipt by a student-athlete of compensation for a financial loss resulting from absence from employment ("broken-time" payments), except as permitted in Bylaws 12.4.2.2, 16.10.1.1 and 16.10.1.1.1, is prohibited. *(Revised: 1/10/90)*

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.

16.10.2.5 Expenses Based on Place Finish. Receipt of expenses is prohibited when the amount received is based on the individual's place finish achieved in the competition (e.g., tennis, golf, track and field).

16.10.2.6 FCA Encampments. A student-athlete may not accept expenses from any athletically related organization to attend Fellowship of Christian Athletes encampments. Nationally recognized service organizations and church groups (including the Fellowship of Christian Athletes) may underwrite the actual and necessary expenses for such attendance.

16.11 BENEFITS, GIFTS AND SERVICES

16.11.1 Permissible.

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

16.11.1.2 Deferred Pay-Back Loan. A student-athlete may receive a loan on a deferred pay-back basis without jeopardizing his or her eligibility, provided: *(Adopted: 1/11/94)*

(a) The loan arrangements are not contrary to the extra-benefit rule; and

(b) The student-athlete's athletics reputation, skill or pay-back potential as a future professional athlete is not considered by the lending agency in its decision to provide the loan.

16.11.1.3 Loan from Established Family Friend. A student-athlete may receive a loan from an established family friend without such arrangement constituting an extra benefit, provided: *(Adopted: 1/11/94)*

(a) The loan is not offered to the student-athlete based in any degree on his or her athletics ability or reputation;

(b) The individual providing the loan is not considered a representative of the institution's athletics interests; and

(c) The relationship between the individual providing the loan and the student-athlete existed prior to the initiation of the student-athlete's recruitment by the member institution.

16.11.1.4 Disabling-Injury Insurance. A student-athlete may borrow against his or her future earnings potential from an established, accredited commercial lending institution, exclusively for the purpose of purchasing insurance (with no cash surrender value) against a disabling injury that would prevent the individual from pursuing chasing his or her chosen career, provided a third party (including a member institution's athletics department staff members or representatives of its athletics interests) is not involved in arrangements for securing the loan. The student-athlete shall report any such transactions to the member institution and shall file copies of any loan documents associated with disability insurance and insurance policy with the member institution, regardless of the source of the collateral for the loan. The student-athlete also shall file copies of the insurance policy with the member institution, regardless of whether a loan is secured to purchase the insurance policy. *(Revised: 1/14/97 effective 8/1/97)*

16.11.1.5 Occasional Meals. A student-athlete or the entire team in a sport may receive an occasional meal in the locale of the institution on infrequent and special occasions from an institutional staff member. An institutional staff member may provide reasonable local transportation to student-athletes to attend such meals. A student-athlete may receive an occasional family home meal from a representative of athletics interests on infrequent and special occasions under the following conditions: *(Revised: 1/10/92, 4/25/02 effective 8/1/02)*

(a) The meal must be provided in an individual's home (as opposed to a restaurant) and may be catered; and *(Revised: 4/25/02 effective 8/1/02)*

(b) A representative of the institution's athletics interest may provide reasonable local transportation to student-athletes to attend the meal function only if the meal function is at the home of that representative. *(Revised: 4/25/02 effective 8/1/02)*

16.11.1.6 Retention of Athletics Apparel and Equipment. A student-athlete may retain athletics apparel items (not equipment) at the end of the individual's intercollegiate participation. Used equipment may be purchased by the student-athlete on the same cost basis as by any other individual interested in purchasing such equipment (see Bylaw 16.1.5). *(Revised: 9/12/03)*

16.11.1.7 Summer Use of Athletics Equipment. A student-athlete may retain and use institutional athletics equipment (per the institution's normal equipment policy) during a summer vacation period.

16.11.1.8 Summer Use of Institutional Horse. In women's equestrian, it is permissible for a student-athlete to retain and use an institutional horse during the summer vacation period. *(Adopted: 4/26/07 effective 8/1/07)*

16.11.1.9 Student Orientation Sessions. A member institution may pay on-campus expenses (e.g., meals, lodging) for student-athletes to attend institutional orientation sessions conducted for all students. However, an institution may provide on-campus expenses to student-athletes to attend orientation sessions for a particular group of students selected on a basis unrelated to athletics ability only if the institution is providing expenses on a uniform basis to all members of the particular group. *(Adopted: 1/10/95, Revised: 1/9/96)*

16.11.1.10 Incidental Benefits—Reasonable Refreshments. An institution may provide student-athletes with reasonable refreshments (e.g., soft drinks, snacks) for student-athlete educational and business meetings and, on an occasional basis, for celebratory events (e.g., birthdays). *(Adopted: 10/28/99)*

16.11.1.11 Research Studies Involving Only Student-Athletes.

16.11.1.11.1 NCAA Research Studies. A student-athlete may receive compensation from the Association for participating in specified NCAA research studies. Such compensation shall be consistent with the going rate for compensation offered in studies involving nonathlete populations. *(Adopted: 10/28/99 effective 8/1/00, Revised: 4/30/09)*

16.11.1.11.2 Institution-Based Research Studies. A student-athlete may receive compensation from an institution for participating in a research study involving only student-athletes, provided: *(Adopted: 4/30/09)*

(a) The study is initiated and conducted by a faculty member at a member institution; and

(b) The study and compensation arrangements are approved by the institutional review board of the faculty member's institution consistent with policies applicable to other institution-based research studies.

16.11.1.12 Miscellaneous Benefits. An institution may provide or arrange for the following benefits for a student-athlete: *(Adopted: 4/26/01)*

(a) The use of a return ticket at any time after the conclusion of a foreign tour;

(b) Receipt of frequent flyer points and/or miles earned while traveling to and from intercollegiate practice and/or competition; *(Adopted: 4/24/03 effective 8/1/03)*

(c) Participation in receptions and festivities associated with championships, conference tournaments or all-star events hosted by and conducted on the institution's campus;

(d) Occasional meals to team members provided by the parent of a student-athlete at any location;

(e) Telephone calls in emergency situations as approved by the director of athletics (or his or her designee);

(f) Reasonable tokens of support and transportation, housing and meal expenses in the event of serious injury, serious illness, or death of a family member or teammate; *(Revised: 4/13/09)*

(g) Fundraisers for student-athletes (or their immediate family members) under the following extreme circumstances:

(1) Extreme circumstances should be extraordinary in the result of events beyond the student-athlete's control (e.g., life-threatening illness, natural disaster);

(2) The proceeds must be designated for a specific purpose (e.g., payment of medical bills, purchase of medical equipment, replacement of items lost in a fire, etc.)

(3) The proceeds may not be given directly to the beneficiaries, but must be disbursed through or paid directly to another entity, with receipt kept on file by the institution; and

(4) The excess proceeds must be given to a not-for-profit organization with the receipt kept on file by the institution.

(h) The payment of admission costs or a meal for any student-athlete being honored at a nonathletics awards ceremony.

16.11.1.13 Student-Athlete Opportunity Fund. A student-athlete may receive money from the NCAA Student-Athlete Opportunity Fund. Member institutions and conferences shall not use money received from the fund to finance salaries, grants-in-aid (other than summer school) for student-athletes with remaining eligibility, capital improvements, stipends and outside athletics development opportunities for student-athletes (e.g., participation in a sports camp or clinic, private sports-related instruction, green fees, batting cage rental, outside foreign tour expenses). *(Adopted: 4/24/03, Revised: 1/8/07)*

16.11.1.14 Coaching and/or Athletics Administration Career Educational Programs. An institution or conference may provide actual and necessary expenses to a student-athlete, who has completed his or her third year (sixth semester or ninth quarter) of collegiate enrollment to attend a coaching and/or athletics administration career educational program (e.g., Women's Basketball Coaches Association—So You Want To Be A Coach, Black Women in Sports Foundation—Next Step Program, U.S. Olympic Committee—Minority/Women in Coaching Leadership). *(Adopted: 4/28/05 effective 8/1/05, Revised: 1/14/08 effective 8/1/08)*

16.11.2 Nonpermissible.

16.11.2.1 General Rule. The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation.

16.11.2.2 Discounts and Credits. A student-athlete may not receive a special discount, payment arrangement or credit on a purchase (e.g., airline ticket, clothing) or a service (e.g., laundry, dry cleaning) from an institutional employee or a representative of its athletics interests.

16.11.2.2.1 Free or Reduced-Cost Services. An athletics representative may not provide a student-athlete with professional services (for which a fee normally would be charged) without charge or at a reduced cost except as permitted elsewhere in this bylaw. Professional services provided at less than the normal rate or at no expense to a student-athlete are considered an extra benefit unless they are available on the same basis to the general student body.

16.11.2.2.2 Telephones and Credit Cards. It is not permissible to allow a student-athlete to use a telephone or credit card for personal reasons without charge or at a reduced cost.

16.11.2.2.3 Entertainment Services. A student-athlete may not receive services (e.g., movie tickets, dinners, use of car) from commercial agencies (e.g., movie theaters, restaurants, car dealers) without charge or at reduced rates, or free or reduced-cost admission to professional athletics contests from professional sports organizations, unless such services also are available to the student body in general.

16.11.2.3 Other Prohibited Benefits. An institutional employee or representative of the institution's athletics interests may not provide a student-athlete with extra benefits or services, including, but not limited to:

(a) A loan of money;
(b) A guarantee of bond;
(c) An automobile or the use of an automobile;
(d) Transportation (e.g., a ride home with a coach), except as permitted in 16.9.1-(e), even if the student-athlete reimburses the institution or the staff member for the appropriate amount of the gas or expense; or
(e) Signing or cosigning a note with an outside agency to arrange a loan.

16.11.2.4 Camp Concession. It is not permissible for a member institution or a member of its athletics department staff conducting a sports camp to permit a student-athlete (enrolled in the institution) to operate, at the student-athlete's own expense, a concession selling items related to or associated with the camp to campers or others in attendance (see also Bylaw 13.12.1.5.3.2).

16.11.2.5 Athletics Equipment. A student-athlete may not accept athletics equipment, supplies or clothing (e.g., tennis racquets, golf clubs, hockey sticks, balls, shirts) from a manufacturer or commercial enterprise. Such items may be provided to the student-athlete's institution, to be used by the institution's team in accordance with accepted practices for issuance and retrieval of athletics equipment.

16.11.2.6 Sponsor Families. A member institution shall not permit individuals outside the institution to serve as "sponsors" or "families" for student-athletes who are enrolled in the institution unless such a sponsorship program exists to provide the same benefits and support services to all students at the institution.

16.11.2.7 Civic-Group Gifts. A member institution shall not permit a civic group to provide a student-athlete a trip to a postseason football game or to pay summer-camp expenses for a student-athlete.

16.11.2.8 Assistance in Payment of Bills. A member institution is not permitted to administer a fund for a student-athlete (even if funds are provided by the student-athlete) in order to assist the student-athlete in making payments for various personal expenses (e.g., utility bills, rent, fees and entertainment expenses) unless the institution provides such a service to all students and formal accounting procedures are used. *(Adopted: 1/10/92)*

16.12 EXPENSE WAIVERS

16.12.1 Incidental to Participation. The Legislative Council Subcommittee for Legislative Relief may approve a member institution's request to provide additional expenses, which may include reasonable local transportation incidental to a student-athlete's participation in intercollegiate athletics. *(Adopted: 1/10/90, Revised: 1/10/95, 11/1/07 effective 8/1/08)*

16.12.1.1 Previously Approved Incidental Expenses. Specific incidental expenses that have been previously approved may be processed by an institution or conference. Documentation of each approval shall be kept on file at the conference office. *(Adopted: 10/28/99, Revised: 11/1/07 effective 8/1/08)*

16.12.2 Student-Athletes in Financial Need. A student-athlete may request additional financial aid (with no obligation to repay such aid) from a fund established pursuant to a special financial need program approved by the Leadership Council to assist student-athletes with special financial needs. The institution may provide reasonable local transportation in conjunction with financial assistance approved under this program. *(Adopted: 1/10/91, Revised: 1/10/95, 11/1/07 effective 8/1/08)*

FIGURE 16-1
Participation Awards

Type of Award	Maximum Value of Award	Number of Times Award May Be Received	Permissible Awarding Agencies	Maximum Number of Permissible Awarding Agencies
Annual Participation — Underclassmen	$175	Once per year per sport	Institution	1
Annual Participation — Senior	$325	Once per year per sport	Institution	1
Special Event Participation				
• Participation in postseason conference championship contest or tournament	$325*	Once per event	• Institution • Management of event (may include conference office)	2
• Participation in postseason NCAA championship contest or tournament	Institution — $325 NCAA — No limit	Once per event	• Institution • NCAA	2
• Participation in all-star game or postseason bowl	$350 (Institution) $500 (Management of event)	Once per event	• Institution • Management of event	2
• Participation in other established meets, tournaments and featured individual competition	$350*	Once per event	• Institution • Management of event	2

* The combined value of all awards received for participation in this type of event from the institution and the management of the event may not exceed the published value.

FIGURE 16-2
Championship Awards

Type of Award	Maximum Value of Award	Number of Times Award May Be Received	Permissible Awarding Agencies	Maximum Number of Permissible Awarding Agencies
National Championship conducted by NCAA	$415*	Once per championship	• Institution** • Conference**	2
National Championship not conducted by NCAA***	$415*	Once per championship	• Institution** • Conference**	2
Conference Championship — regular season	$325*#	Once per championship	• Institution** • Conference**	2
Conference Championship — postseason contest or tournament	$325*#	Once per championship	• Institution** • Conference**	2

* Each permissible awarding agency is subject to a separate $415/$325 limit per award.
** Award may be provided by another organization recognized by the institution or conference to act in its place.
*** Applies only to sports or classification divisions in which the NCAA does not conduct championships. Teams must be designated as a "national champion" by a national wire-service poll or the national coaches association in that sport.
# The combined value of both awards shall not exceed $325 if same institution wins conference regular-season and postseason championships.

FIGURE 16-3
Special Achievement Awards

Type of Award	Maximum Value of Award	Number of Times Award May Be Received	Permissible Awarding Agencies	Maximum Number of Permissible Awarding Agencies
Special attainments or contribution to team's season (e.g., scholar-athlete, most improved player, most minutes played, most valuable player)	$175	Once per category of award per year	Institution	1
Most valuable player — special event*	$325**	Once per event	• Institution • Conference • Organization approved by institution or conference	Unlimited
Most valuable player — bowl game or all-star contest	$350	Once per event	Sponsoring entity of all-star contest or certified postseason bowl	1
Established regional/national recognition awards (e.g., Wade Trophy, Heisman Trophy)	$325	Once per year per award	Management of award program	1
Trophy recognizing established national award	Unlimited	Once per year	Management of award program	1
Trophy recognizing conference "athlete of the year"	$1,500	Once per year to one male and one female	Conference	1
Specialized performance in single contest or during limited time period (e.g., player of the game, player of the week)	$80 (certificate, medal or plaque only)	Unlimited	• Conference • Outside organization (e.g., local business)	Unlimited
Hometown award	$80	Unlimited	Group (other than institution's booster club) located in the student-athlete's hometown	Unlimited

* The award recipient must be selected by a recognized organization approved by a member institution or conference.
** Each permissible awarding agency is subject to separate $325 limit per award. Each awarding agency may provide only a single award for each event to each student-athlete.

BYLAW, ARTICLE 17

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17.01 GENERAL PRINCIPLES

17.01.1 Institutional Limitations. A member institution shall limit its organized practice activities, the length of its playing seasons and the number of its regular-season contests and/or dates of competition in all sports, as well as the extent of its participation in noncollegiate-sponsored athletics activities, to minimize interference with the academic programs of its student-athletes (see Figures 17-1 and 17-2).

17.01.2 Additional Playing and Practice Seasons Limitations. The Committee on Academic Performance shall have the authority to determine the circumstances which would require an institution or team(s) that fails to satisfy the academic performance program to apply additional playing and practice seasons limitations. The committee shall establish and annually publish to the membership such circumstances (see Bylaw 23). *(Adopted: 1/9/06 effective 8/1/07)*

17.02 DEFINITIONS AND APPLICATIONS

17.02.1 Countable Athletically Related Activities. Countable athletically related activities include any required activity with an athletics purpose involving student-athletes and at the direction of, or supervised by one or more of an institution's coaching staff (including strength and conditioning coaches) and must be counted within the weekly and daily limitations under Bylaw 17.1.6.1 and 17.1.6.2. Administrative activities (e.g., academic meetings, compliance meetings) shall not be considered as countable athletically related activities. *(Adopted: 1/10/91 effective 8/1/91, Revised: 10/31/02 effective 8/1/03)*

17.02.2 Contest. A contest is any game, match, exhibition, scrimmage or joint practice session with another institution's team, regardless of its formality, in which competition in a sport occurs between an intercollegiate athletics team or individual representing a member institution and any other team or individual not representing the intercollegiate athletics program of the same member institution. *(Revised: 1/10/91)*

17.02.3 Contest, Countable, Institutional. A countable contest for a member institution, in those sports for which the limitations are based on the number of contests, is any contest by the member institution against an outside team in that sport, unless a specific exemption for a particular contest is set forth in this bylaw. Contests, including scrimmages, by separate squads of the same team against different outside teams shall each count as one contest.

17.02.4 Contest, Countable, Individual Student-Athlete. A countable contest for an individual student-athlete in a sport is any contest in which the student-athlete competes while representing the member institution (see Bylaw 17.02.8) individually or as a member of the varsity, subvarsity or freshman team of the institution in that sport, unless a specific exemption for a particular contest is set forth in this bylaw.

17.02.5 Date of Competition. A date of competition is a single date on which any game(s), match(es), meet(s), exhibition(s), scrimmage(s) or joint practice session(s) with another institution's team takes place, regard-

less of its formality, between an intercollegiate athletics team or individual representing a member institution and any other team or individual not representing the intercollegiate athletics program of the same member institution. *(Revised: 1/10/91)*

17.02.6 Date of Competition, Countable, Institutional. A countable date of competition for a member institution, in those sports for which the limitations are based on the number of dates of competition, is a single date on which the institution's team in a sport engages in competition in that sport against an outside team, unless a specific exemption for a particular date of competition is set forth in this bylaw.

17.02.6.1 Required Minimum Number of Student-Athletes. For individual sports, a member institution shall be considered to have participated in competition that constitutes a date of competition if the minimum number of student-athletes participating on one or more teams, at one or more sites, on behalf of the institution on that date equals or exceeds the minimum number established for that sport, unless otherwise restricted in this bylaw for a particular sport (e.g., golf, tennis). (See Bylaw 20.9.4.3 for listings of minimum numbers of student-athletes per sport.)

17.02.7 Date of Competition, Countable, Individual Student-Athlete. A countable date of competition for an individual student-athlete is any date on which a student-athlete competes while representing the institution (see Bylaw 17.02.8) individually or as a member of the varsity, subvarsity or freshman team, unless a specific exemption for a particular date of competition is set forth in this bylaw.

17.02.8 Intercollegiate Competition. Intercollegiate competition is considered to have occurred when a student-athlete in either a two-year or a four-year collegiate institution does any of the following: *(Revised: 1/10/95)*

(a) Represents the institution in any contest against outside competition, regardless of how the competition is classified (e.g., scrimmage, exhibition or joint practice session with another institution's team) or whether the student is enrolled in a minimum full-time program of studies; *(Revised: 1/10/91)*

(b) Competes in the uniform of the institution, or, during the academic year, uses any apparel (excluding apparel no longer used by the institution) received from the institution that includes institutional identification; or *(Revised: 1/16/93, 1/11/94, 1/9/06)*

(c) Competes and receives expenses (e.g., transportation, meals, room or entry fees) from the institution for the competition.

17.02.8.1 Exempted Events. Participation in events listed in Bylaw 16.8.1.3-(a) and (b) is exempted from the application of this legislation. *(Revised: 1/10/92)*

17.02.9 Outside Competition. Outside competition is athletics competition against any other athletics team (including an alumni team) that does not represent the intercollegiate athletics program of the same institution.

17.02.10 Outside Team. An outside team is any team that does not represent the intercollegiate athletics program of the member institution or a team that includes individuals other than eligible student-athletes of the member institution (e.g., members of the coaching staff, ineligible student-athletes, members of the faculty).

17.02.11 Practice Units. In determining the first permissible preseason practice date, an institution shall count back from its first scheduled contest, one unit for each day beginning with the opening of classes, one unit for each day classes are not in session in the week of the first scheduled intercollegiate contest and two units for each other day in the preseason practice period, except that the institution shall not count any units during the preseason when all institutional dormitories are closed, the institution's team must leave campus, and practice is not conducted. *(Adopted: 1/10/91 effective 8/1/91, Revised: 1/10/92, 4/14/03)*

17.02.11.1 Sunday. Sundays are excluded from the counting. *(Adopted: 1/10/91 effective 8/1/91)*

17.02.11.2 Week. The "week" of the first scheduled intercollegiate contest is defined as the six days, excluding Sunday, preceding the date of competition (even if one or more of the days fall into different traditional calendar weeks). *(Adopted: 1/10/91 effective 8/1/91)*

17.02.11.3 Opening Day of Classes. The "opening day of classes" is defined as the first day of classes as listed in the member institution's official catalog. Required freshman orientation is not considered to be the opening day of classes for the academic year. *(Adopted: 1/10/91 effective 8/1/91)*

17.02.11.4 First Day of Practice. The first day of practice may be conducted on the day when the last practice unit occurs, which is determined by counting backward from the day of the first permissible regularly scheduled contest. For example, in women's volleyball, practice may be held on the day that the 29th practice unit actually occurs, counting backward from the day of the first permissible regularly scheduled contest. *(Adopted: 12/10/97, Revised: 4/14/03)*

17.02.12 Varsity Intercollegiate Sport. A varsity intercollegiate sport is a sport that has been accorded that status by the institution's president or chancellor or committee responsible for intercollegiate athletics policy and that satisfies the following conditions: *(Revised: 3/8/06)*

(a) It is a sport that is administered by the department of intercollegiate athletics;

(b) It is a sport for which the eligibility of the student-athletes is reviewed and certified by a staff member designated by the institution's president or chancellor or committee responsible for intercollegiate athletics policy; and *(Revised: 3/8/06)*

(c) It is a sport in which qualified participants receive the institution's official varsity awards.

17.02.12.1 Team Sports. [#] The following are classified as team sports for purposes of this bylaw: *(Revised: 4/24/03, 1/17/09 effective 8/1/09)*

Baseball	Rowing, Women's
Basketball	Rugby, Women's
Field Hockey	Soccer
Football	Softball
Ice Hockey	Volleyball
Lacrosse	Water Polo

The following Bylaw was revised April 30, 2009, and is effective August 1, 2010.

17.02.12.1 Team Sports. [#] The following are classified as team sports for purposes of this bylaw: *(Revised: 4/24/03, 1/17/09 effective 8/1/09, 4/30/09 effective 8/1/10)*

Baseball	Rugby, Women's
Basketball	Sand Volleyball, Women's
Field Hockey	Soccer
Football	Softball
Ice Hockey	Volleyball
Lacrosse	Water Polo
Rowing, Women's	

17.02.12.2 Individual Sports. [#] The following are classified as individual sports for purposes of this bylaw: *(Revised: 1/17/09 effective 8/1/09)*

Bowling, Women's	Skiing
Cross Country	Squash, Women's
Equestrian, Women's	Swimming and Diving
Fencing	Tennis
Golf	Track and Field, Indoor and Outdoor
Gymnastics	Wrestling
Rifle	

17.02.13 Voluntary Athletically Related Activities. In order for any athletically related activity to be considered "voluntary," all of the following conditions must be met: *(Adopted: 4/18/01)*

(a) The student-athlete must not be required to report back to a coach or other athletics department staff member (e.g., strength coach, trainer, manager) any information related to the activity. In addition, no athletics department staff member who observes the activity (e.g., strength coach, trainer, manager) may report back to the student-athlete's coach any information related to the activity;

(b) The activity must be initiated and requested solely by the student-athlete. Neither the institution nor any athletics department staff member may require the student-athlete to participate in the activity at any time. However, it is permissible for an athletics department staff member to provide information to student-athletes related to available opportunities for participating in voluntary activities (e.g., times when the strength and conditioning coach will be on duty in the weight room or on the track). In addition, for students who have initiated a request to engage in voluntary activities, the institution or an athletics department staff member may assign specific times for student-athletes to use institutional facilities for such purposes and inform the student-athletes of the time in advance;

(c) The student-athlete's attendance and participation in the activity (or lack thereof) may not be recorded for the purposes of reporting such information to coaching staff members or other student-athletes; and

(d) The student-athlete may not be subjected to penalty if he or she elects not to participate in the activity. In addition, neither the institution nor any athletics department staff member may provide recognition or incentives (e.g., awards) to a student-athlete based on his or her attendance or performance in the activity. [Note: Coaching staff members may be present during permissible skill-related instruction pursuant to Bylaws 17.1.6.2.2 and 17.1.6.2.3]. *(Revised: 4/29/04 effective 8/1/04)*

17.02.14 Student-Athlete Discretionary Time. [FBS/FCS] Student-athlete discretionary time is time that a student-athlete may only participate in athletics activities at his or her discretion. There shall be no required workouts and institutions are not permitted to recommend that student-athletes engage in weight-training or conditioning activities; however, if the student-athlete opts to workout, the strength and conditioning coach may monitor the facility in use for health and safety purposes. *(Adopted: 4/24/03 effective 5/1/03)*

17.02.15 Tournament—Sports other than Basketball. In sports other than basketball, for purposes of maximum contest or date of competition limitations, a tournament is an event that culminates in the determination of a winner. A tournament may be conducted in round-robin, pool play or bracket formats. *(Adopted: 9/18/07)*

17.1 GENERAL PLAYING-SEASON REGULATIONS

17.1.1 Playing Season. The playing (practice and competition) season for a particular sport is the period of time between the date of an institution's first officially recognized practice session and the date of the institution's last practice session or date of competition, whichever occurs later. An institution is permitted to conduct officially recognized practice and competition each academic year only during the playing season as regulated for each sport in accordance with the provisions of this bylaw. The institution must conduct the same playing season for varsity and subvarsity teams in the same sport. *(Revised: 1/10/92)*

17.1.1.1 Playing Season—Athletically Related Activities. The playing (practice and competition) season for a particular sport is the only time within which a member institution is permitted to conduct countable athletically related activities (see Bylaw 17.02.1) except as set forth in Bylaws 17.1.6.2 and 17.9.6. However, a coaching staff member may engage in coaching activities with a student-athlete during the student-athlete's participation in events listed in Bylaws 16.8.1.3-(a) and 16.8.1.3-(b) (for sports that allow individual skill workout sessions in the summer) or Bylaw 16.8.1.3-(b) (for all other sports). *(Revised: 4/28/05 effective 8/1/05)*

17.1.2 Segments of Playing Season. For all sports other than football and basketball, each member institution may divide the playing season into not more than two distinct segments. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.1.2.1 Exception—Severe Inclement Weather. An institution may temporarily discontinue a segment due to severe inclement weather (e.g., hurricane, snowstorm), and restart the discontinued segment provided the permissible overall length of that segment is not exceeded. An institution that uses this exception is required to annually submit a detailed summary to the NCAA national office by July 31. *(Adopted: 4/28/05)*

17.1.3 Declaration of Playing Season. Each member institution shall determine the playing season for each of the sports referenced under Bylaw 17.02.12. Declaration of the institution's playing season in each such sport shall be on file in writing in the department of athletics prior to the beginning of the institution's playing season for that sport. Changes in the declaration for a particular sport are permissible and also shall be filed in writing in the office of the institution's athletics director. *(Revised: 1/11/89)*

17.1.4 Sports Subject to Segment Limitations. Playing-season-segment limitations are applicable to all team sports that are listed in Bylaw 17.02.12.1 and all individual sports listed under Bylaw 17.02.12.2. *(Revised: 1/10/91 effective 8/1/91, 1/16/93 effective 8/1/93)*

17.1.5 Mandatory Medical Examination. [#] Prior to participation in any practice, competition or out-of-season conditioning activities (or in Division I, permissible voluntary summer conditioning in basketball and football or voluntary individual workouts pursuant to the safety exception), student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall be required to undergo a medical examination or evaluation administered or supervised by a physician (e.g., family physician, team physician). The examination or evaluation must be administered within six months prior to participation in any practice, competition or out-of-season conditioning activities. In following years, an updated history of the student-athlete's medical condition shall be administered by an institutional medical staff member (e.g., sports medicine staff, team physician) to determine if additional examinations (e.g., physical, cardiovascular, neurological) are required. The updated history must be administered within six months prior to the student-athlete's participation in any practice, competition or out-of-season conditioning activities for the applicable academic year. *(Adopted: 1/8/07 effective 5/1/07, Revised: 8/5/08)*

17.1.6 Time Limits for Athletically Related Activities. In all sports, the following time limitations shall apply: *(Adopted: 1/10/91 effective 8/1/91)*

17.1.6.1 Daily and Weekly Hour Limitations—Playing Season. A student-athlete's participation in countable athletically related activities (see Bylaw 17.02.1) shall be limited to a maximum of four hours per day and 20 hours per week. *(Adopted: 1/10/91 effective 8/1/91)*

17.1.6.1.1 Exception—Golf Practice Round. A practice round of golf may exceed the four-hours-per-day limitation, but the weekly limit of 20 hours shall remain in effect. A practice round played on the day prior to the start of a intercollegiate golf tournament at the tournament site shall count as three hours, regardless of the actual duration of the round. *(Adopted: 1/10/91 effective 8/1/91, Revised: 1/16/93)*

17.1.6.2 Weekly Hour Limitations—Outside the Playing Season. *(Adopted: 1/10/91 effective 8/1/91, Revised: 1/10/95 effective 8/1/95, 1/14/97, 11/1/00, 10/31/02 effective 8/1/03, 3/10/04)*

(a) **Sports other than Football.** Outside of the playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year, only a student-athlete's participation in required weight-training, conditioning and skill-related instruction shall be permitted. A student-athlete's participation in such activities per Bylaw 17.02.1 shall be limited to a maximum of eight

hours per week with not more than two hours per week spent on skill-related workouts. All athletically related activities outside the playing season are prohibited one week prior to the beginning of the final examination period for the applicable academic term through the conclusion of each student-athlete's final exams. *(Revised: 4/27/06 effective 8/1/06, 9/22/06)*

(b) **Bowl Subdivision Football. [FBS]** Activities between the institution's last contest and January 1 are limited to required weight-training, conditioning and the review of game film. A student-athlete's participation in such activities shall be limited to a maximum of eight hours per week, of which no more than two hours per week may be spent on the viewing of film. All activities beginning January 1 and outside the playing season shall be conducted pursuant to Bylaw 17.11.6. *(Revised: 12/15/06)*

(c) **Championship Subdivision Football. [FCS]** Activities between the institution's last contest and the start of summer conditioning are limited to required weight-training, conditioning and the review of game film. A student-athlete's participation in such activities shall be limited to a maximum of eight hours per week, of which no more than two hours per week may be spent on the viewing of film. All activities beginning with the start of summer conditioning and outside the playing season shall be conducted pursuant to Bylaw 17.9.6-(a)-(2) and 17.9.6-(b). *(Revised: 12/15/06)*

17.1.6.2.1 Institutional Vacation Period and Summer.

17.1.6.2.1.1 Sports Other than Championship Subdivision Football. In sports other than championship subdivision football, a student-athlete may not participate in any countable athletically related activities outside the playing season during any institutional vacation period and/or summer. Strength and conditioning coaches who are not countable coaches and who perform such duties on a department-wide basis may design and conduct specific workout programs for student-athletes, provided such workouts are voluntary and conducted at the request of the student-athlete. *(Adopted: 10/31/02 effective 8/1/03, Revised: 4/28/05, 12/15/06)*

17.1.6.2.1.1.1 Exception—September 15 to First Day of Classes—Sports other than Football. In sports other than football, required weight-training, conditioning and skill-related instruction is permitted, pursuant to Bylaws 17.1.6.2, 17.1.6.2.2 and 17.1.6.2.3, during an institution's summer vacation period from September 15 to the first day of classes of the academic year. *(Adopted: 4/27/06 effective 8/1/06)*

17.1.6.2.1.1.2 Exception—January 15 to First Day of Classes of Second Term—Baseball. In baseball, required weight training, conditioning and skill-related instruction are permitted, pursuant to Bylaws 17.1.6.2 and 17.1.6.2.3, during an institution's vacation period from January 15 to the first day of classes of the institution's second academic term. *(Adopted: 4/26/07 effective 8/1/07)*

17.1.6.2.1.2 Championship Subdivision Football. [FCS] In championship subdivision football, a student-athlete may not participate in any countable athletically related activities outside the playing season during any institutional vacation period and/or summer. Strength and conditioning coaches with department-wide duties or countable coaches who are certified strength and conditioning coaches may design and conduct specific workout programs for student-athletes, provided such workouts are voluntary and conducted at the request of the student-athlete. *(Adopted: 4/29/04, Revised: 12/15/06, 5/4/09)*

17.1.6.2.2 Skill Instruction—Sports other than Baseball and Football. Participation by student-athletes in individual skill-related instruction in sports other than baseball and football is permitted outside the institution's declared playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year [see Bylaw 17.1.6.2-(a)]. More than four student-athletes from the team may be involved in skill-related instruction with their coaches from September 15 through April 15. Prior to September 15 and after April 15, no more than four student-athletes from the same team may be involved in skill-related instruction with their coaches at any one time in any facility. Skill-related instruction shall not be publicized and shall not be conducted in view of a general public audience. *(Adopted: 1/10/95 effective 8/1/95, Revised: 1/9/96, 1/14/97 effective 8/1/97, 10/27/98, 10/31/02 effective 8/1/03, 4/29/04 effective 8/1/04, 4/28/05, 4/27/06 effective 8/1/06, 4/26/07 effective 8/1/07, 10/30/08)*

17.1.6.2.3 Skill Instruction—Baseball. In baseball, participation by student-athletes in skill-related instruction is permitted outside the institution's declared playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the final examination period at the conclusion of the academic year [see Bylaw 17.1.6.2-(a)]. More than four student-athletes may be involved in skill-related instruction with their coaches from September 15 to one week prior to the final examination period for the fall term and from January 15 through April 15. No more than four student-athletes may be involved in skill-related instruction with their coaches at any one time in any facility prior to September 15, from the opening day of classes of the institution's second academic term to January 15 (for those institutions that begin classes prior to January 15) and after April 15. Skill-related instruction shall not be publicized and shall not be conducted in view of a general public audience. *(Adopted: 4/26/07 effective 8/1/07, Revised: 10/30/08)*

FIGURE 17-1

Maximum Number of Contests and Dates of Competition for Each Sport

Sport	Contests	Dates of Competition
Baseball	56	
Basketball	27 or 29 [1]	
Bowling, Women's		26
Cross Country		7 [2]
Equestrian, Women's		15
Fencing		11
Field Hockey Championship Segment Other Segment	20	 5
Football FBS FCS	 12 11 [3]	
Golf		24
Gymnastics		13
Ice Hockey, Men's and Women's	34	
Lacrosse, Men's		17
Lacrosse, Women's Championship Segment Other Segment		 17 5
Rifle		13
Rowing, Women's		20
Rugby, Women's	11	
Skiing		16 (Alpine) 16 (Nordic)
Soccer Championship Segment Other Segment	 20	 5
Softball Championship Segment Other Segment	 56 8	
Squash, Women's		15
Swimming and Diving		20
Tennis Overall Individual Singles and/or Doubles Tournaments		 25 7
Track and Field (Indoor and Outdoor)		18 [4]
Volleyball, Men's Championship Segment Other Segment		 28 4
Volleyball, Women's Championship Segment Other Segment		 28 4
Water Polo, Men's		21
Water Polo, Women's		21
Wrestling		16

[1] See Bylaw 17.3.5.1.1. Twenty-seven contests and one qualifying regular-season multiple-team event or 29 contests and no qualifying regular-season multiple-team event.

[2] See Bylaw 17.5.5.1.1 for institutions that sponsor men's or women's cross country but do not sponsor indoor or outdoor track and field.

[3] Twelve football contests shall be permitted during those years in which there are 14 Saturdays from the first permissible playing date through the last playing date in November (see Bylaw 17.9.5.1).

[4] See Bylaw 17.24.5.1 for institutions that sponsor indoor and outdoor track and field and participate in at least the minimum number of contests with at least the minimum number of participants.

FIGURE 17-2

First Practice, Contest or Date of Competition, and End-of-Season Dates

Sport	First Practice Date	First Contest Date or Date of Competition	End of Regular Playing Season
Baseball (Championship Segment)	January 29, 2010; January 28, 2011; January 27, 2012	February 19, 2010; February 18, 2011; February 17, 2012	Conclusion of the NCAA Division I Baseball Championship
(Other Segment)	September 1 of each year	September 1 of each year	November 30 of each year
Basketball	October 16, 2009, 5 p.m.; October 15, 2010, 5 p.m; October 14, 2011, 5 p.m.	November 13, 2009; November 12, 2010; November 11, 2011 (Exceptions: See Bylaw 17.3.3.1)	NCAA Division I Men's or Women's Basketball Championship game
Bowling, Women's	September 7 or the first day of classes, whichever occurs first	September 7 or the first day of classes, whichever occurs first	Last day of final exams for the regular academic year.
Cross Country	Date that permits 21 "practice units" before first scheduled date of competition	September 1, 2009; September 1, 2010; September 1, 2011	Last day of final exams for academic year
Field Hockey	Date that permits 21 "practice units" before first scheduled contest	August 28, 2009; August 27, 2010; August 26, 2011	Last day of final exams for academic year
Football	Date that permits 40 "practice units" before first scheduled contest	September 3, 2009; September 2, 2010; September 1, 2011	Second Saturday or Sunday in December (Exception: See Bylaw 17.9.4)
Golf	September 7 or the first day of classes, whichever occurs first (Exception: See Bylaw 17.10.2.1)	September 7 or the first day of classes, whichever occurs first (Exception: See Bylaw 17.10.3.1)	Conclusion of the NCAA Division I Golf Championships
Ice Hockey, Men's	October 3, 2009; October 2, 2010; October 1, 2011	October 3, 2009; October 2, 2010; October 1, 2011	Last day of final exams for academic year
Ice Hockey, Women's	September 19, 2009; September 18, 2010; September 17, 2011	September 19, 2009; September 18, 2010; September 17, 2011	Last day of final exams for academic year
Rugby, Women's	Date that permits 21 "practice units" before first scheduled date of competition	September 1, 2009; September 1, 2010; September 1, 2011	Last day of final exams for academic year
Soccer, Men's	Date that permits 21 "practice units" before first scheduled contest	September 1, 2009; September 1, 2010; September 1, 2011	Last day of final exams for academic year
Soccer, Women's	Date that permits 21 "practice units" before first scheduled- contest	August 21, 2009; August 20, 2010; August 19, 2011	Last day of final exams for academic year
Softball (Championship Segment)	September 1 or the first day of classes, whichever is later	February 11, 2010; February 10, 2011; February 9, 2012	Conclusion of the NCAA Division I Softball Championship
(Other Segment)		September 1 or the first day of classes, whichever is later	
Squash, Women's	September 7 or the first day of classes, whichever occurs first	September 7 or the first day of classes, whichever occurs first	Last day of final exams for academic year
Volleyball, Women's (Championship Segment)	Date that permits 29 "practice units" before the first intercollegiate contest (excluding an alumni match) or September 1, whichever is later.	August 28, 2009; August 27, 2010; August 26, 2011	NCAA Division I Women's Volleyball Championship game [See Bylaw 17.1.7-(b)]
(Other Segment)	January 1 of each year	January 1 of each year	Last day of final exams for academic year
Water Polo, Men's	Date that permits 21 "practice units" before first scheduled date of competition	September 5, 2009; September 4, 2010; September 3, 2011	Last day of final exams for academic year
Water Polo, Women's	September 7 or the institution's first day of classes for the fall term, whichever occurs first	September 7 or the institution's first day of classes for the fall term, whichever occurs first	Conclusion of the National Collegiate Women's Water Polo Championship
Other Team Sports Lacrosse Rowing, Volleyball, Men's	September 7 or the first day of classes, whichever occurs first	September 7 or the first day of classes, whichever occurs first	Conclusion of the NCAA Division I or national collegiate championship game in sport, whichever is applicable
Other Individual Sports Equestrian, Women's Fencing Gymnastics Rifle Skiing Swimming and Diving Tennis Track and Field (Indoor and Outdoor) Wrestling	September 7 or the first day of classes, whichever occurs first	September 7 or the first day of classes, whichever occurs first	Conclusion of the NCAA Division I or national collegiate championship game, whichever is applicable in gymnastics, tennis and track and field Last day of final exams for academic year in equestrian, fencing, rifle, skiing, swimming and diving and wrestling

17.1.6.2.4 Conditioning Activities. Conditioning drills per Bylaw 17.1.6.2 that may simulate game activities are permissible, provided no offensive or defensive alignments are set up and no equipment related to the sport is used. In ice hockey, a student-athlete may be involved in on-ice conditioning activities, provided no equipment other than skates is used. In swimming and diving, a student-athlete may be involved in in-pool conditioning activities and swim-specific equipment (e.g., starting blocks, kickboards, pull buoys) may be used. *(Revised: 4/28/05 effective 8/1/05)*

17.1.6.3 Computation and Recording of Hour Limitations.

17.1.6.3.1 Definition of Day. A "day" shall be defined as a calendar day (12 a.m. through 11:59 p.m.). *(Adopted: 1/10/91 effective 8/1/91)*

17.1.6.3.2 Competition Day. All competition and any associated athletically related activities on the day of competition shall count as three hours regardless of the actual duration of these activities.

17.1.6.3.2.1 Countable Athletically Related Activities Prohibited after Competition. Countable athletically related activities may not be conducted at any time (including vacation periods) following competition, except between contests, rounds or events during a multiday or multievent competition (e.g., double-headers in softball or baseball, rounds of golf in a multiday tournament). *(Adopted: 1/10/91 effective 8/1/91, Revised: 1/10/92, 4/13/09)*

17.1.6.3.3 Definition of Week. A "week" shall be defined as any seven consecutive days to be determined at the institution's discretion. Once the institution determines the seven-day period that shall constitute its week, it shall not change that designation for the remainder of the segment. *(Adopted: 1/11/94)*

17.1.6.3.4 Hour-Limitation Record. Countable hours must be recorded on a daily basis for each student-athlete regardless of whether the student-athlete is participating in an individual or team sport. Any countable individual or group athletically related activity must count against the time limitation for each student-athlete who participates in the activity but does not count against time limitations for other team members who do not participate in the activity. *(Adopted: 1/10/91 effective 8/1/91)*

17.1.6.3.5 Preseason Practice. Daily and weekly hour limitations do not apply to countable athletically related activities occurring during preseason practice prior to the first day of classes or the first scheduled contest, whichever is earlier. *(Adopted: 1/10/91 effective 8/1/91)*

17.1.6.3.6 Vacation Periods and Between Terms. Daily and weekly hour limitations do not apply to countable athletically related activities occurring during an institution's term-time official vacation period, as listed in the institution's official calendar, and during the academic year between terms when classes are not in session. If such vacation periods occur during any part of a week in which classes are in session, the institution is subject to the daily and weekly hour limitations during the portion of the week when classes are in session and must provide the student-athletes with a day off (see Bylaw 17.1.6.4), which may be a vacation day. *(Adopted: 1/10/91 effective 8/1/91, Revised: 1/10/92)*

17.1.6.3.7 Final-Examination Periods. Daily and weekly hour limitations apply to countable athletically related activities during final-examination periods and to all official preparatory periods leading to final-examination periods. *(Adopted: 1/10/91 effective 8/1/91)*

17.1.6.3.8 Multisport Participant. A multisport student-athlete's participation in countable athletically related activities is limited to a maximum of four hours per day and a total of 20 hours per week. *(Adopted: 4/29/04 effective 8/1/04)*

17.1.6.4 Required Day Off—Playing Season. During the playing season, all countable athletically related activities (per Bylaw 17.02.1) shall be prohibited during one calendar day per week, except during participation in one conference and postseason championship and any postseason licensed bowl games or National Invitation Tournaments, and during participation in NCAA championships. *(Adopted: 1/10/91 effective 8/1/91, Revised: 1/11/94, 1/10/95, 1/9/96, 2/1/05)*

17.1.6.4.1 Travel Day. A travel day related to athletics participation may be considered as a day off, provided no countable athletically related activities (see Bylaw 17.02.1) occur during that day. *(Adopted: 1/10/91 effective 8/1/91)*

17.1.6.4.2 Canceled Competition. When an institution's competition is canceled prior to the start of competition or canceled prior to the competition being considered a completed event in accordance with the playing rules of that sport, an institution may use that day as its required day off, provided the institution does not engage in any further countable athletically related activities during that day. *(Adopted: 1/16/93)*

17.1.6.4.3 Preseason Practice. An institution is not required to provide student-athletes with one day off per week during preseason practice that occurs prior to the first day of classes, or the first scheduled contest, whichever is earlier. *(Adopted: 1/10/92)*

17.1.6.4.4 Vacation Period. It is permissible to use a vacation day to satisfy the day-off-per-week requirement. *(Adopted: 1/10/92)*

17.1.6.4.5 Non-NCAA Postseason Championship. The one-day-off-per-week requirement is applicable to a non-NCAA postseason championship (e.g., national governing body championship) unless the event is open only to intercollegiate teams or intercollegiate competitors. *(Adopted: 1/9/96)*

17.1.6.4.6 Multiple Conference Championships. An institution that participates in multiple conference championships is not subject to the one-day-off-per-week requirement in the one conference championship that it exempts from its maximum contest limitations. *(Adopted: 1/9/96)*

17.1.6.4.7 Exception—Basketball. If an institution's team participates in three contests in a week, an institution is not subject to the one-day-off-per-week requirement, provided the student-athletes do not engage in any countable athletically related activities for two days during either the preceding or the following week. *(Adopted: 4/27/06 effective 8/1/06)*

17.1.6.5 Required Days Off—Outside of the Playing Season. Outside the playing season during the academic year, all countable athletically related activities (per Bylaw 17.02.1) are prohibited during two calendar days per week. *(Adopted: 4/29/04 effective 8/1/04)*

17.1.6.6 Additional Restrictions.

17.1.6.6.1 No Class Time Missed for Practice Activities. No class time shall be missed for practice activities except when a team is traveling to an away-from-home contest and the practice is in conjunction with the contest. *(Adopted: 1/10/91 effective 8/1/91)*

17.1.6.6.1.1 Exception—Championship Practice. At any conference or NCAA championship, student-athletes from the team representing the host institution shall be permitted to miss class time to attend practice activities conducted the day before the competition. *(Adopted: 4/27/00, Revised: 4/26/01)*

17.1.6.6.2 Preseason Off-Campus Intrasquad Games and Practice Activities Prohibition. Preseason off-campus intrasquad games and preseason publicized off-campus practice activities conducted at a site not normally used by the institution for practice shall be prohibited in all sports. *(Adopted: 1/10/91 effective 8/1/91, Revised: 10/27/98 effective 8/1/99)*

17.1.6.7 Exception—Eligibility Exhausted. A student-athlete who has exhausted his or her eligibility in a sport, but is eligible for practice under the five-year rule, is not subject to the time limits of Bylaw 17.1.6. *(Adopted: 4/24/08 effective 8/1/08)*

17.1.7 General Regulations for Computing Playing Seasons Applicable to All Sports. *(Revised: 1/10/91 effective 8/1/91)*

(a) **Makeup Contests.** An institution is not permitted to extend the playing season to make up suspended or canceled games (including games that determine a conference champion or the automatic qualifier to the NCAA championship); *(Adopted: 1/10/92)*

(b) **NCAA or NAIA Championships Participation in Team Sports.** Neither practice for nor participation in any NCAA or NAIA championship event (including play-in contests conducted pursuant to NCAA championships) is considered part of the institution's declared playing season. A member institution that has reason to believe it is under consideration for selection to participate in an NCAA championship event may continue to practice (but may not compete against outside competition) beyond its last regular-season contest, including the conference championship (if any), without counting such practice against the institution's declared playing-season limitation until it is determined by the appropriate committee whether the institution will be selected to participate in the NCAA championship competition. An institution that is not selected to participate in the NCAA championship may continue to practice or compete until the end of that championship only if it has time remaining in its declared playing season;

(c) **NCAA Championships Participation in Individual Sports.** Only appropriate squad members considered necessary for effective practice by the individual(s) preparing for the NCAA championships may continue to practice without counting such practice against the institution's declared playing-season limitation;

(d) **Post-NCAA Championships Participation.** Following the conclusion of an NCAA (or NAIA) championship in a sport, an institution may resume practice and/or competition in the sport, provided it is continuing its permissible playing season in the sport and provided the activity occurs during the academic year;

(e) **Conference Championships.** Conference championships must be included within the institution's playing season;

(f) **Non-NCAA Postseason Championships Participation.** Practice and/or competition in non-NCAA (or non-NAIA) postseason championships (e.g., an invitational tournament scheduled after a conference championship) must be counted against the institution's declared playing-season limitation; except that practice and competition for one postseason championship in each non-NCAA championship sport used for sports sponsorship purposes pursuant to Bylaw 20.9.4.1.1, and practice and competition for the National Invitational Softball Championship, for the Intercollegiate Rowing Association (IRA) Women's Lightweight Rowing Championship, the National Invitational Volleyball Championship and the USA Gymnastics Collegiate National Championship are exempt from the institution's declared playing-season limitations in those sports; *(Revised: 1/16/93, 1/11/94, 8/11/98, 4/26/01, 4/29/04 effective 8/1/04)*

(g) **Foreign Tours.** Participation by a member institution on a certified foreign tour (see Bylaw 17.29) need not be included within the institution's declared playing-season limitation in the sport.

17.1.7.1 Combining Segments. In those sports that have different contest limitations in the segment concluding with the NCAA championship and the other segment, a member institution that conducts a single continuous segment in a sport (rather than dividing its playing season for that sport into two distinct segments as permitted in Bylaw 17.1.2) shall be limited to the number of contests or dates of competition permitted only for the segment that concludes with the NCAA championship. *(Adopted: 1/14/97 effective 8/1/97)*

17.1.8 Use of Tobacco Products. The use of tobacco products by a student-athlete is prohibited during practice and competition. A student-athlete who uses tobacco products during a practice or competition shall be disqualified for the remainder of that practice or competition. *(Adopted: 1/11/94 effective 8/1/94)*

17.2 BASEBALL

Regulations for computing the baseball playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.2.1 Length of Playing Season. The length of an institution's playing season in baseball shall be limited to a 132-day season, which may consist of two segments. (*Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97, 1/9/06 effective 8/1/07)*

17.2.1.1 Championship Segment. An institution's championship segment must consist of consecutive days and may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/9/06 effective 8/1/07)*

17.2.1.2 Nonchampionship Segment. An institution's nonchampionship segment shall be conducted within a period of 45 consecutive calendar days during the months of September, October and November under the following conditions: *(Revised: 1/9/06 effective 8/1/07)*

(a) Days used for practice or competition must be counted toward the 132-day season, but are not required to be consecutive;

(b) Days during which countable athletically related activities are limited solely to required conditioning activities and/or in skill-related instruction are not required to count toward the 132-day season;

(c) During any week in which practice or competition occurs, a student-athlete's involvement in countable athletically related activities shall be limited to a maximum of four hours per day and 20 hours per week and all countable athletically related activities are prohibited during one calendar day per week; and

(d) Any week in which practice or competition does not occur shall be considered outside the playing season (see Bylaw 17.1.6.2).

17.2.2 Preseason Practice. A member institution shall not commence practice sessions in baseball prior to the following dates: *(Adopted: 1/14/97 effective 8/1/97, Revised: 1/9/06 effective 8/1/07)*

(a) **Nonchampionship Segment.** September 1. *(Adopted: 1/14/97 effective 8/1/97, Revised: 1/9/06 effective 8/1/07)*

(b) **Championship Segment.** The Friday that is three weeks prior to the first permissible contest date for the championship segment. *(Adopted: 1/9/06 effective 8/1/07, Revised: 4/30/09)*

17.2.3 First Contest. A member institution shall not play its first contest (game or scrimmage) with outside competition in baseball prior to the following dates: *(Adopted: 1/14/97 effective 8/1/97, Revised: 1/9/06 effective 8/1/07)*

(a) **Nonchampionship Segment.** September 1. *(Adopted: 1/14/97 effective 8/1/97, Revised: 1/9/06 effective 8/1/07)*

(b) **Championship Segment.** The Friday in February that is 14 weeks before the Friday immediately preceding Memorial Day (see Figure 17-2), except that a single alumni contest may be played anytime after the first permissible practice date of the championship segment. *(Adopted 1/9/06 effective 8/1/07, Revised: 1/15/09, 4/30/09)*

17.2.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in baseball by the conclusion of the NCAA Division I Baseball Championship. *(Revised: 1/14/97 effective 8/1/97)*

17.2.5 Number of Contests.

17.2.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in baseball during the institution's baseball playing season to 56 contests (games and scrimmages), except for those contests excluded under Bylaws 17.2.5.3 and 17.2.5.4. *(Revised: 1/10/91 effective 8/1/91)*

17.2.5.1.1 In-Season Foreign Competition. A member institution may play one or more of its countable contests in baseball in one or more foreign countries on one trip during the prescribed playing season.

However, except for contests played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.2.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 56 baseball contests (this limitation includes those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution). *(Revised: 1/10/91 effective 8/1/91)*

17.2.5.3 Annual Exemptions. The maximum number of baseball contests shall exclude the following: *(Revised: 2/24/03)*

(a) **Conference Championship.** Competition in one conference championship tournament in baseball (or the tournament used to determine the conference's automatic entry in an NCAA baseball championship);

(b) **Conference Playoff.** Competition involving member institutions that tie for a conference baseball championship. Such teams may participate in a single-elimination playoff to determine the conference's automatic entry in an NCAA baseball championship without the game(s) being counted as a postseason tournament;

(c) **Season-Ending Tournaments**

(1) **NCAA Championship.** Competition in the NCAA Division I Baseball Championship; *(Revised: 1/9/96 effective 8/1/96)*

(2) **NAIA Championship.** Competition in the National Association of Intercollegiate Athletics (NAIA) baseball championship; *(Revised: 1/9/96 effective 8/1/96)*

(d) **NCAA Championship Play-In Competition.** Competition in play-in contests conducted before NCAA championships;

(e) **Alumni Game.** One baseball contest each year against an alumni team of the institution;

(f) **Foreign Team in the United States.** One baseball contest each year with a foreign opponent in the United States;

(g) **Hawaii or Alaska.** Any games played in Hawaii or Alaska, respectively, against an active Division I institution located in Hawaii or Alaska, by a member located outside the area in question; *(Adopted: 1/9/96 effective 8/1/96)*

(h) **Fundraising Activity.** Any baseball activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athlete's do not miss classes as a result of their participation (see Bylaw 12.5.1.1.1);

(i) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's baseball team who participate in local celebrity baseball activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss class time as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

(j) **U.S. National Team.** One game played against any team selected and designated by the appropriate national governing body in baseball as a U.S. national team (e.g., "Under-21 U.S. national team). *(Adopted: 1/9/96 effective 8/1/96; Revised: 9/6/00)*

17.2.5.4 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.2.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.2.1, except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.2.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 1/10/91 effective 8/1/91, 4/28/05, 11/1/07 effective 8/1/08)*

17.2.7 Camps and Clinics. There are no limits on the number of student-athletes in baseball who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.2.8 Other Restrictions.

17.2.8.1 Noncollegiate, Amateur Competition.

17.2.8.1.1 During Academic Year. A student-athlete in baseball who participates during the academic year as a member of any outside baseball team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate baseball competition shall be ineligible for intercollegiate baseball competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.2.8.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed four. *(Adopted: 1/11/94 effective 8/1/94)*

17.2.8.1.2 Out of Season. A member institution may permit not more than four student-athletes with eligibility remaining in intercollegiate baseball to practice or compete out of season on an outside, amateur baseball team (competition on an outside team permitted only during the summer except as provided in Bylaw 17.2.8.1.1.1). *(Revised: 1/10/91 effective 8/1/91)*

17.2.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with remaining eligibility from that institution's baseball team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.2.8.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.2.8.2 Equipment Issue, Squad Pictures. No limitations. *(Revised: 1/11/89, 1/10/05)*

17.2.8.3 Varsity Squad Size Limitation—Championship Segment. An institution shall declare a varsity squad of a maximum of 35 student-athletes by the day prior to its first scheduled contest in the championship segment of the playing and practice season. Only those student-athletes who are declared as varsity squad members at that time shall be eligible to participate in countable athletically related activities with the varsity squad during the remainder of the championship segment. Declared varsity squad members shall not participate in countable athletically related activities with an institution's subvarsity team (e.g., freshman, junior varsity). A student-athlete who is a counter (per Bylaw 15.5.1) must be included in the varsity squad limit. (*Adopted: 4/26/07 effective 8/1/08, Revised: 10/22/07)*

17.3 BASKETBALL

Regulations for computing the basketball playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.3.1 Length of Playing Season. The length of an institution's playing season in basketball shall be limited to the period of time between the start of preseason practice (see Bylaw 17.3.2) and the end of the regular playing season (see Bylaw 17.3.4) (See Bylaw 17.3.3 for restrictions on first contest date.).

17.3.2 Preseason Practice—On-Court Practice. A member institution shall not commence on-court preseason basketball practice sessions prior to 5 p.m. on the Friday nearest October 15 (see Figure 17-2). *(Revised: 4/28/05 effective 8/1/05, 1/14/08 effective 8/1/08)*

17.3.2.1 Permissible Conditioning Activities. Team conditioning or physical-fitness activities supervised by coaching staff members may be conducted on or off court but shall not begin prior to the beginning of the institution's academic year in accordance with Bylaw 17.1.6.2. Such activities shall be limited to eight hours per week. *(Revised: 1/10/90 effective 8/1/92, 1/16/93, 1/11/94)*

17.3.2.2 Prohibited Activities. Prior to the start of on-court preseason basketball practice per Bylaw 17.3.2, members of the institution's coaching staff may not be involved with one or more team members at any location in any of the following activities except as permitted in Bylaws 17.1.6.2.2 and 17.3.6: *(Revised: 1/10/90 effective 8/1/92, 1/11/94, 1/14/97 effective 8/1/97)*

(a) Setting up offensive or defensive alignments;

(b) Chalk talks;

(c) Discussions of game strategy;

(d) Reviewing game films or videotapes;

(e) Activities using basketball equipment; or

(f) Observing student-athletes in any basketball activities even if such activities are not arranged by the institution's coach. *(Revised: 9/23/05)*

17.3.2.2.1 Exception—Team Promotional Activities. Team promotional activities (e.g., autograph sessions, fan picture sessions, meeting with fans) per Bylaw 12.5.1 are permissible prior to the start of on-court preseason basketball practice per Bylaw 17.3.2, provided these promotional arrangements do not involve any of the practice activities prohibited under the provisions of Bylaw 17.3.2.2. *(Revised: 1/11/94, 1/14/97 effective 8/1/97)*

17.3.2.2.2 Exception—Officiating Clinic. Prior to the start of on-court preseason basketball practice per Bylaw 17.5.2, student-athletes may observe an officiating clinic related to playing rules that is conducted by video conference, provided no student-athlete misses class time to observe the clinic. *(Adopted: 1/9/96, Revised: 1/14/97 effective 8/1/97)*

17.3.3 First Contest. A member institution shall not play its first contest (game or scrimmage) with outside competition in basketball prior to the second Friday of November (see Figure 17-2). *(Revised: 4/27/06 effective 8/1/06; contracts signed before 1/8/06 for events scheduled to occur prior to the second Friday in November may be honored.)*

17.3.3.1 Exceptions. The following basketball contests (games or scrimmages) are permitted prior to the first contest dates specified under Bylaw 17.3.3:

(a) **Practice Scrimmage.** An informal practice scrimmage with outside competition exempted per Bylaw 17.3.5.3-(h) may occur at any point during the permissible playing and practice season (see Bylaw 17.3.1), provided it is conducted in privacy and without publicity or official scoring. Individuals other than athletics department staff members and those necessary to conduct a basketball practice scrimmage against outside competition may not be present during such a scrimmage. The institution shall ensure that the scrimmage is free from public view. No class time shall be missed by basketball student-athletes in conjunction with such a scrimmage, including all associated activities (e.g., travel, pregame and postgame activities); and *(Revised: 10/27/98 effective 8/1/99, 5/12/05, 1/17/09 effective 8/1/09, 3/2/09)*

(b) **Exhibition against a Non-NCAA Division I Four-Year Collegiate Institution.** An exhibition contest exempted per Bylaw 17.3.5.3-(g) may occur after the date on which an institution may commence on-court preseason practice (see Bylaw 17.3.2). *(Adopted: 1/10/95, Revised: 1/11/97, 4/22/98, 10/28/99, 4/29/04 effective 8/1/04, 1/14/08 effective 8/1/08, 1/17/09 effective 8/1/09; contracts signed before 8/15/08 may be honored)*

17.3.4 End of Playing Season. A member institution's last contest (game or scrimmage or postseason tournament contest) with outside competition in basketball shall not be played after the respective Division I Basketball Championship game. However, an institution may not continue to practice (or compete against outside competition) in basketball beyond its last regular-season contest, including the conference championship (if any), unless it has reason to believe it is under consideration for selection to participate in an NCAA championship or other postseason national championship event. An institution not selected to participate in the championship or an institution that loses in the championship may not continue to practice until the conclusion of the championship event.

17.3.5 Number of Contests.

17.3.5.1 Maximum Limitations—Institutional. A member institution shall limit its total regular-season playing schedule with outside competition in basketball during the playing season to one of the following (except for those contests excluded under Bylaw 17.3.5.3; or *(Revised: 4/27/06 effective 8/1/06; contracts signed before 1/8/06 for events scheduled to occur prior to the second Friday in November may be honored)*

(a) 27 contests (games or scrimmages) and one qualifying regular-season multiple team event per Bylaw 17.3.5.1.1; or

(b) 29 contests (games or scrimmages) during a playing season in which the institution does not participate in a qualifying regular-season multiple team event.

17.3.5.1.1 Qualifying Regular-Season Multiple-Team Event. A qualifying regular-season multiple-team event is one in which: *(Revised: 4/27/06 effective 8/1/06; contracts signed before 1/8/06 for events scheduled to occur prior to the second Friday in November may be honored)*

(a) The event is sponsored by the NCAA, an active or affiliated member or a member conference of the Association and must take place in Canada, Mexico or the United States or one of its territories; *(Revised: 4/26/07 effective 8/1/07)*

(b) The event includes no more than four contests per institution and concludes not later than 14 days after the first contest of the event;

(c) Participation is limited, by conference, to one team per conference and, by institution, to not more than once in the same event in any four-year period; and

(d) Each participating institution is using Bylaw 17.3.5.1-(a) as its maximum contest limitation for the playing season in which it participates in the event.

17.3.5.1.1.1 Hawaii/Alaska/Puerto Rico Exception. An active Division I institution located in Hawaii, Alaska or Puerto Rico that serves as the sponsor of a qualifying regular-season multiple-team event is not required to count its participation in the event as its one qualifying regular-season multiple-team event pursuant to Bylaw 17.3.5.1-(a), provided the event is conducted in the institution's state or territory and the institution counts all contests of the event in which it is a participant toward its maximum contest limitations. Such an event qualifies as a qualifying regular season multiple-team event for the other participating institutions, provided all such institutions use Bylaw 17.3.5.1-(a) as the maximum contest limitation for the playing season in which they participate in the event. *(Adopted: 6/13/06)*

17.3.5.1.2 In-Season Foreign Competition. A member institution may play one or more of its countable contests in basketball in one or more foreign countries on one trip during the prescribed playing season. However, except for contests played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.3.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate each playing season in not more than either 27 basketball contests and one regular-season qualifying multiple team event per Bylaw 17.3.5.1.1 or 29 contests in an academic year in which the institution does not participate in a regular-season-qualifying multiple-team event. This limitation includes those contests in which the student-athlete represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. Further, an individual student-athlete may participate each year in only one postseason basketball tournament as a member of the institution's varsity, junior varsity or freshman team. *(Revised: 1/10/90, 1/10/91 effective 8/1/92, 1/12/99 effective 8/1/99, 4/27/06 effective 8/1/06; contracts signed before 1/8/06 for events scheduled to occur prior to the second Friday in November may be honored)*

17.3.5.3 Annual Exemptions. The following basketball contests each year may be exempted from a member institution's maximum number of contests: *(Revised: 4/27/06 effective 8/1/06)*

(a) **Conference Season-End Tournament.** A regularly scheduled, season-end, single-elimination basketball championship tournament conducted by a conference (or the tournament used to determine the conference's automatic entry in an NCAA basketball tournament) among some or all if its members. *(Adopted: 4/27/06 effective 8/1/06)*

(b) **Postseason Tournament.** Contests in one postseason basketball tournament (e.g., NCAA championships, NAIA championship) unless the institution has participated in the Men's National Invitation Tournament or the Women's National Invitational Tournament. A postseason tournament involves competition after the end of the regular season between teams that are not identified until the close of that regular season; *(Revised: 1/9/96 effective 8/1/96)*

(c) **Conference Playoff.** Competition involving member institutions that tie for a conference basketball championship. Such teams may participate in a single-elimination playoff to determine the conference's automatic entry in an NCAA basketball championship without the game(s) being counted as a postseason tournament;

(d) **Automatic-Qualification Contests.** Contests between conference champions that are provided by Board of Directors, Leadership Council or Championships/Sports Management Cabinet action in order to determine selection for automatic qualification into the Division I Men's Basketball Championship; *(Adopted: 1/10/90, Revised: 11/1/07 effective 8/1/08)*

(e) **NCAA Championship Play-In Competition.** Competition in play-in contests conducted before NCAA championships;

(f) **Regular-Season Contest against Alaska/Hawaii Member.** One regular-season game in Hawaii or Alaska versus a member institution located in that state; *(Adopted: 1/9/96 effective 8/1/96)*

(g) **Exhibition against a Non-NCAA Division I Four-Year Collegiate Institution.** An exhibition contest against a four-year collegiate institution (other than an NCAA Division I institution) played in the arena in which the member institution regularly plays its home contests. An institution may exempt two such contests during any year in which it does not use the exemption set forth in Bylaw 17.3.5.3-(h), or it may exempt one such contest and one practice scrimmage as defined in Bylaw 17.3.5.3-(h) each year; and *(Adopted: 10/28/99 effective 8/1/00, Revised: 4/29/04 effective 8/1/04, 1/17/09 effective 8/1/09; contracts signed before 8/15/08 may be honored)*

(h) **Practice Scrimmage.** An informal practice scrimmage with outside competition, provided it is conducted in privacy and without publicity or official scoring. Individuals other than athletics department staff members and those necessary to conduct a basketball practice scrimmage against outside competition may not be present during such a scrimmage. The institution shall ensure that the scrimmage is free from public view. No class time shall be missed by basketball student-athletes in conjunction with such a scrimmage, including all associated activities (e.g., travel, pregame and postgame activities). An institution may exempt two such practice scrimmages during any year in which it does not use the exemption set forth in Bylaw 17.3.5.3-(g), or it may exempt one such practice scrimmage and one exhibition contest

against a non-NCAA Division I four-year collegiate institution each year. *(Adopted: 10/27/98 effective 8/1/99, Revised: 4/29/04 effective 8/1/04, 1/17/09 effective 8/1/09)*

17.3.5.4 Foreign Tour. The games played on a foreign basketball tour shall be excluded from the maximum number of contests, provided the tour is conducted in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/12/99 effective 8/1/99, 4/27/06 effective 8/1/06)*

17.3.6 Out-of-Season Athletically Related Activities. In basketball, student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's playing season except as permitted in Bylaw 17.1.6.2. *(Revised: 4/28/05 effective 8/1/05, 4/27/06 effective 8/1/06)*

17.3.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Adopted: 4/28/05, Revised: 9/27/05, 11/1/07 effective 8/1/08)*

17.3.7 Camps and Clinics. There are no limits on the number of student-athletes in basketball who may be employed (e.g., as counselors) in camps or clinics. Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics (See Bylaw 13.12 for restrictions on such employment). *(Revised: 1/10/92, 1/11/94)*

17.3.8 Other Restrictions.

17.3.8.1 Noncollegiate, Amateur Competition. A student-athlete shall be ruled ineligible for intercollegiate basketball competition if the student participates in any organized basketball competition except while representing the member institution or except as permitted in accordance with Bylaw 14.7.3.

17.3.8.2 Maximum Number of Student-Athletes on Outside Team. Following is the maximum number of student-athletes from the same member institution with eligibility remaining who may compete on an outside team:

(a) State or national multisport events sanctioned by the NCAA—2.

(b) Foreign tour (outside team or all-star team)—2.

(c) Olympic and national team development programs and competition—No limitations.

(d) Summer basketball team in certified league—2 [see Bylaw 30.14-(e)]. *(Revised: 4/27/00)*

17.3.8.3 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with remaining eligibility from that institution's basketball team except as provided in Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.3.8.4 Equipment Issue, Squad Pictures. No limitations. *(Revised: 1/10/05)*

17.3.8.5 Celebrity Sports Activity. A limit of two student-athletes from a member institution's basketball team may participate in local celebrity sports activities, other than in basketball, conducted for the purpose of raising funds for charitable organizations, provided:

(a) The student-athletes do not miss classes as a result of the participation;

(b) The involvement of the student-athletes has the approval of the institution's athletics director; and

(c) The activity takes place within a 30-mile radius of the institution's main campus.

17.4 BOWLING, WOMEN'S

Regulations for computing the bowling playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.) *(Adopted: 1/9/96 effective 8/1/96)*

17.4.1 Length of Playing Season. The length of an institution's playing season in bowling shall be limited to a 144-day season which may consist of two segments (each consisting of consecutive days) and exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/14/97 effective 8/1/97)*

17.4.2 Preseason Practice. A member institution shall not commence practice sessions in bowling prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/14/97 effective 8/1/97)*

17.4.3 First Date of Competition. A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in bowling prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/14/97 effective 8/1/97)*

17.4.4 End of Regular Season. A member institution shall conclude all practice and competition (meets and practice meets) in each segment in bowling by the conclusion of the last date of final exams for the regular academic year at the institution. *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/14/97 effective 8/1/97, 10/31/03)*

17.4.5 Number of Dates of Competition.

17.4.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in bowling during the institution's bowling playing season to 26 dates of competition (games and scrimmages) (including not more than 10 tournaments that are counted as single dates of competition), except for those dates of competition excluded under Bylaws 17.4.5.3 and 17.4.5.4 (see Bylaw 20.9.4.3 for minimum contests and participants requirements). *(Adopted: 1/9/96 effective 8/1/96)*

17.4.5.1.1 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in bowling in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years. *(Adopted: 1/9/96 effective 8/1/96)*

17.4.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in 26 dates of competition in bowling (including not more than 10 tournaments that are counted as single dates of competition) (this limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution). *(Adopted: 1/9/96 effective 8/1/96)*

17.4.5.3 Annual Exemptions. The maximum number of dates of competition in bowling shall exclude the following: *(Adopted: 1/9/96 effective 8/1/96, Revised: 2/24/03)*

(a) **Conference Championship.** Competition in one conference championship meet in bowling;

(b) **National Collegiate Bowling Championship.** Competition in the National Collegiate Bowling Championship; *(Revised: 10/31/03)*

(c) **Alumni Meet.** One date of competition each year against an alumni team of the institution;

(d) **Foreign Team in the United States.** One date of competition each year with a foreign opponent in the United States;

(e) **Hawaii, Alaska, Puerto Rico.** Any dates of competition in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member located outside the area in question;

(f) **Fundraising Activity.** Any bowling activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1); and

(g) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's bowling team who participate in local celebrity bowling activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

17.4.5.4 Foreign Tour. The dates of competition on a foreign tour shall be excluded from the maximum number of dates of competition, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29).

17.4.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season pursuant to Bylaw 17.4.1 except as permitted in Bylaw 17.1.6.2. *(Adopted: 1/9/96 effective 8/1/96)*

17.4.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/28/05, 11/1/07 effective 8/1/08)*

17.4.6.1.1 Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete. *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/28/05)*

17.4.7 Camps and Clinics. There are no limits on the number of student-athletes in bowling who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Adopted: 1/9/96 effective 8/1/96)*

17.4.8 Other Restrictions.

17.4.8.1 Noncollegiate, Amateur Competition.

17.4.8.1.1 During Academic Year. A student-athlete in bowling who participates during the academic year as a member of any outside team in any noncollegiate, amateur competition (e.g., team invitational meet, exhibition meets or other activity) except while representing the institution in intercollegiate competition shall be ineligible for intercollegiate competition unless eligibility is restored by the Committee on

Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Adopted: 1/9/96 effective 8/1/96, Revised: 10/3/05)*

17.4.8.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. *(Adopted: 1/9/96 effective 8/1/96)*

17.4.8.1.2 Out of Season. There are no limits on the number of student-athletes from the same member institution with eligibility remaining who may practice or compete out of season on an outside amateur team (competition on an outside team permitted only during the summer except as provided in Bylaw 17.4.8.1.1.1). *(Adopted: 1/9/96 effective 8/1/96)*

17.4.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.4.8.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.4.8.2 Equipment Issue, Squad Pictures. No limitations. *(Adopted: 1/9/96 effective 8/1/96)*

17.5 CROSS COUNTRY

Regulations for computing the cross country playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.5.1 Length of Playing Season. The length of an institution's playing season in cross country shall be limited to a 144-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.5.1.1 Track and Field Student-Athletes Participating in Cross Country. Track and field student-athletes listed as participants for cross country must participate fully in cross country practices. If student-athletes are practicing in track and field events unrelated to cross country, such practices must be counted in the institution's established segment in track and field. *(Adopted: 1/10/92)*

17.5.2 Preseason Practice. A member institution shall not commence practice sessions in cross country prior to the date that permits a maximum of 21 units (see Bylaw 17.02.11) prior to the first scheduled intercollegiate contest. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/07, 4/14/03)*

17.5.3 First Date of Competition. A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in cross country prior to September 1 or the preceding Friday if September 1 falls on a Saturday, Sunday or Monday (see Figure 17-2). *(Revised: 1/10/91 effective 8/1/91, 1/16/93 effective 8/1/93, 4/15/97)*

17.5.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (meets and practice meets) in cross country by the last date of final examinations for the regular academic year at the institution. *(Revised: 1/14/97 effective 8/1/97)*

17.5.5 Number of Dates of Competition.

17.5.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in cross country during the institution's cross country playing season to seven dates of competition (games and scrimmages), except for those dates of competition excluded under Bylaws 17.5.5.3 and 17.5.5.4 (see Bylaw 20.9.4.3 for minimum contests and participants requirements). *(Revised: 1/10/91 effective 8/1/91)*

17.5.5.1.1 Exception—Cross Country without Indoor or Outdoor Track and Field. An institution that sponsors men's or women's cross country but does not sponsor indoor or outdoor track and field shall limit its total playing schedule with outside competition during the cross country playing season to seven dates of competition during the segment in which the NCAA championship is conducted and five dates of competition during another segment. *(Adopted: 1/16/93, Revised: 1/11/94 effective 8/1/94)*

17.5.5.1.2 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in cross country in one or more foreign countries on one trip during the

prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.5.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than seven cross country dates of competition (this limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution). *(Revised: 1/10/91 effective 8/1/91)*

17.5.5.2.1 Exception—Cross Country without Indoor or Outdoor Track and Field. An individual student-athlete who attends an institution that sponsors men's or women's cross country but does not sponsor indoor or outdoor track and field may participate during each academic year in seven dates of competition during the segment in which the NCAA championship is conducted in cross country and five dates of competition during another segment. *(Adopted: 1/16/93, Revised: 1/11/94 effective 8/1/94)*

17.5.5.3 Annual Exemptions. The maximum number of dates of competition in cross country shall exclude the following: *(Revised: 2/24/03)*

(a) **Conference Championship.** Competition in one conference championship meet in cross country;

(b) **Season-Ending Tournaments**

(1) **NCAA Championship.** Competition in the NCAA cross country championships;

(2) **NAIA Championship.** Competition in the National Association of Intercollegiate Athletics (NAIA) cross country championships;

(c) **Alumni Meet.** One date of competition in cross country each year against an alumni team of the institution;

(d) **Foreign Tour in the United States.** One date of competition in cross country each year with a foreign opponent in the United States;

(e) **Hawaii or Alaska.** Any dates of competition played in Hawaii or Alaska, respectively, against an active Division I institution located in Hawaii or Alaska, by a member located outside the area in question; *(Adopted: 1/9/96 effective 8/1/96)*

(f) **Fundraising Activity.** Any cross country activities in which student-athletes from more than one of the institution's athletics team participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(g) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's cross country team who participate in local celebrity cross country activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the athletes has the approval of the institution's athletics director; and

(3) The activity take place within a 30-mile radius of the institution's main campus.

(h) **U.S. National Team.** One date of competition against any team as selected and designated by the appropriate national governing body in cross country as a U.S. national team (e.g., Under-21 U.S. national team). *(Adopted: 1/9/96 effective 8/1/96, Revised: 9/6/00)*

17.5.5.4 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.5.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.5.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.5.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 1/10/91 effective 8/1/91, 1/10/92, 4/28/05, 11/1/07 effective 8/1/08)*

17.5.6.1.1 Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete. *(Adopted: 1/10/92, Revised: 1/11/94, 4/28/05)*

17.5.7 Camps and Clinics. There are no limits on the number of student-athletes in cross country who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.5.8 Other Restrictions.

17.5.8.1 Noncollegiate, Amateur Competition.

17.5.8.1.1 During Academic Year. A student-athlete in cross country who participates during the academic year as a member of any outside cross country team in any noncollegiate, amateur competition (e.g., team invitational meet, exhibition meets or other activity) except while representing the institution in intercollegiate cross country competition shall be ineligible for intercollegiate cross country competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.5.8.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed two. *(Adopted: 1/11/94 effective 8/1/94)*

17.5.8.1.2 Out of Season. There are no limits on the number of student-athletes from the same member institution with eligibility remaining in intercollegiate cross country who may practice or compete out of season on an outside amateur cross country team. (competition on an outside team permitted only during the summer except as provided in Bylaw 17.5.8.1.1.1). *(Revised: 1/10/91 effective 8/1/91, 1/16/93)*

17.5.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's cross country team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.5.8.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.5.8.2 Equipment Issue, Squad Pictures. No limitations.

17.6 EQUESTRIAN, WOMEN'S

Regulations for computing the equestrian playing season set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.6.1 Length of Playing Season. The length of an institution's playing season in equestrian shall be limited to a 144-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Adopted: 4/25/02 effective 8/1/02)*

17.6.2 Preseason Practice. A member institution shall not commence practice sessions in equestrian prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Adopted: 4/25/02 effective 8/1/02)*

17.6.3 First Date of Competition. An institution shall not engage in its first date of competition (game or scrimmage) with outside competition in equestrian prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Adopted: 4/25/02 effective 8/1/02)*

17.6.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in each segment in equestrian by the last date of final examinations for the regular academic year. *(Adopted: 4/25/02 effective 8/1/02)*

17.6.5 Number of Dates of Competition.

17.6.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in the sport of equestrian during the institution's playing season to 15 dates of competition (games and scrimmages), which may include not more than five two-day competitions, which shall each count as a single date of competition. These limitations do not include those dates of competition excluded under Bylaws 17.6.5.3 and 17.6.5.4. *(Adopted: 4/25/02 effective 8/1/02, Revised: 1/8/07 effective 8/1/07)*

17.6.5.1.1 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in equestrian in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years. *(Adopted: 4/25/02 effective 8/1/02)*

17.6.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in 15 dates of competition, which may include not more than five two-day competitions, which shall each count as a single date of competition (this limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution). *(Adopted: 4/25/02 effective 8/1/02, Revised: 1/8/07 effective 8/1/07)*

17.6.5.3 Annual Exemptions. The maximum number of dates of competition in equestrian shall exclude the following: *(Adopted: 4/25/02 effective 8/1/02, Revised: 2/24/03)*

(a) **Conference Championship.** Competition in one conference championship meet in equestrian;

(b) **Season-Ending Championship Event.** Competition in one of the recognized national intercollegiate championship events in equestrian (e.g., U.S. Equestrian Federation, Varsity Equestrian National Championships, Intercollegiate Horse Shows Association National Championships); *(Revised: 7/6/05)*

(c) **Alumni Show/Event.** One date of competition in equestrian each year against an alumni team of the institution;

(d) **Foreign Team in the United States.** One date of competition in equestrian each year with a foreign opponent in the United States;

(e) **Hawaii, Alaska, Puerto Rico.** Any dates of competition in equestrian in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member located outside the area in question;

(f) **Fundraising Activity.** Any equestrian activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1); and

(g) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's equestrian team who participate in local celebrity equestrian activities conducted for the purpose of raising funds for charitable organizations, provided:
   (1) The student-athletes do not miss classes as a result of the participation;
   (2) The involvement of the student-athletes has the approval of the institution's athletics director; and
   (3) The activity takes place within a 30-mile radius of the institution's main campus.

17.6.5.4 Foreign Tour. The dates of competition in equestrian on a foreign tour shall be excluded from the maximum number of dates of competition, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 4/25/02 effective 8/1/02)*

17.6.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.6.1 except as permitted in Bylaw 17.1.6.2. *(Adopted: 4/25/02 effective 8/1/02)*

17.6.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Adopted: 4/25/02 effective 8/1/02, Revised: 4/28/05, 11/1/07 effective 8/1/08)*

17.6.7 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete uses equestrian equipment. The coach may provide safety or skill instruction but may not conduct the individual's workouts. *(Adopted: 4/25/02 effective 8/1/02)*

17.6.8 Camps and Clinics. There are no limits on the number of student-athletes in equestrian who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Adopted: 4/25/02 effective 8/1/02)*

17.6.9 Other Restrictions.

17.6.9.1 Noncollegiate, Amateur Competition.

17.6.9.1.1 During Academic Year. A student-athlete in equestrian who participates during the academic year as a member of any outside equestrian team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate equestrian competition shall be ineligible for intercollegiate equestrian competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Adopted: 4/25/02 effective 8/1/02, Revised: 10/3/05)*

17.6.9.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, ama-

teur competition during any official vacation period published in the institution's catalog. *(Adopted: 4/25/02 effective 8/1/02)*

17.6.9.1.2 Out of Season. There are no limits on the number of student-athletes with eligibility remaining in intercollegiate equestrian who may practice or compete out of season on an outside, amateur equestrian team (competition on an outside team permitted only during the summer, except as provided in Bylaw 17.6.9.1.1.1). *(Adopted: 4/25/02 effective 8/1/02)*

17.6.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with remaining eligibility from that institution's equestrian team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.6.9.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided: *(Adopted: 4/25/02 effective 8/1/02)*

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.6.9.2 Equipment Issue, Squad Pictures. No limitations. *(Adopted: 4/25/02 effective 8/1/02, 1/10/05)*

17.7 FENCING

Regulations for computing the fencing playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.7.1 Length of Playing Season. The length of an institution's playing season in fencing shall be limited to a 144-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.7.2 Preseason Practice. A member institution shall not commence practice sessions in fencing prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/10/91 effective 8/1/91, 1/10/95 effective 8/1/95, 1/14/97 effective 8/1/97)*

17.7.3 First Date of Competition. A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in fencing prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/10/91 effective 8/1/91, 1/10/95 effective 8/1/95, 1/14/97 effective 8/1/97)*

17.7.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (matches or practice matches) in fencing by the last date of final examinations for the regular academic year at the institution. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.7.5 Number of Dates of Competition.

17.7.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in fencing during the permissible fencing playing season to 11 dates of competition, except for those dates of competition excluded under Bylaws 17.7.5.2 and 17.7.5.3 (see Bylaw 20.9.4.3 for minimum contests and participants requirements). *(Revised: 1/10/91 effective 8/1/91)*

17.7.5.1.1 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in fencing in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.7.5.1.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 11 dates of competition in fencing. This limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. *(Revised: 1/10/91 effective 8/1/91)*

17.7.5.2 Annual Exemptions. The maximum number of dates of competition in fencing shall exclude the following: *(Revised: 2/24/03)*

(a) **Season-Ending Tournament**

(1) **NCAA Championship.** Competition in the National Collegiate Men's and Women's Fencing Championships;

(2) **Season-Ending Tournament.** Competition in one season-ending fencing tournament (e.g., conference championship, regional tournament) other than an NCAA fencing championship; *(Revised: 1/10/90)*

(b) **Alumni Meet.** One date of competition in fencing each year against an alumni team of the institution;

(c) **Foreign Team in the United States.** One date of competition in fencing each year with a foreign opponent in the United States;

(d) **Hawaii or Alaska.** Any dates of competition in fencing in Hawaii or Alaska, respectively, against an active Division I member institution located in Hawaii or Alaska, by a member located outside the area in question; *(Revised: 1/9/96 effective 8/1/96)*

(e) **Fundraising Activity.** Any fencing activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(f) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's fencing team who participate in local celebrity fencing activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

(g) **U.S. National Team.** One date of competition against any team as selected and designated by the appropriate national governing body in fencing as a U.S. national team (e.g., "Under-21" U.S. national team). *(Adopted: 1/9/96 effective 8/1/96, Revised: 9/6/00)*

17.7.5.3 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (also see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.7.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff at the student-athlete's institution shall not engage in countable athletically related activities (see Bylaw 17.02.1) outside the institution's declared playing season per Bylaw 17.7.1 except as permitted in Bylaw 17.1.6.2 *(Revised: 1/10/91 effective 8/1/91)*

17.7.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 1/10/91 effective 8/1/91, 1/10/92, 4/28/05, 11/1/07 effective 8/1/08)*

17.7.6.1.1 Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete. *(Adopted: 1/10/92, Revised: 1/11/94, 4/28/05)*

17.7.7 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete uses fencing equipment. The coach may provide safety or skill instruction but cannot conduct the individual's workouts. *(Adopted: 1/10/91 effective 8/1/91)*

17.7.8 Camps and Clinics. There are no limits on the number of student-athletes in fencing who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.7.9 Other Restrictions.

17.7.9.1 Noncollegiate, Amateur Competition.

17.7.9.1.1 During Academic Year. A student-athlete in fencing who participates during the academic year as a member of any outside fencing team in any noncollegiate, amateur competition (e.g., fencing tournament, exhibition games or other activity) except while representing the institution in intercollegiate fencing competition shall be ineligible for intercollegiate fencing competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.7.9.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed four. *(Adopted: 1/11/94 effective 8/1/94)*

17.7.9.1.2 Out of Season. There are no limits on the number of student-athletes from the same member institution with eligibility remaining in intercollegiate fencing who may practice or compete out of

season on an outside amateur fencing team (competition on an outside team permitted only during the summer except as provided in Bylaw 17.7.9.1.1.1). *(Revised: 1/10/91 effective 8/1/91, 1/16/93)*

17.7.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining with the institution's fencing team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.7.9.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.7.9.2 Equipment Issue, Squad Pictures. No limitations.

17.8 FIELD HOCKEY

Regulations for computing the field hockey playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.8.1 Length of Playing Season. The length of an institution's playing season in field hockey shall be limited to a 132-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.8.2 Preseason Practice. A member institution shall not commence practice sessions in field hockey prior to the date that permits a maximum of 21 units (see Bylaw 17.02.11) prior to the first scheduled intercollegiate contest. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97, 4/14/03)*

17.8.3 First Contest or Date of Competition. A member institution shall not play its first contest or engage in its first date of competition (game or scrimmage) with outside competition in field hockey prior to the Friday prior to the 11th weekend prior to the start of the NCAA Division I Field Hockey Championship, except that an alumni contest may be played the weekend prior to the first scheduled contest. *(Revised: 1/10/91 effective 8/1/91, 1/16/93 effective 8/1/93, 1/10/95 effective 8/1/95, 1/10/96 effective 8/1/96, 1/24/96 effective 8/1/96, 1/14/97 effective 8/1/97, 4/20/99 effective 8/1/99, 11/1/07 effective 8/1/08, 12/14/07)*

17.8.3.1 Exception—Scrimmage/Exhibition Games. An institution may play three field hockey scrimmages or exhibition games (which shall not count toward the institution's won-lost record) prior to the first scheduled contest during a particular academic year, provided such scrimmages or exhibition games are conducted during the institution's declared playing season per Bylaw 17.8.1 (including the preseason practice period) and are counted against the maximum number of contests (see Bylaw 17.8.5.1). Contests that would otherwise be exempted from the maximum number of contests per Bylaw 17.8.5.3 shall count against the maximum if they are played during the preseason practice period prior to the date specified for the first permissible contest. *(Adopted: 12/14/07)*

17.8.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in field hockey by the last date of final exams for the regular academic year at the institution. *(Revised: 1/14/97 effective 8/1/97)*

17.8.5 Number of Contests and Dates of Competition.

17.8.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition during the institution's field hockey playing season in any one year to 20 contests during the segment in which the NCAA championship is conducted and five dates of competition during another segment, except for those contests or dates of competition excluded under Bylaws 17.8.5.3 and 17.8.5.4. *(Revised: 1/10/92 effective 8/1/92)*

17.8.5.1.1 In-Season Foreign Competition. A member institution may play one or more of its countable field hockey contests or dates of competition in one or more foreign countries on one trip during the prescribed playing season. However, except for contests or dates of competition played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.8.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 20 field hockey contests during the segment in which the NCAA championship is conducted and five dates of competition in field hockey during another segment. This limitation includes those contests or dates of competition in which the student represents the institution in accordance

with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. *(Revised: 1/10/92 effective 8/1/92)*

17.8.5.3 Annual Exemptions. The maximum number of contests or dates of competition in field hockey shall exclude the following (unless such contests are played pursuant to Bylaw 17.8.3.1): *(Revised: 2/24/03, 12/14/07)*

(a) **Conference Championship.** Competition in one conference championship tournament in field hockey (or the tournament used to determine the conference's automatic entry in an NCAA field hockey championship);

(b) **Conference Playoff.** Competition involving member institutions that tie for a conference field hockey championship. Such teams may participate in a single-elimination playoff to determine the conference's automatic entry in an NCAA field hockey championship without the game(s) being counted as a postseason tournament;

(c) **NCAA Championship.** Competition in the NCAA Division I Field Hockey Championship; *(Revised: 1/9/96 effective 8/1/96)*

(d) **NCAA Championship Play-In Competition.** Competition in play-in contests conducted before NCAA championships;

(e) **Alumni Game.** One contest or date of competition in field hockey each year against an alumni team of the institution;

(f) **Foreign Team in the United States.** One contest or date of competition in field hockey each year with a foreign opponent in the United States;

(g) **Hawaii or Alaska.** Any contests or dates of competition played in Hawaii or Alaska, respectively, against an active Division I member institution located in Hawaii or Alaska, by a member institution located outside the area in question; *(Adopted: 1/9/96 effective 8/1/96)*

(h) **Fundraising Activity.** Any field hockey activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(i) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's field hockey team who participate in local celebrity field hockey activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director;

(3) The activity takes place within a 30-mile radius of the institution's main campus; and

(j) **U.S. National Team.** One contest or date of competition played against any team as selected and designated by the appropriate national governing body in field hockey as a U.S. national team (e.g., "Under-21" U.S. national team). *(Adopted: 1/9/96 effective 8/1/96, Revised: 9/6/00)*

17.8.5.4 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.8.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.8.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.8.6.1 Summer Practice. Field hockey practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 4/28/05, 11/1/07 effective 8/1/08)*

17.8.7 Camps and Clinics. There are no limits on the number of student-athletes in field hockey who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.8.8 Other Restrictions.

17.8.8.1 Noncollegiate, Amateur Competition.

17.8.8.1.1 During Academic Year. A student-athlete who participates during the academic year as a member of any outside field hockey team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate field hockey competition shall be ineligible for intercollegiate field hockey competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.8.8.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed five. *(Adopted: 1/11/94 effective 8/1/94)*

17.8.8.1.1.2 May 1 Exception. A student-athlete in field hockey may compete outside of an institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition, provided: *(Adopted: 4/22/98 effective 8/1/98)*

(a) Such participation occurs no earlier than May 1;

(b) The number of student-athletes from any one institution does not exceed five;

(c) The competition is approved by the institution's director of athletics; and

(d) No class time is missed for practice activities or for competition.

17.8.8.1.2 Out of Season. A member institution may permit not more than five student-athletes with eligibility remaining in intercollegiate field hockey to practice or compete out of season on an outside amateur field hockey team (competition on an outside team permitted only during the summer, except as provided in Bylaws 17.8.8.1.1.1 and 17.8.8.1.1.2). *(Revised: 1/10/91 effective 8/1/91)*

17.8.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with remaining eligibility from the institution's field hockey team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.8.8.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.8.8.2 Equipment Issue, Squad Pictures. No limitations. *(Revised: 1/11/89, 1/10/05)*

17.9 FOOTBALL

Regulations for computing the football playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.9.1 Length of Playing Season. [FBS/FCS] The length of an institution's playing season in football shall be limited to the period of time between the start of preseason practice (see Bylaw 17.9.2) and the end of the regular playing season (see Bylaw 17.9.4), except as provided in Bylaw 17.9.6 (out-of-season practice) (see Bylaw 17.9.3 for restrictions on first contest dates).

17.9.2 Preseason Practice.

17.9.2.1 First Practice Date. [FBS/FCS] A member institution shall not commence official preseason football practice sessions, for the varsity, junior varsity or freshman team, prior to the date that will permit a maximum of 40 units (see Bylaw 17.02.11) prior to its first scheduled intercollegiate game. During the preseason practice period, institutions may not engage in more than 29 on-field practice sessions (see Bylaw 17.9.2.4.1). *(Revised: 1/11/89, 4/14/03, 4/24/03 effective 5/1/03, 4/28/05)*

17.9.2.1.1 Exception. [FBS/FCS] An institution that has prohibitions against athletics activities during a specific day of the week due to religious reasons, may start official preseason football practice sessions one day earlier than the date determined by the practice unit formula. *(Adopted: 4/28/05 effective 5/1/05)*

17.9.2.1.2 Limit on Number of Participants—Bowl Subdivision. [FBS] In bowl subdivision football, there shall be a limit of 105 student-athletes who may engage in practice activities prior to the institution's first day of classes or the institution's first contest, whichever occurs earlier. *(Adopted: 1/11/94, Revised: 12/15/06)*

17.9.2.1.2.1 Replacement of Student-Athlete Who Voluntarily Withdraws. [FBS] A student-athlete who has voluntarily withdrawn from an institution's team, has departed the practice site and no longer will engage in any preseason activities may be replaced with another student-athlete without including that individual in the institution's 105-participant preseason practice limitation. *(Adopted: 1/10/95)*

17.9.2.1.2.2 Replacement of Student-Athlete Due to Injury or Illness. [FBS] A student-athlete who sustains an injury or illness that prevents further participation in preseason practice activities may be replaced with another student-athlete without including that individual in the institution's limitation on number of individuals who may participate in preseason practice. The replaced student-

athlete shall cease participation in all athletically related activities (including team meetings and film review) and shall not resume participation in athletically related activities before the institution's first day of classes or first contest, whichever occurs first. The replaced student-athlete may continue to receive preseason practice expenses. *(Adopted: 1/17/09)*

17.9.2.1.2.3 Exception—National Service Academies. [FBS] There is no limit on the number of student-athletes who will be attending a national service academy and who may engage in practice activities prior to the institution's first day of classes or the institution's first contest, whichever occurs earlier. *(Adopted: 4/29/04 effective 8/1/04)*

17.9.2.1.3 Limit on Number of Participants—Championship Subdivision. [FCS] In championship subdivision football, there shall be a limit of 90 student-athletes who may engage in practice activities prior to the institution's first day of classes or the institution's first contest, whichever occurs earlier. *(Adopted: 1/11/94, Revised: 12/15/06)*

17.9.2.1.3.1 Exception—Limited Preseason-Practice Units. [FCS] There shall be a limit of 110 student-athletes who may engage in such preseason-practice activities at an institution, provided the institution establishes its first preseason practice date based on 35 practice units, per Bylaw 17.02.11 (including practice units for first-time participants) and engages in no more than 27 actual practice sessions. This exception shall apply exclusively to institutions that award financial aid in football pursuant to the following criteria, even if there are student-athletes who participate in football and one or more other sports who receive athletics aid in sport(s) other than football: *(Adopted: 1/11/94, Revised: 1/10/95, 8/7/03)*

(a) In football, the institution awards financial aid only to student-athletes who demonstrate financial need, except that loans, academic honor awards, nonathletics achievement awards or on-campus employment and certain aid from outside sources may be provided without regard to financial need;

(b) The institution uses methodologies for analyzing need that conform to federal, state and written institutional guidelines. The methodologies used to determine the need of a student-athlete must be consistent with the methodologies used by the institution's financial aid office for all students; and *(Revised: 1/10/95)*

(c) The composition of the financial aid package offered to football student-athletes is consistent with the policy established for offering financial assistance to all students. The financial aid packages for football student-athletes also shall meet the following criteria:

(1) The institution shall not consider athletics ability as a criterion in the formulation of any football student-athlete's financial aid package; and

(2) The procedures used to award financial aid to football student-athletes must be the same as the existing financial aid procedures used for all students at the institution.

17.9.2.1.3.2 Junior Varsity Exception. [FCS] Institutions that sponsor junior varsity teams that compete in at least four intercollegiate contests are not subject to the limits of Bylaw 17.11.2.1.3. *(Adopted: 1/11/94)*

17.9.2.1.3.3 Replacement of Student-Athlete Who Voluntarily Withdraws. [FCS] A student-athlete who has voluntarily withdrawn from an institution's team, has departed the practice site and no longer will engage in any preseason activities may be replaced with another student-athlete without including that individual in the institution's limitation on the number of individuals who may participate in preseason practice. *(Adopted: 1/10/95)*

17.9.2.1.3.4 Replacement of Student-Athlete Due to Injury or Illness. [FCS] A student-athlete who sustains an injury or illness that prevents further participation in preseason practice activities may be replaced with another student-athlete without including that individual in the institution's limitation on the number of individuals who may participate in preseason practice. The replaced student-athlete shall cease participation in all athletically related activities (including team meetings and film review) and shall not resume participation in athletically related activities before the institution's first day of classes or first contest, whichever occurs first. The replaced student-athlete may continue to receive preseason practice expenses. *(Adopted: 4/30/09)*

17.9.2.2 Academic Orientation—First-Time Participants—Bowl Subdivision. [FBS] In bowl subdivision football, an institution must establish an academic orientation period for those student-athletes who are beginning their initial season of eligibility for football practice at the institution. The period shall include no less than six hours of academic orientation. The academic orientation period requirement may be satisfied through the following options: *(Adopted: 4/24/03 effective 5/1/03, Revised: 4/27/06, 12/15/06)*

(a) An institution may conduct the required academic orientation period any time prior to or during the five-day acclimatization period for student-athletes enrolled in summer classes or participating in summer conditioning activities prior to the student-athlete's first season of eligibility in football at the certifying institution; *(Adopted: 4/27/06)*

(b) An institution may establish an academic orientation day on the day prior to the start of the five-day acclimatization period. On the day designated for the sole purpose of academic orientation, student-athletes may engage only in academic-related activities, which may include compliance-related activities (e.g., reviewing NCAA eligibility requirements, signing the Student-Athlete Statement and Drug-Testing Consent Form). An institution may conduct medical examinations, issue equipment and take individual photographs of participating student-athletes after the evening meal on the academic orientation day; or *(Adopted: 4/27/06, Revised: 1/14/08)*

(c) An institution may conduct the academic orientation period during the five-day acclimatization period. The orientation activities may be conducted on more than one day during the five-day period but must be conducted for the equivalent of one day (no less than six hours).

17.9.2.3 Five-Day Acclimatization Period. [FBS/FCS] In football, preseason practice shall begin with a five-day acclimatization period for both first-time participants (e.g., freshman and transfers) and continuing student-athletes. All student-athletes, including walk-ons who arrive to preseason practice after the first day of practice, are required to undergo a five-day acclimatization period. The five-day acclimatization period shall be conducted as follows: *(Adopted: 4/24/03 effective 5/1/03, Revised: 12/15/06)*

(a) In bowl subdivision football, institutions may not conduct administrative activities (e.g., team pictures, etc.) other than those permitted prior to or on the academic orientation day (e.g., compliance-related activities, medical examinations, individual photographs) prior to the first permissible date of practice. In championship subdivision football, institutions may not conduct administrative activities (e.g., team pictures, individual photographs) other than compliance-related activities and medical examinations prior to the first permissible date of practice. Conditioning, speed, strength or agility tests may not occur on any day prior to the start of the five-day acclimatization period. In championship subdivision football, during the five-day acclimatization period, the institution must establish an academic orientation period for those student-athletes who are beginning their initial season of eligibility for football practice at the institution. The orientation activities may be conducted on more than one day during the five-day period, but must be conducted for the equivalent of one day (no less than six hours). *(Revised: 12/13/05, 4/27/06, 12/15/06, 1/14/08)*

(b) During the five-day period, participants shall not engage in more than one on-field practice per day, not to exceed three hours in length.

(1) Exception—During the five-day acclimatization period, an institution has the option of conducting one on-field practice per day, not to exceed three hours in length, or one on-field testing session (speed, conditioning or agility tests) per day, not exceed one hour in length and one on-field practice, not to exceed two hours in length. In addition, an institution may conduct one one-hour walk-through session per day of the acclimatization period, provided protective equipment (e.g., helmets, shoulder pads) is not worn, equipment related to football (e.g., footballs, blocking sleds) is not used and conditioning activities do not occur. Student-athletes must be provided with at least three continuous hours of recovery time between any sessions (testing, practice or walk-through) occurring that day. During this time, student-athletes may not attend any meetings or engage in other athletically related activities (e.g., weight lifting); however, time spent receiving medical treatment and eating meals may be included as part of the recovery time. If an institution conducts only a walk-through on a particular day during the acclimatization period, that day does not count toward the required five days of acclimatization, but the walk-through counts toward the limit of 29 on-field practices for the preseason practice period. *(Revised: 4/28/05 effective 8/1/05, 7/18/05, 12/13/05)*

(c) First-time participants and continuing students shall not be required to practice separately.

(d) During the first two days of the acclimatization period, helmets shall be the only piece of protective equipment student-athletes may wear. During the third and fourth days of the acclimatization period, helmets and shoulder pads shall be the only pieces of protective equipment student-athletes may wear. During the final day of the five-day period and on any days thereafter, student-athletes may practice in full pads.

17.9.2.3.1 Exception—National Service Academies. [FBS] First-time participants (e.g., freshmen and transfers) who will be attending a national service academy and who have completed basic military training immediately prior to preseason practice are not required to complete the five-day acclimatization period. *(Adopted: 4/29/04 effective 8/1/04, Revised: 12/15/06)*

17.9.2.4 Preseason Activities After Five-Day Acclimatization Period. [FBS/FCS] The remaining preseason practice period shall be conducted as follows: *(Adopted: 4/24/03 effective 5/1/03, Revised: 12/15/06)*

(a) After the five-day period, institutions may practice in full pads. However, an institution may not conduct multiple on-field practice sessions (e.g., two-a-days or three-a-days) on consecutive days;

(b) Student-athletes shall not engage in more than three hours of on-field practice activities on those days during which one practice is permitted;

(c) Student-athletes shall not engage in more than five hours of on-field practice activities on those days during which more than one practice is permitted; and

(d) On days that institutions conduct multiple practice sessions, student-athletes must be provided with at least three continuous hours of recovery time between the end of the first practice and the start of the last practice that day. During this time, student-athletes may not attend any meetings or engage in other athletically related activities (e.g., weight lifting); however, time spent receiving medical treatment and eating meals may be included as part of the recovery time.

17.9.2.4.1 Exception—"Walk-Throughs." [FBS/FCS] During the preseason practice period only and after the five-day acclimatization period, a walk-through is not considered to be an on-field activity under Bylaw 17.9.2.4, provided protective equipment (e.g., helmets, shoulder pads) is not worn, equipment related to football (e.g., footballs, blocking sleds) is not used and conditioning activities do not occur. If a walk-through is conducted on a day in which no other on-field activities occur, the walk-through must be included in the limit of 29 on-field practices for the preseason practice period. In championship subdivision football, on-field walk-throughs shall not exceed a total of two hours per day on the days one practice is conducted and one hour per day on the days multiple practice sessions are conducted. *(Adopted: 4/24/03 effective 5/1/03, Revised: 8/7/03, 12/13/05, 12/15/06)*

17.9.3 First Contest. [FBS/FCS] A member institution shall not play its first contest (game or scrimmage) with outside competition in football prior to the Thursday preceding Labor Day (see Figure 17-2). *(Revised: 1/11/89, 1/9/96 effective 8/1/96, 1/14/97, 5/12/05)*

17.9.4 End of Playing Season. [FBS/FCS] A member institution's last contest (game or scrimmage) with outside competition in football shall not be played after the second Saturday or Sunday in December, except for the following: *(Revised: 1/11/89)*

(a) **Spring Practice Scrimmage. [FBS/FCS]** One scrimmage or contest at the conclusion of spring practice, provided the game is with a team composed of bona fide alumni or students or both; and *(Revised: 1/10/90)*

(b) **Bowl Games, NCAA and NAIA Championships, International Competition, Heritage Bowl and Gridiron Classic. [FBS/FCS]** One postseason game approved by the Championships/Sports Management Cabinet or those games played in the Division I Football Championship; football contests played on a foreign tour certified by the member institution, or the National Association of Intercollegiate Athletics football championships. In championship subdivision football only, a member institution's last contest also may include participation in the Heritage Bowl or Gridiron Classic. *(Revised: 1/10/90, 1/10/91, 1/10/92, 1/16/93, 1/14/97 effective 8/1/97, 8/5/99, 4/27/06, 12/15/06, 11/1/07 effective 8/1/08)*

17.9.4.1 Gridiron Classic Restrictions. [FCS] All members of the Northeast Conference and the Pioneer Football League shall participate in the Division I Football Championship, if eligible and selected for participation, and members of those conferences that participate in the Division I Football Championship also shall not participate in the Gridiron Classic during the same year. The Gridiron Classic may be conducted on the same weekend as the Division I Football Championship, provided there is no conflict in the time of the contests. *(Adopted: 4/25/02, Revised: 6/2/06, 12/15/06)*

17.9.4.2 Heritage Bowl Restrictions. [FCS] All members of the Mid-Eastern and Southwestern Athletic Conferences shall participate in the Division I Football Championship, if eligible and selected for participation, and members of those conferences that participate in the Division I Football Championship also shall not participate in the Heritage Bowl during the same year. The Heritage Bowl may be conducted on the same weekend as the Division I Football Championship, provided there is no conflict in the time of the contests. *(Adopted: 1/16/93, Revised: 8/5/99, 12/15/06)*

17.9.4.3 Final Date for Bowl Game. [FBS] In bowl subdivision football, the licensed postseason football bowl game in Bylaw 17.9.4-(b) must be played not later than the second Monday in January immediately following the conclusion of the regular football season. In championship subdivision football, the licensed postseason football game in Bylaw 17.9.4-(b) must be played not later than the January 2 immediately following the conclusion of the regular football season or, if January 2 falls on a Friday or a Sunday, not later than January 3 of that year. *(Adopted: 1/11/89, Revised: 1/10/95 effective 8/1/95, 2/1/05, 1/9/06 effective 8/1/06, 12/15/06)*

17.9.5 Number of Contests.

17.9.5.1 Maximum Limitations—Institutional. [FBS/FCS] In bowl subdivision football, a member institution shall limit its total regular-season playing schedule with outside competition during the permissible football playing season in any one year to 12 contests (games or scrimmages), except as provided for member institutions located in Alaska and Hawaii, under Bylaw 17.28.2, and except as provided for all members under Bylaw 17.9.5.2. In championship subdivision football, a member institution shall limit its total regular-season playing schedule with outside competition during the permissible football playing season in any one year to 11 contests (games or scrimmages), except as provided for member institutions located in Alaska and Hawaii, under Bylaw 17.28.2, and except as provided for all members under Bylaw 17.9.5.2. Twelve football contests shall be permissible during those years in which there are 14 Saturdays from the first permissible playing date through the last playing date in November (e.g., 2013, 2014 and 2019). *(Revised: 1/12/99 effective 8/1/02, 8/5/99 effective 8/1/02, 4/28/05 effective 8/1/06, 12/15/06)*

17.9.5.1.1 In-Season Foreign Competition. [FBS/FCS] A member institution may play one or more of its countable contests in football in one or more foreign countries on one trip during the prescribed play-

ing season. However, except for contests played in Canada, Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.9.5.1.2 Maximum Limitations—Student-Athlete. [FBS/FCS] In bowl subdivision football, an individual student-athlete may participate in each academic year in not more than 12 football contests. In championship subdivision football, an individual student-athlete may participate in each academic year in not more than 11 football contests, except that 12 football contests shall be permissible during those years in which there are 14 Saturdays from the first permissible playing date through the last playing date in November (e.g., 2013, 2014 and 2019). This limitation includes those contests in which the student-athlete represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. *(Revised: 1/10/91 effective 8/1/92, 8/5/99 effective 8/1/02, 4/28/05 effective 8/1/06, 12/15/06)*

17.9.5.2 Annual Exemptions. [FBS/FCS] The maximum number of football contests shall exclude the following:

(a) **Spring Game. [FBS/FCS]** One contest at the conclusion of the spring practice period [see Bylaw 17.11.4-(a)], provided the contest is against a team composed of bona fide alumni or students or both; *(Revised: 1/10/90)*

(b) **Heritage Bowl. [FBS/FCS]** Participation in the Heritage Bowl held between representatives of the Mid-Eastern Athletic Conference and the Southwestern Athletic Conference, which shall meet the reporting requirements set forth in Bylaw 30.9 in order to be exempt; *(Adopted: 1/10/91, Revised: 1/10/92)*

(c) **Twelve-Member Conference Championship Game. [FBS/FCS]** A conference championship game between division champions of a member conference of 12 or more institutions that is divided into two divisions (of six or more institutions each), each of which conducts round-robin, regular-season competition among the members of that division;

(d) **Championship Subdivision Conference Tournament. [FCS]** A conference-sponsored, season-ending postseason tournament (one between teams that are not identified until the end of the preceding regular season), not to exceed one contest for any member institution. This provision does not preclude an institution from participating in a conference-sponsored season-ending postseason tournament and additional postseason football opportunities (e.g., NCAA Championship, Heritage Bowl) during the same season; *(Adopted: 1/16/93 effective 8/1/93, Revised: 1/13/98 effective 8/1/98, 2/16/00, 12/15/06)*

(e) **Bowl Games. [FBS]** One postseason game approved by the Championships/Sports Management Cabinet (see 30.9); *(Revised: 11/1/07 effective 8/1/08)*

(f) **NCAA Championship. [FCS]** Games played in the NCAA Division I Football Championship; *(Revised: 12/15/06)*

(g) **NCAA Championship Play-In Competition. [FCS]** Competition in play-in contests conducted before NCAA championships;

(h) **NAIA Championships. [FBS/FCS]** Games played in the National Association of Intercollegiate Athletics (NAIA) football championship;

(i) **Gridiron Classic. [FBS/FCS]** Participation in the Gridiron Classic held between representatives from the Northeast Conference and the Pioneer Football League; *(Adopted: 4/25/02, Revised: 4/27/06)*

(j) **Foreign Tour. [FBS/FCS]** The football games played on a foreign tour, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29);

(k) **Hawaii, Alaska, Puerto Rico. [FBS/FCS]** Any football games played in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a Division I member institution located outside the area in question; and

(l) **Celebrity Sports Activity. [FBS/FCS]** Competition involving a limit of two student-athletes from a member institution's football team who participate in local celebrity football activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

17.9.6 Out-of-Season Athletically Related Activities. [FBS/FCS] Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the playing season, except as set forth in this bylaw (see Bylaw 17.1.6.2): *(Revised: 4/24/03 effective 5/1/03, 3/10/04, 1/8/07 effective 5/1/07)*

(a) **Conditioning Activities.** Student-athletes may participate in conditioning activities pursuant to Bylaw 17.1.6.2; as follows:

(1) **January 1 until the Start of the Summer Conditioning Period—Bowl Subdivision. [FBS]** In bowl subdivision football, between January 1 and the start of summer conditioning, an institution shall conduct its out-of-season conditioning period as follows: *(Adopted: 4/24/03 effective 5/1/03, Revised: 12/15/06)*

(a) An institution shall designate eight weeks as student-athlete discretionary time (see Bylaw 17.02.14). The designated eight weeks (each week must be seven consecutive calendar days) must be placed on file in writing in the department of athletics prior to January 1. Any changes in the designated weeks are permissible and shall be on file in the office of the institution's athletics director. Institutions are permitted to designate institutional vacation periods (e.g., holiday break, spring break) as student-athlete discretionary time. *(Adopted: 4/24/03 effective 5/1/03)*

(b) Required conditioning, weight-training activities and review of game films shall remain permissible outside of the eight weeks designated as student-athlete discretionary time. A student-athlete's participation in such activities shall be limited to a maximum of eight hours per week, of which not more that two hours per week may be spent on the viewing of game film. *(Adopted: 4/24/03 effective 5/1/03)*

(c) Spring football practice per Bylaw 17.9.6-(b) shall remain permissible outside of the eight weeks. *(Adopted: 4/24/03 effective 5/1/03)*

(d) Days outside the academic year before the start of the summer conditioning period that are not already designated as student-athlete discretionary time shall be considered as such. *(Adopted: 4/24/03 effective 5/1/03)*

(2) **Summer Conditioning Period. [FBS/FCS]** Between the start of summer conditioning and the start of preseason practice, an institution shall conduct its out of season conditioning period as follows: *(Adopted: 4/24/03 effective 5/1/03, Revised: 12/15/06)*

(a) Institutions shall count back nine weeks from the first permissible reporting date for preseason practice. During this nine-week period, institutions shall designate one week as student-athlete discretionary time. *(Adopted: 4/24/03 effective 5/1/03)*

(b) During the remaining eight weeks of the summer conditioning period student-athletes may be involved in voluntary weight training and conditioning activities pursuant to Bylaw 17.1.6.2.1 and prospective student-athletes may be involved in voluntary weight training and conditioning activities pursuant to Bylaw 13.11.3.8. Such activities are limited to eight hours per week. *(Adopted: 4/24/03 effective 5/1/03, Revised: 1/14/08)*

(3) **National Service Academies. [FBS]** National service academies shall be subject to the restrictions governing conditioning activities in Bylaws 17.9.6-(a)-(1) and 17.9.6.(a)-(2) except that they shall be able to designate nine weeks of student-athlete discretionary time between January 1 and the start of the preseason practice period. *(Adopted: 4/29/04 effective 8/1/04, Revised: 12/15/06)*

(b) **Spring Practice. [FBS/FCS]** Fifteen postseason practice sessions [including intrasquad scrimmages and the spring game permitted in Bylaw 17.9.5.2-(a)] are permissible. An institution is not required to count as one of its 15 designated days any day during which countable athletically related activities are limited solely to required conditioning activities and/or review of game film. Practice sessions must meet the following conditions: *(Revised: 6/21/01, 12/15/06)*

(1) All practice sessions are conducted within a period of 34 consecutive calendar days, omitting vacation and examination days officially announced on the institution's calendar and days during which the institution is closed due to inclement weather. *(Revised: 1/9/06 effective 8/1/06)*

(2) Any such practice sessions held during vacation days may not be of longer duration than those normally held when academic classes are in session.

(3) Only 12 of the practice sessions may involve contact, and such contact shall not occur prior to the third practice session.

(4) The noncontact practice sessions may involve headgear as the only piece of protective equipment.

(5) Of the 12 permissible contact sessions, eight sessions may involve tackling, and no more than three of the eight tackling sessions may be devoted primarily (greater than 50 percent of practice time) to 11-on-11 scrimmages.

(6) Tackling shall be prohibited in four of the 12 contact sessions. An institution has the discretion to determine the practice activities (other than tackling) that may occur during the four contact nontackling sessions as well as the protective equipment to be worn by the student-athletes.

(7) If an institution conducts a "spring game" per Bylaw 17.9.5.2-(a), the game shall be counted as one of the three sessions that may be devoted primarily to 11-on-11 scrimmages.

(8) The amount of time that a student-athlete may be involved in such postseason countable athletically related activities shall be limited to a maximum of four hours per day and 20 hours per week. *(Revised: 1/10/90 effective 8/1/90, 1/10/91, 1/10/92, 1/11/94, 1/13/98)*

17.9.6.1 Strength and Conditioning Coaches Conducting Voluntary Practice Session. [FBS/FCS] All strength and conditioning coaches conducting voluntary weight-training or conditioning activities shall be required to have cardiopulmonary resuscitation and first aid certification. In addition, a member of the institution's sports medicine staff (e.g., athletic trainer, physician) must be present during all voluntary conditioning activities (running, not lifting) conducted by the institution's strength coach. This sports medicine staff member must be empowered to have the unchallengeable authority to cancel or modify the workout for health and safety reasons, as he or she deems appropriate. *(Adopted: 4/24/03 effective 5/1/03)*

17.9.6.2 Summer Practice. [FBS/FCS] Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Adopted: 4/28/05, Revised: 9/27/05, 11/1/07 effective 8/1/08)*

17.9.7 Camps or Clinics.

17.9.7.1 Employment in Camps or Clinics—Bowl Subdivision. [FBS] There are limits on the number of student-athletes in bowl subdivision football who may be employed (e.g., as counselors) in camps or clinics. Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. (See Bylaw 13.12 for restrictions on such employment.) *(Revised: 1/11/89, 1/11/94, 1/10/95, 5/9/06, 12/15/06)*

17.9.7.2 Employment in Camps or Clinics—Championship Subdivision. [FCS] There are no limits on the number of student-athletes in championship subdivision football who may be employed (e.g., as counselors) in camps or clinics. Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. (See Bylaw 13.12 for restrictions on such employment.) *(Revised: 1/11/89, 1/11/94, 1/10/94, 5/9/06, 12/15/06)*

17.9.8 Other Restrictions. [FBS/FCS]

17.9.8.1 Noncollegiate, Amateur Competition. [FBS/FCS] A student-athlete shall be ineligible for intercollegiate competition in football for the duration of the football season and for the next academic year if, following enrollment in college and during any year in which the student-athlete is a member of an intercollegiate football squad or team, the student-athlete competes or has competed as a member of any outside football team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity). *(Adopted: 1/10/91 effective 8/1/91, Revised: 1/16/93)*

17.9.8.1.1 Vacation-Period Exception. [FBS/FCS] A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed five. *(Adopted: 1/11/94)*

17.9.8.2 Postseason Football Contests. [FBS/FCS] A member institution shall not participate in any noncollegiate or nonconference-sponsored postseason football game unless it has been licensed by the Championships/Sports Management Cabinet and satisfies the provisions of Bylaws 18.7 and 30.9. *(Revised: 2/1/05, 11/1/07 effective 8/1/08)*

17.10 GOLF

Regulations for computing the golf playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.10.1 Length of Playing Season. The length of an institution's playing season in golf shall be limited to a 144-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.10.2 Preseason Practice. A member institution shall not commence practice sessions in golf prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/14/97 effective 8/1/97)*

17.10.2.1 Exception. A member institution that is a member of a conference that conducts its only conference championship in golf during the fall may commence practice August 24 or the first day in which classes are scheduled for the institution's fall term, whichever date occurs earlier. *(Adopted: 4/20/99 effective 8/1/99)*

17.10.3 First Date of Competition. A member institution shall not engage in its first date of competition (match or practice match) with outside competition in golf prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/14/97 effective 8/1/97)*

17.10.3.1 Exception. A member institution that is a member of a conference that conducts its only conference championship in golf during the fall may engage in its first date of competition with outside competition September 1 or the first day in which classes are scheduled for the institution's fall term, whichever date occurs earlier. *(Adopted: 4/20/99 effective 8/1/99)*

17.10.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (meets and practice meets) in golf by the conclusion of the NCAA Division I Golf Championships. *(Revised: 1/14/97 effective 8/1/97)*

17.10.5 Number of Dates of Competition.

17.10.5.1 Maximum Limitations—Institutional. An institution shall limit its total playing schedule with outside competition in golf during the permissible golf playing season to 24 dates of competition, except for those dates of competition excluded under Bylaws 17.10.5.2 and 17.10.5.3 (see Bylaw 20.9.4.3 for minimum contests and participants requirements). *(Revised: 1/10/91 effective 8/1/91, 4/26/07 effective 8/1/07, 1/12/08 effective 8/1/08)*

17.10.5.1.1 Tournament Limitations. No tournament shall exceed three days. A "college-am" fundraiser may be excluded from this limitation, provided the event is held the day prior to a three-day tournament and no practice round is played prior to the day of the "college-am." *(Adopted: 1/10/91 effective 8/1/91, Revised: 1/11/94 effective 8/1/94)*

17.10.5.1.2 Determination of Date of Competition. An institution shall be considered to have used a date of competition in golf if five or more student-athletes participate on behalf of the institution or any number of student-athletes contribute to a team score on a particular date. *(Revised: 1/15/09 effective 8/1/09)*

17.10.5.1.3 In-Season Foreign Competition. A member institution may play one or more of its countable dates of competition in golf in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.10.5.1.4 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 24 dates of competition in golf (this limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution). *(Revised: 1/10/91 effective 8/1/91, 4/26/07 effective 8/1/07, 1/12/08 effective 8/1/08)*

17.10.5.2 Annual Exemptions. The maximum number of dates of competition in golf shall exclude the following:

(a) **Conference Championship.** Competition in one conference championship tournament in golf;

(b) **NAIA Championship.** Competition in the National Association of Intercollegiate Athletics (NAIA) golf championships;

(c) **NCAA Championship.** Competition in the NCAA Division I Golf Championships;

(d) **Alumni Match.** One date of competition in golf each year against an alumni team of the institution;

(e) **Foreign Team in the United States.** One date of competition in golf each year with a foreign opponent in the United States;

(f) **Hawaii or Alaska.** The dates of competition of one event (e.g., dual competition, tournament) in golf in Hawaii or Alaska, respectively, either against or under the sponsorship of an active Division I member located in Hawaii or Alaska, by a member located outside the area in question; *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/30/09 effective 8/1/09)*

(g) **Fundraising Activity.** Any golf activities in which student-athletes from more than one of the institution's athletics teams or in which team members of that sport participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw12.5.1.1);

(h) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's golf team who participate in local celebrity golf activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

(i) **College-Am Event.** A "college-am" golf tournament, provided the event is held in conjunction with intercollegiate competition and student-athletes do not receive awards or prizes for such participation; *(Revised: 1/10/91)*

(j) **Conference Playoff.** Conference playoff competition involving member institutions that tie for a conference championship. Such teams may participate in a single conference championship playoff to determine the conference's automatic entry into an NCAA championship without the event being counted as a postseason tournament; *(Adopted: 1/9/96 effective 8/1/96)*

(k) **U.S. National Team.** One date of competition against any team as selected and designated by the appropriate national governing body for golf as a U.S. national team (e.g., "Under-21 U.S. national team); and *(Adopted: 1/9/96 effective 8/1/96, Revised: 9/6/00)*

(l) **College All-American Golf Classic.** Competition in the College All-American Golf Classic shall be exempt, provided not more than two student-athletes from the institution participate and the event is limited to two dates of competition. *(Adopted: 1/14/08 effective 8/1/08)*

17.10.5.3 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt a foreign tour from its maximum number of dates of competition, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.10.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.10.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91)*

17.10.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 1/10/91 effective 8/1/91, 1/10/92, 4/28/05, 11/1/07 effective 8/1/08)*

17.10.6.1.1 Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete. *(Adopted: 1/10/92, Revised: 1/11/94, 4/28/05)*

17.10.7 Camps and Clinics. There are no limits on the number of student-athletes in golf who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.10.8 Other Restrictions.

17.10.8.1 Noncollegiate, Amateur Competition.

17.10.8.1.1 During Academic Year. A student-athlete in golf who participates during the academic year as a member of any outside golf team in any noncollegiate, amateur competition (e.g., tournament play, exhibition meets or other activity) except while representing the institution in intercollegiate golf competition shall be ineligible for intercollegiate golf unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93 effective 8/1/93, 10/3/05)*

17.10.8.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed two. *(Adopted: 1/11/94 effective 8/1/94)*

17.10.8.1.2 Out of Season. There are no limits on the number of student-athletes with eligibility remaining in intercollegiate golf who may practice or compete out of season on an outside amateur golf team (competition on an outside team permitted only during the summer except as provided in Bylaw 17.10.8.1.1.1). *(Revised: 1/10/91 effective 8/1/91, 1/16/93)*

17.10.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's golf team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.10.8.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.10.8.2 Equipment Issue, Squad Pictures. No limitations. *(Revised: 1/16/93 effective 8/1/93)*

17.11 GYMNASTICS

Regulations for computing the gymnastics playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.11.1 Length of Playing Season. The length of an institution's playing season in gymnastics shall be limited to a 144-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.11.2 Preseason Practice. A member institution shall not commence practice sessions in gymnastics prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/10/91 effective 8/1/91, 1/10/95 effective 8/1/95, 1/14/97 effective 8/1/97)*

17.11.3 First Date of Competition. A member institution shall not engage in its first date of competition (meet or practice meet) with outside competition in gymnastics prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/10/91 effective 8/1/91, 1/10/95 effective 8/1/95, 1/14/97 effective 8/1/97)*

17.11.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (meets and practice meets) in gymnastics by the conclusion of the USA Gymnastics or National College Gymnastics Association (NCGA) collegiate gymnastics championships, whichever is later. *(Revised: 1/10/91 effective 8/1/91, 1/14/97, 4/27/00)*

17.11.5 Number of Dates of Competition.

17.11.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in gymnastics during the permissible gymnastics playing season to 13 dates of competition except for the dates of competition excluded under Bylaws 17.11.5.2 and 17.11.5.3 (see Bylaw 20.9.4.3 for minimum contests and participants requirements). *(Revised: 1/10/91 effective 8/1/91, 1/16/93)*

17.11.5.1.1 In-Season Foreign Competition. A member institution may engage in one or more of its countable gymnastics dates of competition in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.11.5.1.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 13 dates of competition in gymnastics. This limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. *(Revised: 1/10/91 effective 8/1/91, 1/16/93)*

17.11.5.2 Annual Exemptions. The maximum number of dates of competition in gymnastics shall exclude the following: (*Revised: 2/24/03*)

(a) **Season-Ending Tournaments**

(1) **Season-Ending Tournaments.** Competition in one season-ending gymnastics tournament (i.e., NCAA championship, the USA Gymnastics Championship, the National College Gymnastics Association (NCGA) College Gymnastics Championship or the Women's National Invitational Tournament) after the end of the regular season between teams that are not identified until the close of the regular season; and *(Revised: 4/26/01 effective 8/1/01)*

(2) **Conference Championship.** Competition in one conference championship meet in gymnastics; and

(b) **Alumni Meet.** One date of competition in gymnastics each year against an alumni team of the institution;

(c) **Foreign Team in the United States.** One date of competition in gymnastics each year with a foreign opponent in the United States;

(d) **Hawaii or Alaska.** Any dates of competition in gymnastics in Hawaii or Alaska, respectively, against an active Division I member institution located in Hawaii or Alaska, by a member located outside the area in question; *(Revised: 1/9/96 effective 8/1/96)*

(e) **Fundraising Activity.** Any gymnastics activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(f) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's gymnastics team who participate in local celebrity gymnastics activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

(g) **U.S. National Team.** One date of competition played against any team as selected and designated by the appropriate national governing body for gymnastics as a U.S. national team (e.g., "Under-21 U.S. national team). *(Adopted: 1/9/96 effective 8/1/96, Revised 9/6/00)*

17.11.5.3 Once-in-Four-Years Exemption—Foreign Tour. The contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.11.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff at the student-athlete's institution shall not engage in countable athletically related activities (see Bylaw 17.02.1) outside the institution's declared playing season per Bylaw 17.11.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.11.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 1/10/91 effective 8/1/91, 1/10/92, 4/28/05, 11/1/07 effective 8/1/08)*

17.11.6.1.1 Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete. *(Adopted: 1/10/92, Revised: 1/11/94, 4/28/05)*

17.11.7 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete uses gymnastics equipment. The coach may provide safety instruction and skill instruction, but cannot conduct the individual's workouts. *(Adopted: 1/10/91 effective 8/1/91)*

17.11.8 Camps and Clinics. There are no limits on the number of student-athletes in gymnastics who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.11.9 Other Restrictions.

17.11.9.1 Noncollegiate, Amateur Competition.

17.11.9.1.1 During Academic Year. A student-athlete in gymnastics who participates during the academic year as a member of any outside gymnastics team in any noncollegiate, amateur competition (e.g., tournament, exhibition meets or other activity) except while representing the institution in intercollegiate gymnastics competition shall be ineligible for intercollegiate gymnastics competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.11.9.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed two. *(Adopted: 1/11/94 effective 8/1/94)*

17.11.9.1.2 Out of Season. There are no limits on the number of student-athletes from the same member institution with eligibility remaining in intercollegiate gymnastics who may practice or compete out of season on an outside amateur gymnastics team (competition on an outside team permitted only during the summer except as provided in Bylaw 17.11.9.1.1.1). *(Revised: 1/10/91 effective 8/1/91, 1/16/93)*

17.11.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's gymnastics team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.11.9.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. (*Revised: 2/21/02*)

17.11.9.2 Equipment Issue, Squad Pictures. No limitations.

17.12 ICE HOCKEY

Regulations for computing the ice hockey playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.) *(Revised: 1/9/96 effective 8/1/96, 5/30/08)*

17.12.1 Length of Playing Season. The length of an institution's playing season in ice hockey shall be limited to a 132-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.12.2 Preseason Practice. In men's ice hockey, an institution shall not commence practice sessions prior to the Saturday of the 25th full weekend prior to the start of the NCAA Division I Men's Ice Hockey Championship. In women's ice hockey, an institution shall not commence practice sessions prior to the Saturday of the 25th full weekend prior to the start of the Women's National Collegiate Ice Hockey Championship. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97, 11/1/01 effective 8/1/04, 3/16/07)*

17.12.3 First Contest. In men's ice hockey, an institution shall not play its first contest (game or scrimmage) with outside competition prior to the Saturday of the 25th full weekend prior to the start of the NCAA Division I Men's Ice Hockey Championship. In women's ice hockey, an institution shall not play its first contest (game or scrimmage) with outside competition prior to the Saturday of the 25th full weekend prior to the start of the Women's National Collegiate Ice Hockey Championship. (See Figure 17-2.) *(Revised: 1/10/95 effective 8/1/95, 3/16/07)*

17.12.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in each segment in ice hockey by the last day of final examinations for the regular academic year at the institution. *(Revised: 1/14/97 effective 8/1/97)*

17.12.5 Number of Contests.

17.12.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition during the institution's ice hockey playing season to 34 contests (games or scrimmages), except for those contests excluded under Bylaws 17.12.5.3 and 17.12.5.4. *(Revised: 1/10/91 effective 8/1/91, 1/9/96 effective 8/1/96)*

17.12.5.1.1 In-Season Foreign Competition. A member institution may play one or more of its countable contests in ice hockey in one or more foreign countries on one trip during the prescribed playing season. However, except for contests played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.12.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in 34 contests (this limitation includes those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution). *(Revised: 1/10/91 effective 8/1/91)*

17.12.5.3 Annual Exemptions. The maximum number of ice hockey contests shall exclude the following: *(Revised: 2/24/03)*

(a) **Conference Championship.** Competition in one conference championship tournament in ice hockey (or the tournament used to determine the conference's automatic entry in an NCAA ice hockey championship);

(b) **Conference Playoff.** Competition involving member institutions that tie for a conference championship. Such teams may participate in a single-elimination playoff to determine the conference's automatic entry in an NCAA ice hockey championship without the game(s) being counted as a postseason tournament;

(c) **NCAA Championships.** Competition in the NCAA Division I Men's Ice Hockey Championship and the National Collegiate Women's Ice Hockey Championship; *(Revised: 11/22/04)*

(d) **NCAA Championship Play-In Competition.** Competition in play-in contests conducted before NCAA championships;

(e) **Alumni Game.** One ice hockey contest each year against an alumni team of the institution;

(f) **Foreign Team in the United States.** One ice hockey contest each year with a foreign opponent in the United States;

(g) **Hall of Fame Game.** The one ice hockey game between two Division I intercollegiate teams at the U.S. Hockey Hall of Fame;

(h) **U.S. Olympic Team.** One ice hockey contest each year against the U.S. Olympic ice hockey team during that team's training for participation in the Winter Olympics; *(Adopted: 1/16/93)*

(i) **Hawaii or Alaska.** Any games played in Hawaii or Alaska, respectively, against an active Division I member institution located in Hawaii or Alaska, by a member located outside the area in question; *(Adopted: 1/9/96 effective 8/1/96)*

(j) **Fundraising Activity.** Any ice hockey activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(k) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's ice hockey team who participate in local celebrity ice hockey activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

(l) **U.S. National Team.** One game played against any team as selected and designated by the appropriate national governing body for ice hockey as a U.S. national team (e.g., "Under-21" U.S. national team); and *(Adopted: 1/9/96 effective 8/1/96; Revised 9/6/00)*

(m) **Hockey Commissioners Association/Ice Breaker Tournament.** Competition in the Ice Breaker Tournament sponsored by the Hockey Commissioners Association. *(Adopted: 1/14/08)*

17.12.5.4 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.12.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.12.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.12.6.1 Summer Practice. Ice hockey practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 4/28/05, 11/1/07 effective 8/1/08)*

17.12.7 Camps and Clinics. There are no limits on the number of student-athletes with eligibility remaining in ice hockey who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.12.8 Other Restrictions.

17.12.8.1 Noncollegiate, Amateur Competition.

17.12.8.1.1 During Academic Year. A student-athlete in ice hockey who participates during the academic year as a member of any outside ice hockey team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate ice hockey competition shall be ineligible for intercollegiate ice hockey competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.12.8.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed four. *(Adopted: 1/11/94 effective 8/1/94)*

17.12.8.1.1.2 Exception—Conference All-Star Competition Against U.S. National Team. In women's ice hockey, a student-athlete may compete during the academic year as a member of a conference all-star team in up to two contests against the U.S. Women's National Ice Hockey Team in the 12 months prior to the Winter Olympic Games, provided the student-athlete is academically eligible for intercollegiate competition at the time of the competition. *(Adopted: 1/17/09)*

17.12.8.1.2 Out of Season. There are no limits on the number of student-athletes with eligibility remaining in intercollegiate ice hockey who may practice or compete out of season on an outside, amateur ice hockey team, provided such competition on an outside team occurs only during the summer (except as provided in Bylaw 17.12.8.1.1.1). *(Revised: 1/10/91 effective 8/1/91)*

17.12.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution's ice hockey team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.12.8.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. (*Revised: 2/21/02*)

17.12.8.2 Equipment Issue, Squad Pictures. No limitations. *(Revised: 1/11/89, 1/10/05)*

17.13 LACROSSE

Regulations for computing the lacrosse playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.13.1 Length of Playing Season. The length of an institution's playing season in lacrosse shall be limited to a 132-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.13.2 Preseason Practice. A member institution shall not commence practice sessions in lacrosse prior to September 7 or the institution's first day of classes, whichever is earlier. *(Revised: 1/14/97 effective 8/1/97)*

17.13.3 First Date of Competition. A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in lacrosse prior to September 7 or the institution's first day of classes, whichever is earlier. *(Revised: 1/14/97 effective 8/1/97)*

17.13.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in lacrosse by the conclusion of the NCAA Division I Lacrosse Championship. *(Revised: 1/14/97 effective 8/1/97)*

17.13.5 Number and Dates of Competition.

17.13.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in lacrosse during the institution's lacrosse playing season to 17 dates of competition in men's lacrosse and 17 dates of competition during the segment in which the NCAA championship is conducted and five dates of competition during another segment in women's lacrosse, except for those dates of competition excluded under Bylaws 17.13.5.3 and 17.13.5.4. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.13.5.1.1 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in lacrosse in one or more foreign countries on one trip during the prescribed playing season. However, except for dates of competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.13.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 17 dates of competition in men's lacrosse and 17 dates of competition during the segment in which the NCAA championship is conducted and five dates of competition during another segment in women's lacrosse. This limitation includes those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.13.5.3 Annual Exemptions. The maximum number of dates of competition in lacrosse shall exclude the following: *(Revised: 2/24/03)*

(a) **Conference Championship.** Competition in one conference championship tournament in lacrosse;

(b) **NCAA Championship.** Competition in an NCAA lacrosse championship;

(c) **NCAA Championship Play-In Competition.** Competition in play-in contests conducted before NCAA championships;

(d) **Alumni Game.** One date of competition in lacrosse each year against an alumni team of the institution;

(e) **Foreign Team in the United States.** One date of competition in lacrosse each year with a foreign opponent in the United States;

(f) **Hawaii or Alaska.** Any dates of competition played in Hawaii or Alaska, respectively, against an active Division I member located in Hawaii or Alaska, by a member located outside the area in question; *(Adopted: 1/9/96 effective 8/1/96)*

(g) **Fundraising Activity.** Any lacrosse activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(h) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's lacrosse team who participate in local celebrity lacrosse activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

(i) **U.S. National Team.** One date of competition played against any team as selected and designated by the appropriate national governing body for lacrosse as a U.S. national team (e.g., "Under-21" U.S. national team). *(Adopted: 1/9/96 effective 8/1/96; Revised 9/6/00)*

17.13.5.4 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.13.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.13.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.13.6.1 Summer Practice. Lacrosse practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 4/28/05, 11/1/07 effective 8/1/08)*

17.13.7 Camps and Clinics. There are no limits on the number of student-athletes in lacrosse who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.13.8 Other Restrictions.

17.13.8.1 Noncollegiate, Amateur Competition.

17.13.8.1.1 During Academic Year. A student-athlete in lacrosse who participates during the academic year as a member of any outside lacrosse team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate lacrosse competition shall be ineligible for intercollegiate lacrosse competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.13.8.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed five. *(Adopted: 1/11/94 effective 8/1/94)*

17.13.8.1.2 Out of Season. A member institution may permit not more than five student-athletes with eligibility remaining in intercollegiate lacrosse to practice or compete out of season on an outside, amateur lacrosse team (competition on an outside team permitted only during the summer, except as provided in Bylaw 17.13.8.1.1.1). *(Revised: 1/10/91 effective 8/1/91)*

17.13.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution's lacrosse team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.13.8.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.13.8.2 Equipment Issue, Squad Pictures. No limitations. *(Revised: 1/11/89, 1/10/05)*

17.14 RIFLE

Regulations for computing the rifle playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.14.1 Length of Playing Season. The length of an institution's playing season in rifle shall be limited to a 144-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.14.2 Preseason Practice. A member institution shall not commence practice sessions in rifle prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/10/91 effective 8/1/91, 1/10/95 effective 8/1/95, 1/14/97 effective 8/1/97)*

17.14.3 First Date of Competition. A member institution shall not engage in its first date of competition (meet or practice meet) with outside competition in rifle prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/10/91 effective 8/1/91, 1/10/95 effective 8/1/95, 1/14/97 effective 8/1/97)*

17.14.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (meets and practice meets) in rifle by the last date of final examinations for the regular academic year at the institution. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.14.5 Number of Dates of Competition.

17.14.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in rifle during the permissible rifle playing season to 13 dates of competition except for those dates of competition excluded under Bylaws 17.14.5.3 and 17.14.5.4 (see Bylaw 20.9.4.3 for minimum contests and participants requirements). *(Revised: 1/10/91 effective 8/1/91)*

17.14.5.1.1 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in rifle in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.14.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 13 dates of competition in rifle. This limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. *(Revised: 1/10/91 effective 8/1/91)*

17.14.5.3 Annual Exemptions. The maximum number of dates of competition in rifle shall exclude the following: *(Revised: 2/24/03)*

(a) **Season-Ending Tournaments**

(1) **NCAA Championship.** Competition in the National Collegiate Men's and Women's Rifle Championships; and

(2) **Conference Championship.** Competition in one conference championship competition in rifle;

(b) **Alumni Match.** One date of competition in rifle each year against an alumni team of the institution;

(c) **Foreign Team in the United States.** One date of competition in rifle each year with a foreign opponent in the United States;

(d) **Hawaii or Alaska.** Any dates of competition in rifle in Hawaii or Alaska, respectively, against an active member institution located in Hawaii or Alaska, by an active member located outside the area in question; *(Revised: 1/9/96 effective 8/1/96)*

(e) **Fundraising Activity.** Any rifle activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(f) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's rifle team who participate in local celebrity rifle activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

(g) **U.S. National Team.** One date of competition played against any team as selected and designated by the appropriate national governing body for rifle as a U.S. national team (e.g., "Under-21" U.S. national team). *(Adopted: 1/9/96 effective 8/1/96, Revised: 9/6/00)*

17.14.5.4 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.14.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff at the student-athlete's institution shall not engage in countable athletically related activities (see Bylaw 17.02.1) outside the institution's declared playing season per Bylaws 17.14.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.14.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and com-

petition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 1/10/91 effective 8/1/91, 1/10/92, 4/28/05, 11/1/07 effective 8/1/08)*

17.14.6.1.1 Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete. *(Adopted: 1/10/92, Revised: 1/11/94, 4/28/05)*

17.14.7 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is shooting. The coach may provide safety or skill instruction but cannot conduct the individual's workouts. *(Adopted: 1/10/91 effective 8/1/91)*

17.14.8 Camps and Clinics. There are no limits on the number of student-athletes in rifle who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.14.9 Other Restrictions.

17.14.9.1 Noncollegiate, Amateur Competition.

17.14.9.1.1 During Academic Year. A student-athlete in rifle who participates during the academic year as a member of any outside rifle team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate rifle competition shall be ineligible for intercollegiate rifle competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.14.9.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed two. *(Adopted: 1/11/94 effective 8/1/94)*

17.14.9.1.2 Out of Season. There are no limits on the number of student-athletes from the same member institution with eligibility remaining in intercollegiate rifle who may practice or compete out of season on an outside, amateur rifle team (competition on an outside team permitted only during the summer, except as provided in Bylaw 17.14.9.1.1.1).*(Revised: 1/10/91 effective 8/1/91, 1/16/93)*

17.14.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's rifle team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.14.9.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.14.9.2 Equipment Issue, Squad Pictures. No limitations.

17.15 ROWING, WOMEN'S

Regulations for computing the rowing playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.) The following regulations apply independently to open and lightweight rowing programs. *(Revised: 4/28/05 effective 8/1/05)*

17.15.1 Length of Playing Season. The length of an institution's playing season in rowing shall be limited to a 156-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/14/97 effective 8/1/97)*

17.15.1.1 Winter-Training Trip. A single winter-training trip, for practice only, shall be permitted between the segments, provided the trip does not exceed two weeks and is counted as part of the 156-day playing and practice season. *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/14/97 effective 8/1/97)*

17.15.2 Preseason Practice. A member institution shall not commence practice sessions in rowing prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/14/97 effective 8/1/97)*

17.15.3 First Date of Competition. A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in rowing prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/14/97 effective 8/1/97)*

17.15.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in rowing by the conclusion of the National Collegiate Rowing Championship, or for lightweight rowing, the conclusion of the Intercollegiate Rowing Association (IRA) Women's Lightweight Rowing Championship. *(Adopted: 1/9/96 effective 8/1/96, Revised:1/14/97 effective 8/1/97, 4/26/01)*

17.15.5 Number of Dates of Competition.

17.15.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in rowing during the institution's playing season to 20 dates of competition (games and scrimmages), except for those dates of competition excluded under Bylaws 17.15.5.3 and 17.15.5.4. *(Adopted: 1/9/96 effective 8/1/96)*

17.15.5.1.1 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in rowing in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years. *(Adopted: 1/9/96 effective 8/1/96)*

17.15.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in 20 dates of competition (this limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution). *(Adopted: 1/9/96 effective 8/1/96)*

17.15.5.3 Annual Exemptions. The maximum number of dates of competition in rowing shall exclude the following: *(Adopted: 1/9/96 effective 8/1/96, Revised: 2/24/03)*

(a) **Conference Championship.** Competition in one conference championship meet in rowing;

(b) **Season-Ending Tournament**

(1) **NCAA Championship.** Competition in the NCAA Women's Rowing Championship; and

(2) **Season-Ending Championship Event.** Season-ending competition in one of the recognized national intercollegiate rowing championship events for which the institution is qualified and eligible to participate (e.g., Cincinnati Regatta, Intercollegiate Rowing Association Regatta, Dad Vail Regatta, Champion International Regatta);

(c) **Alumni Meet.** One date of competition in rowing each year against an alumni team of the institution;

(d) **Foreign Team in the United States.** One date of competition in rowing each year with a foreign opponent in the United States;

(e) **Hawaii, Alaska, Puerto Rico.** Any dates of competition in rowing in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member located outside the area in question;

(f) **Fundraising Activity.** Any rowing activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1); and

(g) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's rowing team who participate in local celebrity rowing activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

17.15.5.4 Foreign Tour. The dates of competition in rowing on a foreign tour shall be excluded from the maximum number of dates of competition, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29).

17.15.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.15.1 except as permitted in Bylaw 17.1.6.2. *(Adopted: 1/9/96 effective 8/1/96)*

17.15.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/28/05, 11/1/07 effective 8/1/08)*

17.15.7 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete uses rowing equipment. The coach may provide safety or skill instruction but may not conduct the individual's workouts. *(Adopted: 1/9/96 effective 8/1/96)*

17.15.8 Camps and Clinics. There are no limits on the number of student-athletes in rowing who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Adopted: 1/9/96 effective 8/1/96)*

17.15.9 Other Restrictions.

17.15.9.1 Noncollegiate, Amateur Competition.

17.15.9.1.1 During Academic Year. A student-athlete in rowing who participates during the academic year as a member of any outside rowing team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate rowing competition shall be ineligible for intercollegiate rowing competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Adopted: 1/9/96 effective 8/1/96, Revised: 10/3/05)*

17.15.9.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. *(Adopted: 1/9/96 effective 8/1/96)*

17.15.9.1.2 Out of Season. There are no limits on the number of student-athletes with eligibility remaining in intercollegiate rowing who may practice or compete out of season on an outside, amateur rowing team (competition on an outside team permitted only during the summer, except as provided in Bylaw 17.15.9.1.1.1). *(Adopted: 1/9/96 effective 8/1/96)*

17.15.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with remaining eligibility from that institution's rowing team except as provided under Bylaws 14.7.3 and 17.29. *(Adopted: 1/9/96 effective 8/1/96)*

17.15.9.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.15.9.2 Equipment Issue, Squad Pictures. No limitations. *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/10/05)*

17.16 RUGBY, WOMEN'S

Regulations for computing the rugby playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.) *(Adopted: 4/28/05 effective 8/1/05)*

17.16.1 Length of Playing Season. The length of an institution's playing season in women's rugby shall be limited to a 132-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Adopted: 4/28/05 effective 8/1/05)*

17.16.2 Preseason Practice. A member institution shall not commence practice sessions in women's rugby prior to the date that permits a maximum of 21 units (see Bylaw 17.02.11) prior to the first scheduled intercollegiate contest. *(Adopted: 4/28/05 effective 8/1/05)*

17.16.3 First Contest. A member institution shall not play its first contest with outside competition in women's rugby prior to September 1 or the preceding Friday if September 1 falls on a Saturday, Sunday or Monday (see Figure 17-2). *(Adopted: 4/28/05 effective 8/1/05)*

17.16.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in women's rugby by the last date of final exams for the regular academic year at the institution. *(Adopted: 4/28/05 effective 8/1/05)*

17.16.5 Number of Contests.

17.16.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in women's rugby during the institution's rugby playing season in any one year to

11 contests, except for those contests excluded under Bylaws 17.16.5.3 and 17.16.5.4. *(Adopted: 4/28/05 effective 8/1/05)*

17.16.5.1.1 Scrimmages/Exhibition Games. A member institution may play one rugby scrimmage or exhibition game (which shall not count toward the institution's won-lost record) prior to the first scheduled contest during a particular academic year, provided such scrimmage or exhibition game is conducted during the institution's declared playing season per Bylaw 17.16.1 and is counted against the maximum number of contests. *(Adopted: 4/28/05 effective 8/1/05)*

17.16.5.1.2 In-Season Foreign Competition. A member institution may play one or more of its countable contests in women's rugby in one or more foreign countries on one trip during the prescribed playing season. However, except for contests played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years. *(Adopted: 4/28/05 effective 8/1/05)*

17.16.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 11 rugby contests. This limitation includes those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. *(Adopted: 4/28/05 effective 8/1/05)*

17.16.5.3 Annual Exemptions. The maximum number of rugby contests and dates of competition shall exclude the following: *(Adopted: 4/28/05 effective 8/1/05)*

(a) **Conference Championship.** Competition in one conference championship tournament in women's rugby;

(b) **National Governing Body Championship.** Competition in the rugby national governing body championship;

(c) **Alumni Contest.** One contest each year against an alumni team of the institution;

(d) **Foreign Team in the United States.** One contest each year with a foreign opponent in the United States;

(e) **Hawaii, Alaska or Puerto Rico.** Any women's rugby games played in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member located outside the area in question;

(f) **U.S. National Team.** One contest or date of competition played against the U.S. national team as selected and designated by the appropriate national governing body for rugby (e.g., "Under-21" U.S. national team).

(g) **Fundraising Activity.** Any rugby activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1); and

(h) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's rugby team who participate in local celebrity rugby activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

17.16.5.4 Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 4/28/05 effective 8/1/05)*

17.16.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.16.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 4/28/05 effective 8/1/05)*

17.16.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Adopted: 4/28/05 effective 8/1/05, Revised: 11/1/07 effective 8/1/08)*

17.16.7 Camps and Clinics. There are no limits on the number of student-athletes in women's rugby who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Adopted: 4/28/05 effective 8/1/05)*

17.16.8 Other Restrictions.

17.16.8.1 Noncollegiate, Amateur Competition.

17.16.8.1.1 During Academic Year. A student-athlete in women's rugby who participates during the academic year as a member of any outside rugby team in any noncollegiate, amateur competition (e.g.,

tournament play, exhibition games or other activity) except while representing the institution in intercollegiate rugby competition shall be ineligible for intercollegiate rugby competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Adopted: 4/28/05 effective 8/1/05, Revised: 10/3/05)*

17.16.8.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed five. *(Revised: 4/28/05 effective 8/1/05)*

17.16.8.1.1.2 May 1 Exception. A student-athlete in rugby may compete outside of an institution's declared playing and practice season as a member of an outside team in any noncollegiate amateur competition, provided: *(Adopted: 4/28/05 effective 8/1/05)*

(a) Such participation occurs not earlier than May 1;

(b) The number of student-athletes from any one institution does not exceed five;

(c) The competition is approved by the institution's director of athletics; and

(d) No class time is missed for practice activities or for competition.

17.16.8.1.2 Out of Season. A member institution may permit not more than five student-athletes with eligibility remaining in intercollegiate women's rugby to practice or compete out of season on an outside, amateur rugby team (competition on an outside team permitted only during the summer, except as provided in Bylaws 17.16.8.1.1.1 and 17.16.8.1.1.2). *(Adopted: 4/28/05 effective 8/1/05)*

17.16.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution's women's rugby team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Adopted: 4/28/05 effective 8/1/05)*

17.16.8.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided: *(Adopted: 4/28/05 effective 8/1/05)*

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.16.8.2 Equipment Issue, Squad Pictures. No limitations. *(Adopted: 4/28/05 effective 8/1/05)*

17.18 SKIING

Regulations for computing the skiing playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.18.1 Length of Playing Season. The length of an institution's playing season in skiing shall be limited to a 144-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. An institution that sponsors both Alpine and Nordic skiing may declare separate playing and practice seasons. *(Revised: 4/28/05 effective 8/1/05)*

17.18.2 Preseason Practice. A member institution shall not commence practice sessions in skiing prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/10/91 effective 8/1/91, 1/10/95 effective 8/1/95, 1/14/97 effective 8/1/97)*

17.18.3 First Date of Competition. A member institution shall not engage in its first date of competition (meets or practice meets) with outside competition in skiing prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/10/91 effective 8/1/91, 1/10/95 effective 8/1/95, 1/14/97 effective 8/1/97)*

17.18.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (meets and practice meets) in skiing by the last date of final examinations for the regular academic year at the institution. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.18.5 Number of Dates of Competition.

17.18.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in skiing during the permissible skiing playing season to 16 dates of competition for alpine events and 16 dates of competition for nordic events, except for those dates of competition excluded under Bylaws 17.18.5.3 and 17.18.5.4. (See Bylaw 20.9.4.3 for minimum contests and participants requirements.) *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 4/29/04)*

17.18.5.1.1 Skiing Meet. A skiing meet of not more than two days' duration shall be considered a date of competition. An institution that participates in a skiing competition that exceeds two days in duration may count the first two days of the competition as a single date of competition but must count any additional days as separate dates of competition. *(Revised: 12/10/97)*

17.18.5.1.1.1 Competition That Exceeds Two Days. An institution that participates in multiple competitions on the same date that it participates in a competition that exceeds two days may select either day (but not both days) as one institutional date of competition. Further, if the institution participates in a separate event on the selected date, such participation will not result in an additional date of competition. However, participation in a separate event at a separate site on the date not selected will result in a second date of competition if the institution has the minimum number of student-athletes participating on that day. *(Adopted: 3/10/04)*

17.18.5.1.2 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in skiing in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.18.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 16 dates of competition in skiing. This limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. *(Revised: 1/10/91 effective 8/1/91, 1/16/93)*

17.18.5.3 Annual Exemptions. The maximum number of dates of competition in skiing shall exclude the following: *(Revised: 2/24/03)*

(a) **Season-Ending Tournaments**
   (1) **NCAA Championship.** Competition in the National Collegiate Men's and Women's Skiing Championships; and
   (2) **Conference Championship.** Competition in one conference championship meet in skiing;

(b) **Alumni Meet.** One date of competition in skiing each year against an alumni team of the institution;

(c) **Foreign Team in the United States.** One date of competition in skiing each year with a foreign opponent in the United States;

(d) **Hawaii or Alaska.** Any dates of competition in skiing in Hawaii or Alaska, respectively, against an active member institution located in Hawaii or Alaska, by a member located outside the area in question; *(Revised: 1/9/96 effective 8/1/96)*

(e) **Fundraising Activity.** Any skiing activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(f) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's ski team who participate in local celebrity skiing activities conducted for the purpose of raising funds for charitable organizations, provided:
   (1) The student-athletes do not miss classes as a result of the participation;
   (2) The involvement of the student-athletes has the approval of the institution's athletics director; and
   (3) The activity takes place within a 30-mile radius of the institution's main campus.

(g) **U.S. National Team.** One date of competition against any team as selected and designated by the appropriate national governing body for skiing as a U.S. national team (e.g., "Under-21" U.S. national team). *(Adopted: 1/9/96 effective 8/1/96, Revised: 9/6/00)*

17.18.5.4 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.18.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff at the student-athlete's institution shall not engage in countable athletically related activities (see Bylaw 17.02.1) outside the institution's declared playing season per Bylaw 17.18.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.18.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 1/10/91 effective 8/1/91, 1/10/92, 4/28/05, 11/1/07 effective 8/1/08)*

17.18.6.1.1 Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete. *(Adopted: 1/10/92, Revised: 1/11/94, 4/28/05)*

17.18.7 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is engaged in skiing. The coach may provide safety or skill instruction but may not conduct the individual's workouts. *(Adopted: 1/10/91 effective 8/1/91)*

17.18.8 Camps and Clinics. There are no limits on the number of student-athletes in skiing who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.18.9 Other Restrictions.

17.18.9.1 Noncollegiate, Amateur Competition.

17.18.9.1.1 During Academic Year. A student-athlete in skiing who participates during the academic year as a member of any outside skiing team in any noncollegiate, amateur competition (e.g., tournament, exhibition games or other activity) except while representing the institution in intercollegiate skiing competition shall be ineligible for intercollegiate skiing competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.18.9.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed four. *(Adopted: 1/11/94 effective 8/1/94)*

17.18.9.1.2 Out of Season. There are no limits on the number of student-athletes from the same member institution with eligibility remaining in intercollegiate skiing who may practice or compete out of season on an outside, amateur skiing team (competition on an outside team is permitted only during the summer, except as provided in Bylaw 17.18.9.1.1.1). *(Revised: 1/10/91 effective 8/1/91,1/16/93)*

17.18.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining with the institution's skiing team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.18.9.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.18.9.2 Equipment Issue, Squad Pictures. No limitations.

17.19 SOCCER

Regulations for computing the soccer playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.19.1 Length of Playing Season. The length of an institution's playing season in soccer shall be limited to a 132-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.19.2 Preseason Practice. A member institution shall not commence practice sessions in soccer prior to the date that permits a maximum of 21 units (see Bylaw 17.02.11) prior to the first scheduled intercollegiate contest. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97, 4/14/03)*

17.19.3 First Contest Date of Competition. An institution shall not play its first contest or engage in its first date of competition (game) with outside competition in soccer prior to the following dates:

(a) **Women's Soccer—**The Friday prior to the 12th weekend prior to the start of the NCAA Division I Women's Soccer Championship (see Figure 17-2), except that an alumni contest may be played the previous weekend. *(Adopted: 4/20/99 effective 8/1/99, Revised: 12/14/07, 1/14/08 effective 8/1/08, 4/30/09 effective 8/1/09)*

(b) **Men's Soccer—**September 1 or the preceding Friday if September 1 falls on a Saturday, Sunday or Monday (see Figure 17-2), except that an alumni contest may be played the weekend prior to September 1 if September 1 does not fall on a Saturday, Sunday or Monday. *(Revised: 1/10/91 effective 8/1/91, 1/16/93 effective*

8/1/93, 1/10/95 effective 8/1/95, 1/10/96 effective 8/1/96, 1/24/96 effective 8/1/96, 1/14/97 effective 8/1/97, 4/20/99 effective 8/1/99, 10/30/03 effective 8/1/06, 1/8/07 effective 8/1/07, 12/14/07)

17.19.3.1 Exception—Scrimmages/Exhibition Games. An institution may play up to three soccer scrimmages or exhibition games (which shall not count toward the institution's won-lost record) prior to the first scheduled contest during a particular academic year, provided such scrimmages or exhibition games are conducted during the institution's declared playing season per Bylaw 17.19.1 and are counted against the maximum number of contests (see Bylaw 17.19.5.1). Contests that would otherwise be exempted from the maximum number of contests per Bylaw 17.19.5.3 shall count against the maximum if they are played during the preseason practice period prior to the date specified for the first permissible contest. *(Adopted: 12/14/07)*

17.19.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in soccer by the last date of final exams for the regular academic year at the institution. *(Revised: 1/14/97 effective 8/1/97)*

17.19.5 Number of Contests and Dates of Competition.

17.19.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in soccer during the institution's soccer playing season in any one year to 20 contests during the segment in which the NCAA championship is conducted and five dates of competition during another segment, except for those contests and/or dates of competition excluded under Bylaws 17.19.5.3 and 17.19.5.4. *(Revised: 1/10/91 effective 8/1/91)*

17.19.5.1.1 In-Season Foreign Competition. A member institution may play one or more of its countable contests in soccer in one or more foreign countries on one trip during the prescribed playing season. However, except for contests played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.19.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 20 soccer contests during the segment in which the NCAA championship is conducted and five dates of competition in soccer during another segment. This limitation includes those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. *(Revised: 1/10/91 effective 8/1/91)*

17.19.5.3 Annual Exemptions. The maximum number of soccer contests and dates of competition shall exclude the following (unless such contests are played pursuant to Bylaw 17.19.3.1): *(Revised: 2/24/03, 12/14/07)*

(a) **Conference Championship.** Competition in one conference championship tournament in soccer (or the tournament used to determine the conference's automatic entry in an NCAA soccer championship);

(b) **Conference Playoff.** Competition involving member institutions that tie for a conference soccer championship. Such teams may participate in a single-elimination playoff to determine the conference's automatic entry in an NCAA soccer championship without the game(s) being counted as a regular-season contest or postseason tournament;

(c) **Season-Ending Tournaments**

(1) **NCAA Championship.** Competition in the NCAA Division I Soccer Championship; *(Revised: 1/9/96 effective 8/1/96)*

(2) **NAIA Championship.** Competition in the National Association of Intercollegiate Athletics (NAIA) soccer championship;

(d) **NCAA Championship Play-In Competition.** Competition in play-in contests conducted before NCAA championships;

(e) **Alumni Game.** One soccer contest or date of competition each year against an alumni team of the institution;

(f) **Foreign Team in the United States.** One soccer contest or date of competition each year with a foreign opponent in the United States;

(g) **Hawaii or Alaska.** Any soccer games played in Hawaii or Alaska, respectively, against an active Division I member institution located in Hawaii or Alaska, by a member located outside the area in question; *(Adopted: 1/9/96 effective 8/1/96)*

(h) **Fundraising Activity.** Any soccer activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of an institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(i) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's soccer team who participate in local celebrity soccer activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

(j) **U.S. National Team.** One contest or date of competition played against the U.S. national team as selected and designated by the appropriate national governing body for soccer (e.g., "Under-21" U.S. national team). *(Adopted: 1/9/96 effective 8/1/96, Revised: 9/6/00)*

17.19.5.4 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.19.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.20.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.19.6.1 Summer Practice. Soccer practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 4/28/05, 11/1/07 effective 8/1/08)*

17.19.7 Camps and Clinics. There are no limits on the number of student-athletes in soccer who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92, 1/11/94)*

17.19.8 Other Restrictions.

17.19.8.1 Noncollegiate, Amateur Competition.

17.19.8.1.1 During Academic Year. A student-athlete in soccer who participates during the academic year as a member of any outside soccer team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate soccer competition shall be ineligible for intercollegiate soccer competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.19.8.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed five. *(Adopted: 1/11/94 effective 8/1/94, Revised: 10/31/02)*

17.19.8.1.1.2 May 1 Exception. A student-athlete in soccer may compete outside of an institution's declared playing and practice season as a member of an outside team in any noncollegiate amateur competition, provided: *(Adopted: 1/14/97 effective 8/1/97)*

(a) Such participation occurs no earlier than May 1;

(b) The number of student-athletes from any one institution does not exceed five; *(Revised: 10/31/02)*

(c) The competition is approved by the institution's director of athletics; and

(d) No class time is missed for practice activities or for competition.

17.19.8.1.2 Out of Season. A member institution may permit not more than five student-athletes with eligibility remaining in intercollegiate soccer to practice or compete out of season on an outside, amateur soccer team (competition on an outside team permitted only during the summer, except as provided in Bylaws 17.19.8.1.1.1 and 17.19.8.1.1.2). *(Revised: 1/10/91 effective 8/1/91, 10/31/02)*

17.19.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution's soccer team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.19.8.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.19.8.2 Equipment Issue, Squad Pictures. No limitations. *(Revised: 1/11/89, 1/10/05)*

17.20 SOFTBALL

Regulations for computing the softball playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.20.1 Length of Playing Season. The length of an institution's playing season in softball shall be limited to a 132-day season, which may consist of two segments. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97, 1/13/08 effective 8/1/08)*

17.20.1.1 Championship Segment. An institution's championship segment must consist of consecutive days and may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Adopted: 1/14/08 effective 8/1/08)*

17.20.1.2 Nonchampionship Segment. An institution's nonchampionship segment shall be conducted within a period of 45 consecutive days during the months of September, October and November under the following conditions: *(Adopted: 1/14/08 effective 8/1/08)*

(a) Days used for practice or competition must be counted toward the 132-day season, but are not required to be consecutive;

(b) Days during which countable athletically related activities are limited solely to required conditioning activities and/or skill-related instruction are not required to count toward the 132-day season;

(c) During any week in which practice or competition occurs, a student-athlete's involvement in countable athletically related activities shall be limited to a maximum of four hours per day and 20 hours per week and all countable athletically related activities are prohibited during one calendar day per week; and

(d) Any week in which practice or competition does not occur shall be considered outside the playing season (see Bylaw 17.1.6.2).

17.20.2 Preseason Practice. A member institution shall not commence practice sessions in softball prior to September 1 or the institution's first day of classes, whichever is later. *(Revised: 1/14/97 effective 8/1/97, 1/14/08 effective 8/1/08)*

17.20.3 First Contest Date. An institution shall not play its first contest (game or scrimmages) with outside competition in softball prior to the following dates: *(Adopted: 4/26/07 effective 8/1/07)*

(a) **Nonchampionship Segment.** September 1 or the institution's first day of classes, whichever is later. *(Revised: 1/14/97 effective 8/1/97, 4/28/05 effective 8/1/05, 4/26/07 effective 8/1/07, 1/14/08 effective 8/1/08)*

(b) **Championship Segment.** The Thursday that is 14 weeks before the Thursday immediately preceding the start of the NCAA Division I Softball Championship (see Figure 17-2). *(Revised: 4/28/05 effective 8/1/05, 4/26/07 effective 8/1/07)*

17.20.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in softball by the conclusion of the NCAA Division I Softball Championship. *(Revised: 1/14/97 effective 8/1/97)*

17.20.5 Number of Contests.

17.20.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in softball during the institution's softball playing season to 56 contests (games and scrimmages) during the segment in which the NCAA championship is conducted and eight contests (games and scrimmages) during the nonchampionship segment, except for those contests excluded under Bylaws 17.20.5.3 and 17.20.5.4. No class time shall be missed for competition during the nonchampionship segment, including activities associated with competition (e.g., travel and other pregame or postgame activities) conducted during the nonchampionship segment. *(Revised: 1/10/91 effective 8/1/91, 4/26/07 effective 8/1/08)*

17.20.5.1.1 Daily Contest Limitations. There shall be a limit of three on the number of contests that may be played during any one calendar day. *(Adopted: 1/12/99 effective 8/1/99)*

17.20.5.1.2 In-Season Foreign Competition. A member institution may play one or more of its countable contests in softball in one or more foreign countries on one trip during the prescribed playing season. However, except for contests played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.20.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate each academic year in not more than 56 softball contests during the segment in which the NCAA championship is conducted and eight contests during the nonchampionship segment (this limitation includes those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution). *(Revised: 1/10/91 effective 8/1/91, 4/26/07 effective 8/1/08)*

17.20.5.2.1 Daily Contest Limitations. There shall be a limit of three on the number of contests that may be played during any one calendar day. *(Adopted: 1/12/99 effective 8/1/99)*

17.20.5.3 Annual Exemptions. The maximum number of softball contests shall exclude the following:

(a) **Conference Championship.** Competition in one conference championship tournament in softball (or the tournament used to determine the conference's automatic entry in the NCAA Division I Softball Championship);

(b) **Conference Playoff.** Competition involving member institutions that tie for a conference championship. Such teams may participate in a single-elimination playoff to determine the conference's automatic entry in the NCAA Division I Softball Championship without the game(s) being counted as postseason tournament;

(c) **Season-Ending Tournament.**

(1) **NCAA Championship.** Competition in the NCAA Division I Softball Championship; *(Adopted: 1/9/96 effective 8/1/96)*

(2) **NAIA Championship.** Competition in the National Association of Intercollegiate Athletics (NAIA) softball championship;

(d) **NCAA Championship Play-In Competition.** Competition in play-in contests conducted before NCAA championships;

(e) **Alumni Game.** One softball contest each year with an alumni team of the institution;

(f) **Foreign Team in the United States.** One softball contest or both games of a doubleheader each year with a foreign opponent in the United States; *(Revised: 10/31/02)*

(g) **Hawaii or Alaska.** Any softball games played in Hawaii or Alaska, respectively, against an active Division I member located in Hawaii or Alaska, by a member institution located outside the area in question;

(h) **Fundraising Activity.** Any softball activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of an institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(i) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's softball team who participate in local celebrity softball activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

(j) **U.S. National Team.** One dates of competition against any team as selected and designated by the appropriate national governing body for softball as a U.S. national team (e.g., "under-21 U.S. national team"). *(Adopted: 1/9/96 effective 8/1/96, Revised: 9/6/00)*

17.20.5.4 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt those softball games played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29), from its maximum number of softball contests during any academic year. *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.20.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.20.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.20.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 1/10/91 effective 8/1/91, 4/28/05, 11/1/07 effective 8/1/08)*

17.20.7 Camps and Clinics. There are no limits on the number of student-athletes in softball who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.20.8 Other Restrictions.

17.20.8.1 Noncollegiate, Amateur Competition.

17.20.8.1.1 During Academic Year. A student-athlete in softball who participates during the academic year as a member of any outside softball team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate softball competition shall be ineligible for intercollegiate softball competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.20.8.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, ama-

teur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed four. *(Adopted: 1/11/94 effective 8/1/94)*

17.20.8.1.2 Out of Season. A member institution may permit not more than four student-athletes with eligibility remaining in intercollegiate softball to practice or compete out of season on an outside, amateur softball team (competition on an outside team permitted only during the summer, except as provided in Bylaw 17.20.8.1.1.1). *(Revised: 1/10/91 effective 8/1/91)*

17.20.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution's softball team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05, effective 8/1/05)*

17.20.8.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.20.8.2 Equipment Issue, Squad Pictures. No limitations. *(Revised: 1/11/89, 1/10/05)*

17.21 SQUASH, WOMEN'S

Regulations for computing the squash playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.) *(Adopted: 1/9/96 effective 8/1/96)*

17.21.1 Length of Playing Season. The length of an institution's playing season in squash shall be limited to a 144-day season which may consist of two segments (each consisting of consecutive days) and exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/14/97 effective 8/1/97)*

17.21.2 Preseason Practice. A member institution shall not commence practice sessions in squash prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/14/97 effective 8/1/97)*

17.21.3 First Date of Competition. A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in squash prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/14/97 effective 8/1/97)*

17.21.4 End of Regular Season. A member institution shall conclude all practice and competition (meets and practice meets) in each segment in squash by the last date of final examinations for the regular academic year at the institution. *(Adopted: 1/9/96 effective 8/1/96, Revised: 1/14/97 effective 8/1/97)*

17.21.5 Number of Dates of Competition.

17.21.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in squash during the institution's playing season to 15 dates of competition (including not more than three tournaments that are counted as single dates of competition), except for those dates of competition excluded under Bylaws 17.21.5.3 and 17.21.5.4 (see Bylaw 20.9.4.3 for minimum contests and participants requirements). *(Adopted: 1/9/96 effective 8/1/96)*

17.21.5.1.1 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in squash in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years. *(Adopted: 1/9/96 effective 8/1/96)*

17.21.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in 15 dates of competition in squash (including not more than three tournaments that are counted as single dates of competition) (this limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution). *(Adopted: 1/9/96 effective 8/1/96)*

17.21.5.3 Annual Exemptions. The maximum number of dates of competition in squash shall exclude the following: *(Adopted: 1/9/96 effective 8/1/96, Revised: 2/24/03)*

(a) **Conference Championship.** Competition in one conference championship meet in squash;

(b) **National Governing Body Championship.** Competition in the squash national governing body championship;

(c) **Alumni Meet.** One date of competition each year against an alumni team of the institution;

(d) **Foreign Team in the United States.** One date of competition each year with a foreign opponent in the United States;

(e) **Hawaii, Alaska, Puerto Rico.** Any dates of competition in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member located outside the area in question;

(f) **Fundraising Activity.** Any squash activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1); and

(g) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's squash team who participate in local celebrity squash activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

17.21.5.4 Once-In-Four-Years Exemption—Foreign Tour. An institution may exempt the dates of competition on a foreign tour, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29).

17.21.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season pursuant to Bylaw 17.21.1 except as permitted in Bylaw 17.1.6.2. *(Adopted: 1/9/96 effective 8/1/96)*

17.21.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/28/05, 11/1/07 effective 8/1/08)*

17.21.6.1.1 Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete. *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/28/05)*

17.21.7 Camps and Clinics. There are no limits on the number of student-athletes in squash who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Adopted: 1/9/96 effective 8/1/96)*

17.21.8 Other Restrictions.

17.21.8.1 Noncollegiate, Amateur Competition.

17.21.8.1.1 During Academic Year. A student-athlete in squash who participates during the academic year as a member of any outside team in any noncollegiate, amateur competition (e.g., team invitational meet, exhibition meets or other activity) except while representing the institution in intercollegiate competition shall be ineligible for intercollegiate competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Adopted: 1/9/96 effective 8/1/96, Revised: 10/3/05)*

17.21.8.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. *(Adopted: 1/9/96 effective 8/1/96)*

17.21.8.1.2 Out of Season. There are no limits on the number of student-athletes from the same member institution with eligibility remaining who may practice or compete out of season on an outside amateur team (competition on an outside team permitted only during the summer, except as provided in Bylaw 17.21.8.1.1.1). *(Adopted: 1/9/96 effective 8/1/96)*

17.21.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 5/1/05)*

17.21.8.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.21.8.2 Equipment Issue, Squad Pictures. No limitations. *(Adopted: 1/9/96 effective 8/1/96)*

17.22 SWIMMING AND DIVING

Regulations for computing the swimming and diving playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.22.1 Length of Playing Season. The length of an institution's playing season in swimming and diving shall be limited to a 144-day season which may consist of two segments (each consisting of consecutive days) and exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.22.1.1 Exception. A diving student-athlete may engage in diving sessions beyond the conclusion of the institution's 144-day playing and practice season, provided the student-athlete does not engage in countable in-season athletically related activities for more than 144 days. *(Adopted: 4/22/98 effective 8/1/98)*

17.22.2 Preseason Practice. A member institution shall not commence practice sessions in swimming and diving prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/14/97 effective 8/1/97)*

17.22.3 First Date of Competition. A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in swimming and diving prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/14/97 effective 8/1/97)*

17.22.4 End of Regular Season. A member institution shall conclude all practice and competition (meets and practice meets) in each segment in swimming and diving by the last date of final examinations for the regular academic year at the institution. *(Revised: 1/14/97 effective 8/1/97)*

17.22.5 Number of Dates of Competition.

17.22.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in swimming and diving during the institution's swimming and diving playing season to 20 dates of competition (games and scrimmages), except for those dates of competition excluded under Bylaws 17.22.5.3 and 17.22.5.4 (see Bylaw 20.9.4.3, for minimum contests and participants requirements). *(Revised: 1/10/91 effective 8/1/91)*

17.22.5.1.1 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in swimming and diving in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.22.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 20 dates of competition (this limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution). *(Revised: 1/10/91 effective 8/1/91)*

17.22.5.3 Annual Exemptions. The maximum number of dates of competition in swimming and diving shall exclude the following: *(Adopted: 1/9/96 effective 8/1/96, Revised: 2/24/03)*

(a) **Conference Championship.** Competition in one conference championship meet in swimming (or the meet used to determine the conference's entries in an NCAA swimming and diving championships);

(b) **Season-Ending Tournaments**

(1) **NCAA Championship.** Competition in the NCAA Swimming and Diving Championships;

(2) **NAIA Championship.** Competition in the National Association of Intercollegiate Athletics (NAIA) swimming championships;

(c) **Alumni Meet.** One date of competition in swimming and diving each year against an alumni team of the institution;

(d) **Foreign Team in the United States.** One date of competition in swimming and diving each year with a foreign opponent in the United States;

(e) **Hawaii, Alaska, Puerto Rico.** Any dates of competition in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member located outside the area in question;

(f) **Fundraising Activity.** Any swimming and diving activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1); and

(g) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's swimming and diving team who participate in local celebrity swimming and diving activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

(h) **U.S. National Team.** One date of competition against any team as selected and designated by the appropriate national governing body for swimming and diving as a U.S. national team (e.g., "under-21 U.S. national team").

17.22.5.4 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.22.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season pursuant to Bylaw 17.22.1 except as permitted in Bylaw 17.1.6.2. *(Adopted: 1/9/96 effective 8/1/96)*

17.22.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/28/05, 11/1/07 effective 8/1/08)*

17.22.6.1.1 Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete. *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/28/05)*

17.22.7 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is engaged in swimming and diving. The coach may provide safety instruction and skill instruction but may not conduct the individual's workouts. *(Adopted: 1/10/91 effective 8/1/91)*

17.22.8 Camps and Clinics. There are no limits on the number of student-athletes in swimming and diving who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Adopted: 1/9/96 effective 8/1/96)*

17.22.9 Other Restrictions.

17.22.9.1 Noncollegiate, Amateur Competition.

17.22.9.1.1 During Academic Year. A student-athlete in swimming and diving who participates during the academic year as a member of any outside team in any noncollegiate, amateur competition (e.g., team invitational meet, exhibition meets or other activity) except while representing the institution in intercollegiate competition shall be ineligible for intercollegiate competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Adopted: 1/9/96 effective 8/1/96, Revised: 10/3/05)*

17.22.9.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. *(Adopted: 1/9/96 effective 8/1/96)*

17.22.9.1.2 Out of Season. There are no limits on the number of student-athletes from the same member institution with eligibility remaining who may practice or compete out of season on an outside amateur team (competition on an outside team permitted only during the summer, except as provided in Bylaw 17.22.9.1.1.1). *(Adopted: 1/9/96 effective 8/1/96)*

17.22.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's swimming and diving team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.22.9.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.22.9.2 Equipment Issue, Squad Pictures. No limitations.

17.23 TENNIS

Regulations for computing the tennis playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.23.1 Length of Playing Season. The length of an institution's playing season in tennis shall be limited to a 144-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.23.2 Preseason Practice. A member institution shall not commence practice sessions in tennis prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/14/97 effective 8/1/97)*

17.23.3 First Date of Competition. A member institution shall not engage in its first date of competition (meet or practice meet) with outside competition in tennis prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/14/97 effective 8/1/97)*

17.23.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (meets and practice meets) in tennis by the conclusion of the NCAA tennis championships in the institution's division. *(Revised: 1/14/97 effective 8/1/97)*

17.23.5 Number of Dates of Competition.

17.23.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in tennis during the permissible tennis playing season to 25 dates of competition (including not more than seven individual singles and/or doubles tournaments that are counted as single dates of competition), except for those dates of competition excluded under Bylaws 17.23.5.3 and 17.23.5.4. (See Bylaw 20.9.4.3 for minimum contests and participants requirements.) *(Revised: 1/10/91 effective 8/1/91)*

17.23.5.1.1 Dual Tennis Match. A dual tennis match in which head-to-head competition occurs between two collegiate institutions or between an intercollegiate team and an outside team shall count as one date of competition.

17.23.5.1.2 Individual Singles or Doubles Tournament Limitations—Institutional. An individual singles or doubles tournament that does not include any team scoring or the recognition of a team champion shall count as a single date of competition (not to exceed the maximum number of tournaments noted in Bylaw 17.23.5.1) for those institutions that have more than four student-athletes competing therein, regardless of the number of days during which tournament competition takes place. If more than four student-athletes represent an institution in such tournaments at different sites on the same date, the institution must count an institutional date of competition for that date (see Bylaw 17.02.6.1). *(Revised: 10/20/08, 1/15/09 effective 8/1/09)*

17.23.5.1.2.1 Participation in Multiple Tournaments on the Same Day or Days. An institution that participates in multiple individual singles or doubles tournaments on the same day or days may select any day on which all the tournaments are conducted as one institutional date of competition. Further, if the institution participates in a separate event (e.g., dual match, tournament that includes team scoring) on the selected day, such participation will not result in an additional date of competition. However, participation in a separate event on a day not selected as the date of competition associated with the multiple individual singles or doubles tournaments will result in a second date of competition if the institution has the minimum number of student-athletes participating on that day. *(Adopted: 3/10/04, Revised: 10/15/08)*

17.23.5.1.3 Participation in Tournament Played under the Team Tennis Format—Institutional. A tournament, involving both male and female participants (comprised of no more than three men and three women), played under the rules and format of Team Tennis, shall not count as a date of competition for either the men's or women's team, regardless of the actual number of days during which competition takes place. *(Adopted: 1/11/94 effective 8/1/94, Revised: 1/12/99 effective 8/1/99)*

17.23.5.1.4 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in tennis in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.23.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 25 dates of competition (including not more than seven individual singles and/or doubles tournaments that are counted as a single date of competition). This limitation includes those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competi-

tion as a member of the varsity, junior varsity or freshman team of the institution. *(Revised: 1/10/91 effective 8/1/91)*

17.23.5.2.1 Individual Singles or Doubles Tournament Limitations—Student-Athlete. An individual singles or doubles tournament that does not include any team scoring or the recognition of a team champion shall count as a single date of competition (in not more than seven tournaments) for the participating individuals, regardless of the number of days during which tournament competition takes place. *(Revised: 1/10/91 effective 8/1/91)*

17.23.5.2.2 Individual Singles or Doubles Team Tennis Tournament Limitations—Student-Athlete. A tournament conducted over more than one day, under the rules and format of Team Tennis, shall count as one date of competition for the participating individuals, regardless of the actual number of days during which tournament competition takes place. *(Adopted:1/11/94 effective 8/1/94, Revised: 1/12/99 effective 8/1/99)*

17.23.5.3 Annual Exemptions. The maximum number of dates of competition in tennis shall exclude the following: *(Revised: 2/24/03)*

(a) **Conference Championship.** Competition in one conference championship tournament in tennis (or the tournament used to determine the conference's automatic entries in the NCAA tennis championships);

(b) **Season-Ending Tournaments**
   (1) **NCAA Championship.** Competition in the NCAA Division I Tennis Championships;
   (2) **NAIA Championship.** Competition in the National Association of Intercollegiate Athletics (NAIA) tennis championships;

(c) **Alumni Match.** One date of competition in tennis each year against an alumni team of the institution;

(d) **Foreign Team in the United States.** One date of competition in tennis each year with a foreign opponent in the United States;

(e) **Hawaii or Alaska.** Any dates of competition in Hawaii or Alaska, respectively, against an active Division I member institution located in Hawaii or Alaska, by a member located outside the area in question; *(Adopted: 1/9/96 effective 8/1/96)*

(f) **ITA Championships.** Participation in the Intercollegiate Tennis Association men's and women's national indoor team championships;

(g) **Fundraising Activity.** Any tennis activities in which athletes from more than one of the institution's athletics teams or in which team members of that sport participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of an institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(h) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's tennis team who participate in local celebrity tennis activities conducted for the purpose of raising funds for charitable organizations, provided:
   (1) The student-athletes do not miss classes as a result of the participation;
   (2) The involvement of the student-athletes has the approval of the institution's athletics director; and
   (3) The activity takes place within a 30-mile radius of the institution's main campus.

(i) **U.S. National Team.** One date of competition played against any team as selected and designated by the appropriate national governing body for tennis as a U.S. national team (e.g., "Under-21" U.S. national team). *(Adopted: 1/9/96 effective 8/1/96, Revised: 9/6/00)*

17.23.5.4 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.23.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.23.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.23.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 1/10/91 effective 8/1/91, 1/10/92, 4/28/05, 11/1/07 effective 8/1/08)*

17.23.6.1.1 Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete. *(Adopted: 1/10/92, Revised: 1/11/94, 4/28/05)*

17.23.7 Camps and Clinics. There are no limits on the number of student-athletes in tennis who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.23.8 Other Restrictions.

17.23.8.1 Noncollegiate, Amateur Competition.

17.23.8.1.1 During Academic Year. A student-athlete in tennis who participates during the academic year as a member of any outside tennis team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate tennis competition shall be ineligible for intercollegiate tennis competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.23.8.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed two. *(Adopted: 1/11/94 effective 8/1/94)*

17.23.8.1.2 Out of Season. There are no limits to the number of student-athletes with eligibility remaining in intercollegiate tennis who may practice or compete out of season on an outside, amateur tennis team (competition on an outside team permitted only during the summer, except as provided in Bylaw 17.23.8.1.1.1). *(Revised: 1/10/91 effective 8/1/91, 1/16/93)*

17.23.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's tennis team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.23.8.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.23.8.2 Equipment Issue, Squad Pictures. No limitations.

17.24 TRACK AND FIELD, INDOOR/OUTDOOR

Regulations for computing the indoor/outdoor track and field playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.24.1 Length of Playing Season. The length of an institution's playing season in indoor and outdoor track and field shall be limited to the following:

(a) **Indoor Track and Field.** An institution that sponsors only indoor or outdoor track and field (but not both) or does not participate in the minimum number of contests with at least the minimum number of participants required to count both indoor and outdoor track and field in meeting division membership requirements is limited to a 144-day season for indoor and outdoor track and field combined, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

(b) **Indoor and Outdoor Track and Field.** An institution that sponsors both indoor and outdoor track and field and participates in at least the minimum number of contests with at least the minimum number of participants required to count both sports in meeting division membership requirements is limited to a 156-day season for indoor and outdoor track and field combined, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/14/97 effective 8/1/97)*

17.24.1.1 Cross Country/Track and Field Participants. Track and field student-athletes listed as participants for cross country must participate fully in cross country practices. If student-athletes are practicing in track and field events unrelated to cross country, such practice must be counted in the institution's established segment in track and field. *(Adopted: 1/10/92)*

17.24.2 Preseason Practice. A member institution shall not commence practice sessions in indoor and outdoor track and field prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/14/97 effective 8/1/97)*

17.24.3 First Date of Competition. A member institution shall not engage in its first date of competition (meet or practice meet) with outside competition in indoor and outdoor track and field prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/14/97 effective 8/1/97)*

17.24.4 End of Regular Season. A member institution shall conclude all practice and competition (meets and practice meets) in each segment in indoor and outdoor track and field by the conclusion of the NCAA Division I Track and Field Championships. *(Revised: 1/14/97 effective 8/1/97)*

17.24.5 Number of Dates of Competition.

17.24.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in indoor or outdoor track and field during the permissible indoor or outdoor track and field playing season to 18 dates of competition. A member institution that sponsors indoor and outdoor track and field and participates in at least the minimum number of contests with at least the minimum number of participants required to count both sports in meeting divisional membership requirements shall limit its total playing schedule with outside competition in indoor/outdoor track and field during the permissible indoor/outdoor track and field playing season to 18 dates of competition, which may include not more than six two-day meets that shall each count as a single date. These limitations do not include those dates of competition excluded under Bylaws 17.24.5.3 and 17.24.5.4 (see Bylaw 20.9.4.3 for minimum contests and participants requirements). *(Revised: 1/10/91 effective 8/1/91, 1/16/93 effective 8/1/93, 12/10/97, 3/10/04)*

17.24.5.1.1 Competition That Exceeds Two Days. An institution that participates in a meet that exceeds two days in duration may count the first two days of the competition as a single date of competition but must count any additional days as separate dates of competition. An institution that participates in multiple competitions on the same date that it participates in a competition that exceeds two days may select either day (but not both days) as one institutional date of competition. Further, if the institution participates in a separate event on the selected date, such participation will not result in an additional date of competition. However, participation in a separate event at a separate site on the date not selected will result in a second date of competition if the institution has the minimum number of student-athletes participating on that day. *(Adopted: 3/10/04)*

17.24.5.1.2 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in indoor and outdoor track and field in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.24.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 18 dates of competition in indoor or outdoor track and field. An individual student-athlete competing in indoor and outdoor track and field at a member institution that uses both indoor and outdoor track and field to meet divisional sports sponsorship requirements may participate in each academic year in not more than 18 dates of competition, which may include not more than six two-day meets that shall each count as a single date. These limitations include those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. *(Revised: 1/10/91 effective 8/1/91, 1/16/93 effective 8/1/93)*

17.24.5.3 Annual Exemptions. The maximum number of dates of competition in indoor and outdoor track and field shall exclude the following: *(Revised: 2/24/03)*

(a) **Conference Championship.** Competition in one conference championship meet in indoor track and field and one such meet in outdoor track and field;

(b) **Season-Ending Tournaments**

(1) **NCAA Championships.** Competition in the NCAA Division I Indoor and Outdoor Track and Field Championships;

(2) **NAIA Championships.** Competition in the National Association of Intercollegiate Athletics (NAIA) indoor and outdoor track and field championships;

(c) **Alumni Meet.** One date of competition in indoor and outdoor track and field each year against an alumni team of the institution;

(d) **Foreign Team in the United States.** One date of competition in indoor and outdoor track and field each year with a foreign opponent in the United States;

(e) **Hawaii or Alaska.** Any dates of competition in Hawaii or Alaska, respectively, against an active Division I member located in Hawaii or Alaska, by a member located outside the area in question; *(Adopted: 1/9/96 effective 8/1/96)*

(f) **Fundraising Activity.** Any indoor or outdoor track and field activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(g) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's indoor/outdoor track and field team who participate in local celebrity track and field activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

(h) **U.S. National Team.** Any date of competition against any team as selected and designated by the appropriate national governing body for indoor/outdoor track and field as a U.S. national team (e.g., "Under-21" U.S. national team). *(Adopted: 1/9/96 effective 8/1/96, Revised: 9/6/00)*

17.24.5.4 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96)*

17.24.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.24.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.24.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 1/10/91 effective 8/1/91, 1/10/92, 4/28/05, 11/1/07 effective 8/1/08)*

17.24.6.1.1 Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete. *(Adopted: 1/10/92, Revised: 1/11/94, 4/28/05)*

17.24.7 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is engaged in field events, jumping hurdles or the jumping element of the steeplechase. The coach may provide safety or skill instruction but may not conduct the individual's workouts. *(Adopted: 1/10/91 effective 8/1/91, Revised: 4/30/09)*

17.24.8 Camps and Clinics. There are no limits on the number of student-athletes in indoor or outdoor track and field who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.24.9 Other Restrictions.

17.24.9.1 Noncollegiate, Amateur Competition.

17.24.9.1.1 During Academic Year. A student-athlete in indoor/outdoor track and field who participates during the academic year as a member of any outside indoor/outdoor track and field team in any noncollegiate, amateur competition (e.g., team invitational meet, exhibition meets or other activity) except while representing the institution in intercollegiate indoor/outdoor track and field competition shall be ineligible for intercollegiate indoor/outdoor track and field competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.24.9.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed seven. *(Adopted: 1/11/94 effective 8/1/94)*

17.24.9.1.2 Out of Season. There are no limits on the number of student-athletes with eligibility remaining in intercollegiate indoor/outdoor track and field who may practice or compete out of season on an outside, amateur indoor/outdoor track and field team (competition on an outside team permitted only during the summer, except as provided in Bylaw 17.24.9.1.1.1). *(Revised: 1/10/91 effective 8/1/91, 1/16/93)*

17.24.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's indoor/outdoor track and field team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.24.9.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.24.9.2 Equipment Issue, Squad Pictures. No limitations.

17.25 VOLLEYBALL

Regulations for computing the volleyball playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

17.25.1 Length of Playing Season. The length of an institution's playing season in volleyball shall be limited to a 132-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.25.2 Preseason Practice—Women. A member institution shall not commence practice sessions in women's volleyball prior to the date that permits a maximum of 29 units (see Bylaw 17.02.11) prior to the first scheduled intercollegiate contest (excluding the early alumni match) or September 1, whichever is later. If the first scheduled contest occurs before September 1, the institution shall count back one practice unit for each day (excluding Sundays) from September 1 through the date of the first scheduled contest. Thereafter, the institution shall apply the formula as prescribed in Bylaw 17.02.11. An institution may not begin practice in its segment in which the NCAA championship is not conducted until January 1. *(Revised: 4/28/05 effective 8/1/05, 4/27/06, 6/12/07)*

17.25.3 First Date of Competition—Women. A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in women's volleyball until the Friday prior to September 1. If September 1 falls on a Friday, the first permissible date of competition shall be the preceding Friday. If September 1 falls on a Saturday, the first permissible date of competition shall be two Fridays prior to September 1. (See Figure 17-2.) An alumni match may be played during the week (Saturday-Friday) prior to the first permissible date of competition. An institution may not begin competition in its segment in which the NCAA championship is not conducted until January 1. *(Revised: 4/28/05 effective 8/1/05)*

17.25.4 Preseason Practice—Men. A member institution shall not commence practice sessions in men's volleyball prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/14/97 effective 8/1/97)*

17.25.5 First Date of Competition—Men. A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in men's volleyball prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/14/97 effective 8/1/97)*

17.25.6 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in volleyball on the following dates:

(a) **Men.** The conclusion of the National Collegiate Men's Volleyball Championship.

(b) **Women.** The last date of final examinations for the regular academic year at the institution.

17.25.7 Number of Dates of Competition—Women.

17.25.7.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in women's volleyball during the institution's women's volleyball playing season to 28 dates of competition during the segment in which the NCAA championship is conducted and four during another segment, except for those dates of competition excluded under Bylaws 17.25.9 and 17.25.10. *(Revised: 1/10/91 effective 8/1/91)*

17.25.7.1.1 In-Season Foreign Competition—Women. A member institution may play one or more of its countable dates of competition in women's volleyball in one or more foreign countries on one trip during the prescribed playing season. However, except for contests played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.25.7.2 Maximum Limitations—Student-Athlete—Women. An individual student-athlete may participate each academic year in not more than 28 dates of competition in women's volleyball during the segment in which the NCAA championship is conducted and four during another segment. This limitation includes those dates of competition in which the student-athlete represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. *(Revised: 1/10/91 effective 8/1/91)*

17.25.8 Number of Dates of Competition—Men.

17.25.8.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in men's volleyball during the institution's men's volleyball playing season to not more than 28 dates of competition during the segment in which the NCAA championship is conducted and not more than four dates of competition during another segment, except for those dates of competition excluded under Bylaws 17.25.9 and 17.25.10. *(Revised: 1/10/91 effective 8/1/91)*

17.25.8.1.1 In-Season Foreign Competition—Men. A member institution may play one or more of its countable dates of competition in men's volleyball in one or more foreign countries on one trip during the prescribed playing season. However, except for those contests played in Canada and Mexico or on a cer-

tified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.25.8.2 Maximum Limitations—Student-Athlete—Men. An individual student-athlete may participate each academic year in not more than 28 dates of competition in men's volleyball during the segment in which the NCAA championship is conducted and not more than four dates of competition during another segment. This limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. *(Revised: 1/10/91 effective 8/1/91)*

17.25.9 Annual Exemptions. The maximum number of dates of competition in volleyball shall exclude the following:

(a) **Conference Championship.** Competition in one conference championship tournament in volleyball (or the tournament used to determine the conference's automatic entry in an NCAA volleyball championship);

(b) **Conference Playoff.** Competition involving member institutions that tie for a conference volleyball championship. Such teams may participate in a single-elimination playoff to determine the conference's automatic entry in an NCAA volleyball championship without the date(s) of competition being counted as a postseason tournament;

(c) **Season-Ending Tournament.** Competition in one season-ending volleyball tournament (i.e., NCAA championship, NAIA championship). A season-ending tournament involves competition after the end of the regular season between teams that are not identified until the close of that regular season; *(Revised: 1/10/90)*

(d) **NCAA Championship Play-In Competition.** Competition in play-in contests conducted before NCAA championships;

(e) **Alumni Game.** One date of competition in volleyball each year against an alumni team of the institution;

(f) **Foreign Team in the United States.** One date of competition in volleyball each year with a foreign opponent in the United States;

(g) **Hawaii or Alaska.** Any dates of competition in volleyball in Hawaii or Alaska, respectively, against an active Division I institution located in Hawaii or Alaska, by a member located outside the area in question; *(Adopted: 1/9/96 effective 8/1/96)*

(h) **Fundraising Activity.** Any volleyball activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(i) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's volleyball team who participate in local celebrity volleyball activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

(j) **U.S. National Team.** One date of competition against any team as selected and designated by the appropriate national governing body for volleyball as a U.S. national team (e.g., "Under-21 U.S. national team"). *(Adopted: 1/9/96 effective 8/1/96, Revised: 9/6/00)*

(k) **AVCA Volleyball Showcase.** Competition in the AVCA Volleyball Showcase. *(Adopted: 1/10/95, Revised: 9/7/07)*

17.25.10 Once-in-Four-Years Exemption—Foreign Tour. An institution may not exempt more than one foreign tour from its maximum number of dates of competition in volleyball during any academic year and may not repeat participation in a foreign tour within a four-year period. The tour shall be conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.25.11 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.25.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.25.11.1 Summer Practice. Volleyball practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 4/28/05, 11/1/07 effective 8/1/08)*

17.25.12 Camps and Clinics. There are no limits on the number of student-athletes in volleyball who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.25.13 Other Restrictions.

17.25.13.1 Noncollegiate, Amateur Competition.

17.25.13.1.1 During Academic Year—Men and Women. A student-athlete in volleyball who participates during the academic year as a member of any outside volleyball team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate volleyball competition shall be ineligible for intercollegiate volleyball competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.25.13.1.1.1 Vacation-Period Exception. A student-athlete in men's or women's volleyball may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed two. *(Adopted: 1/11/94 effective 8/1/94)*

17.25.13.1.1.2 May 1 Exception—Women's Volleyball. A student-athlete in women's volleyball may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition, provided: *(Adopted: 1/14/97 effective 8/1/97)*

(a) Such participation occurs no earlier than May 1;

(b) The number of student-athletes from any one institution does not exceed two;

(c) The competition is approved by the institution's director of athletics;

(d) No class time is missed for practice activities or for competition; and

(e) All practice and competition is confined to doubles tournaments in outdoor volleyball, either on sand or grass.

17.25.13.1.2 Out of Season. In men's and women's volleyball, a member institution may permit not more than two student-athletes with eligibility remaining in intercollegiate volleyball to practice or compete out of season on an outside, amateur volleyball team (competition on an outside team permitted only during the summer, except as provided in Bylaws 17.25.13.1.1.1 and 17.25.13.1.1.2). *(Revised: 1/10/91 effective 8/1/91, 1/16/93)*

17.25.13.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution's volleyball team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.25.13.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.25.13.2 Equipment Issue, Squad Pictures. No limitations. *(Revised: 1/11/89, 1/10/05)*

17.26 WATER POLO

Regulations for computing the men's and women's water polo playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.) *(Revised: 1/9/96 effective 8/1/96)*

17.26.1 Length of Playing Season. The length of an institution's playing season in water polo shall be limited to a 132-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.26.2 Preseason Practice.

(a) **Men.** A member institution shall not commence practice sessions in men's water polo prior to the date that permits a maximum of 21 units (see Bylaw 17.02.11) prior to the first scheduled intercollegiate contest. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97, 8/11/98, 4/14/03)*

(b) **Women.** A member institution shall not commence practice sessions in women's water polo prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Adopted: 8/11/98)*

17.26.3 First Date of Competition.

(a) **Men**. A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in men's water polo prior to the first Saturday in September (see Figure 17-2). *(Revised: 1/10/91 effective 8/1/91, 1/16/93 effective 8/1/93, 1/14/97 effective 8/1/97, 8/11/98)*

(b) **Women.** A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in women's water polo prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Adopted: 8/11/98)*

17.26.4 End of Regular Playing Season.

(a) **Men.** A member institution shall conclude all practice and competition (games and scrimmages) in men's water polo by the last date of final exams for the regular academic year at the institution. *(Revised: 1/14/97 effective 8/1/97, 8/11/98)*

(b) **Women.** A member institution shall conclude all practice and competition (games and scrimmages) in women's water polo by the conclusion of the National Collegiate Women's Water Polo Championship. *(Adopted: 8/11/98)*

17.26.5 Number of Dates of Competition.

17.26.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in water polo during the institution's water polo playing season to 21 dates of competition, except for those dates of competition excluded under Bylaws 17.26.5.3 and 17.26.5.4. *(Revised: 1/10/91 effective 8/1/91)*

17.26.5.1.1 In-Season Foreign Competition. A member institution may play one or more of its countable dates of competition in water polo in one or more foreign countries on one trip during the prescribed playing season. However, except for contests played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.26.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 21 dates of competition in water polo. This limitation includes those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. *(Revised: 1/10/91 effective 8/1/91)*

17.26.5.3 Annual Exemptions. The maximum number of dates of competition in water polo shall exclude the following: *(Revised: 2/24/03)*

(a) **Conference Championship—Men and Women.** Competition in one conference championship tournament in water polo (or the tournament used to determine the conference's automatic entry in the National Collegiate Men's Water Polo Championship or the tournament used to determine entry in the National Collegiate Women's Water Polo Championship); *(Revised: 8/11/98)*

(b) **Conference Playoff—Men and Women.** Competition involving member institutions that tie for a conference water polo championship. Such teams may participate in a single-elimination playoff to determine the conference's automatic entry in the National Collegiate Men's Water Polo Championship without the game(s) being counted as a postseason tournament;

(c) **NCAA Championship—Men.** Competition in the National Collegiate Men's Water Polo Championship;

(d) **NCAA Championship—Women.** Competition in the National Collegiate Women's Water Polo Championship; *(Adopted: 8/11/98)*

(e) **NCAA Championship Play-In Competition—Men.** Competition in play-in contests conducted before the National Collegiate Men's Water Polo Championship;

(f) **Alumni Game—Men and Women.** One date of competition in water polo each year against an alumni team of the institution;

(g) **Foreign Team in the United States.—Men and Women.** One date of competition in water polo each year with a foreign opponent in the United States;

(h) **Hawaii, Alaska, Puerto Rico—Men and Women.** For men's and women's water polo, any dates of competition in Hawaii, Alaska or Puerto Rico, respectively, against an active member institution located in Hawaii, Alaska or Puerto Rico by a member located outside the area in question; *(Revised: 1/9/96 effective 8/1/96, 8/11/98)*

(i) **Fundraising Activity—Men and Women.** Any water polo activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(j) **Celebrity Sports Activity—Men and Women.** Competition involving a limit of two student-athletes from a member institution's water polo team who participate in local celebrity water polo activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

(k) **U.S. National Team—Men and Women.** One date of competition against any team as selected and designated by the appropriate national governing body for water polo as a U.S. national team (e.g., "Under-21 U.S. national team"). *(Adopted: 1/9/96 effective 8/1/96, Revised: 9/6/00)*

17.26.5.4 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.26.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.26.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.26.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 1/10/91 effective 8/1/91, 4/28/05, 11/1/07 effective 8/1/08)*

17.26.7 Camps and Clinics. There are no limits on the number of student-athletes in water polo who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.26.8 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is engaged in water polo. The coach may provide safety or skill instruction but may not conduct the individual's workouts. *(Adopted: 1/10/91 effective 8/1/91)*

17.26.9 Other Restrictions.

17.26.9.1 Noncollegiate, Amateur Competition.

17.26.9.1.1 During Academic Year. A student-athlete in water polo who participates during the academic year as a member of any outside water polo team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate water polo competition shall be ineligible for intercollegiate water polo competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.26.9.1.1.1 Vacation-Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. There are no limitations on the number of student-athletes from any one institution who may compete on an outside amateur water polo team. *(Adopted: 1/11/94 effective 8/1/94, Revised: 1/10/95 effective 8/1/95)*

17.26.9.1.1.2 May 1 Exception. A student-athlete in men's water polo may compete outside of an institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition, provided: *(Adopted: 1/12/99 effective 5/1/99)*

(a) Such participation occurs no earlier than May 1;

(b) The competition is approved by the institution's director of athletics; and

(c) No class time is missed for practice activities or for competition.

17.26.9.1.2 Out of Season. There are no limitations on the number of student-athletes from the same member institution with eligibility remaining who may practice or compete out of season on an outside amateur water polo team (competition on an outside team permitted only during the summer, except as provided in Bylaw 17.26.1.1.1 and 17.26.1.1.2). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 1/10/95 effective 8/1/95)*

17.26.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's water polo team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.26.9.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.26.9.2 Equipment Issue, Squad Pictures. No limitations. *(Revised: 1/11/89, 1/10/05)*

17.27 WRESTLING

Regulations for computing the wrestling playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.) *(Revised: 2/24/03)*

17.27.1 Length of Playing Season. The length of an institution's playing season in wrestling shall be limited to a 144-day season which may consist of two segments (each consisting of consecutive days) and exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur. *(Revised: 1/10/91 effective 8/1/91, 1/14/97 effective 8/1/97)*

17.27.2 Preseason Practice. A member institution shall not commence practice sessions in wrestling prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier. *(Revised: 1/14/97 effective 8/1/97)*

17.27.3 First Date of Competition. A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in wrestling prior to September 7 or the institution's first day of classes for the fall term, whichever is earlier.

17.27.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (meets and practice meets) in wrestling by the last date of final examinations for the regular academic year at the institution. *(Revised: 1/14/97 effective 8/1/97)*

17.27.5 Number of Dates of Competition.

17.27.5.1 Maximum Limitations—Institutional. A member institution shall limit its total playing schedule with outside competition in wrestling during the permissible wrestling playing season to 16 dates of competition, which may include not more than two two-day meets or not more than two occasions in which dual meets are held on two consecutive days that shall each count as a single date of competition each, except for those dates of competition excluded under Bylaws 17.27.5.3 and 17.27.5.4 (see Bylaw 20.9.4.3 for minimum contests and participants requirements). *(Revised: 1/10/91 effective 8/1/91, 1/10/95 effective 8/1/95, 1/14/97 effective 8/1/97, 1/14/08 effective 8/1/08)*

17.27.5.1.1 Competition That Exceeds Two Days. An institution that participates in wrestling competition that exceeds two days in duration may count the first two days of the competition as a single date of competition but must count any additional days as separate dates of competition. An institution that participates in multiple competitions on the same date that it participates in a competition that exceeds two days may select either day (but not both days) as one institutional date of competition. Further, if the institution participates in a separate event on the selected date, such participation will not result in an additional date of competition. However, participation in a separate event at a separate site on the date not selected will result in a second date of competition if the institution has the minimum number of student-athletes participating on that day. *(Adopted: 12/10/97, Revised: 3/10/04)*

17.27.5.1.2 In-Season Foreign Competition. A member institution may engage in one or more of its countable dates of competition in wrestling in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.29), the institution may not engage in such in-season foreign competition more than once every four years.

17.27.5.2 Maximum Limitations—Student-Athlete. An individual student-athlete may participate in each academic year in not more than 16 dates of competition in wrestling, which may include not more than two two-day meets or not more than two occasions in which dual meets are held on two consecutive days that shall each count as a single date of competition each. This limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution. *(Revised: 1/10/91 effective 8/1/91, 1/10/95 effective 8/1/95, 1/14/97 effective 8/1/97, 1/14/08 effective 8/1/08)*

17.27.5.3 Annual Exemptions. The maximum number of dates of competition in wrestling shall exclude the following:

(a) **Conference Championship.** Competition in one conference championship tournament in wrestling (or the tournament used to determine the conference's automatic entries in the NCAA wrestling championships);

(b) **Season-Ending Tournaments**

(1) **NCAA Championship.** Competition in the NCAA Division I Wrestling Championships;

(2) **NAIA Championship.** Competition in the National Association of Intercollegiate Athletics (NAIA) wrestling championships;

(c) **Alumni Meet.** One date of competition in wrestling each year against an alumni team of the institution;

(d) **Foreign Team in the United States.** One date of competition in wrestling each year with a foreign opponent in the United States;

(e) **Hawaii or Alaska.** Any dates of competition in Hawaii or Alaska, respectively, against an active Division I member institution located in Hawaii or Alaska, by a member located outside the area in question; *(Revised: 1/9/96 effective 8/1/96)*

(f) **Fundraising Activity.** Any wrestling activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which

is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1);

(g) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's wrestling team who participate in local celebrity wrestling activities conducted for the purpose of raising funds for charitable organizations, provided:

(1) The student-athletes do not miss classes as a result of the participation;

(2) The involvement of the student-athletes has the approval of the institution's athletics director; and

(3) The activity takes place within a 30-mile radius of the institution's main campus.

(h) **U.S. National Team.** One date of competition against any team as selected and designated by the appropriate national governing body for wrestling as a U.S. national team (e.g., "Under-21 U.S. national team"); and *(Adopted: 1/9/96 effective 8/1/96, Revised: 9/6/00)*

(i) **NWCA All-Star Meet.** One date of competition in wrestling each year in the National Wrestling Coaches Association (NWCA) all-star meet. *(Adopted: 10/27/98 effective 8/1/99)*

17.27.5.4 Once-in-Four-Years Exemption—Foreign Tour. An institution may exempt the contests played on a foreign tour, provided the tour is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.29). *(Adopted: 1/9/96 effective 8/1/96, Revised: 4/26/07 effective 8/1/07)*

17.27.6 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.27.1 except as permitted in Bylaw 17.1.6.2. *(Revised: 1/10/91 effective 8/1/91)*

17.27.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport. *(Revised: 1/10/91 effective 8/1/91, 1/10/92, 4/28/05, 11/1/07 effective 8/1/08)*

17.27.6.1.1 Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete. *(Adopted: 1/10/92, Revised: 1/11/94, 4/28/05)*

17.27.7 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is engaged in wrestling. The coach may provide safety or skill instruction but may not conduct the individual's workouts. *(Adopted: 1/10/91 effective 8/1/91)*

17.27.8 Camps and Clinics. There are no limits on the number of student-athletes in wrestling who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics. *(Revised: 1/10/92)*

17.27.9 Other Restrictions.

17.27.9.1 Noncollegiate, Amateur Competition.

17.27.9.1.1 During Academic Year. A student-athlete in wrestling who participates during the academic year as a member of any outside wrestling team in any noncollegiate, amateur competition (e.g., team invitational meets, exhibition meets or other activity) except while representing the institution in intercollegiate wrestling competition shall be ineligible for intercollegiate wrestling competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions). *(Revised: 1/10/91 effective 8/1/91, 1/16/93, 10/3/05)*

17.27.9.1.1.1 Vacation Period Exception. A student-athlete may compete outside of the institution's declared playing and practice season as a member of an outside team in any noncollegiate, amateur competition during any official vacation period published in the institution's catalog. The number of student-athletes from any one institution shall not exceed five. *(Adopted: 1/11/94 effective 8/1/94)*

17.27.9.1.2 Out of Season. There are no limits on the number of student-athletes from the same member institution with eligibility remaining in intercollegiate wrestling who may practice or compete out of season on an outside, amateur wrestling team (competition on an outside team permitted only during the summer, except as provided in Bylaw 17.27.9.1.1.1). *(Revised: 1/10/91 effective 8/1/91, 1/16/93)*

17.27.9.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's wrestling team except as provided under Bylaws 14.7.3, 17.1.1.1 and 17.29. *(Revised: 4/28/05 effective 8/1/05)*

17.27.9.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided:

(a) The national governing body (NGB) conducts and administers the developmental program;

(b) The NGB selects coaches involved in the developmental program; and

(c) The NGB or the selected coaches select the involved participants. *(Revised: 2/21/02)*

17.27.9.2 Equipment Issue, Squad Pictures. No limitations.

17.28 EXCEPTIONS FOR MEMBER INSTITUTIONS LOCATED IN ALASKA, HAWAII AND PUERTO RICO

17.28.1 Practice and Playing Seasons. Member institutions located in Alaska, Hawaii and Puerto Rico shall not be required to observe the starting dates for the practice and playing seasons set forth in this bylaw, provided the amount of practice and number of contests engaged in by such institutions in each sport do not exceed the amount of practice and number of contests in each sport permitted other members of the Association.

17.28.2 Alaska/Hawaii, Additional Football Contest. Member institutions located in Alaska and Hawaii shall be permitted to exceed, by one, the maximum number of football contests permitted under Bylaw 17.9.5.1 but otherwise shall conform to the same maximum number of contests and dates of competition permitted other members of the Association.

17.29 FOREIGN TOURS

17.29.1 Institutionally Certified Tours. A member institution may participate in competition in any sport on foreign tours certified by the institution in accordance with procedures set forth under Bylaw 30.7. *(Revised: 1/11/89, 1/14/97 effective 8/1/97)*

17.29.1.1 Contest Exclusions. Any contest or date of competition played on a certified foreign tour shall be excluded from the limitations set forth in this bylaw.

17.29.1.2 Timing of Tour. A foreign tour taken during the summer vacation period shall be considered to have occurred during the academic year after the summer for purposes of Bylaws 17 and 30.7. *(Adopted: 1/9/96 effective 8/1/96)*

17.29.1.3 Tour to U.S. Territory or Commonwealth. A tour to a U.S. commonwealth (e.g., Puerto Rico) or a U.S. territory (e.g., Virgin Islands) is not considered a foreign tour.

17.29.2 Outside-Team Tours. An outside team that includes student-athletes from more than one member institution may participate in international competition in any sport on a foreign tour. However, any such outside team that includes more than the following number of student-athletes from the same member institution must be certified by the institution in accordance with procedures set forth in Bylaw 30.7. *(Revised: 1/14/97 effective 8/1/97, 10/31/02)*

Baseball 4	Gymnastics 2	Swimming and Diving 5
Basketball 2	Ice Hockey 4	Tennis 2
Cross Country 2	Lacrosse 5	Track and Field 7
Fencing 4	Rifle 2	Volleyball 2
Field Hockey 5	Skiing 4	Water Polo 4
Football 5	Soccer 5	Wrestling 5
Golf 2	Softball 4	

17.29.2.1 Institutional Foreign-Tour Limitations. A member institution shall be charged with its foreign-tour opportunity in a sport and its once-in-four-years limitation if the institution is represented by more than the number of student-athletes specified under Bylaw 17.29.2 on an outside team participating in a foreign tour in that sport.

17.30 PLAYING RULES

Member institutions shall conduct all of their intercollegiate competition in accordance with the playing rules of the Association in all sports for which the NCAA develops playing rules. It is not mandatory that those rules be used in institutional scrimmages or other forms of practice with outside competition.

BYLAW, ARTICLE 18

Championships and Postseason Football

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18.01 GENERAL PRINCIPLES

18.01.1 Purpose of NCAA Championships. NCAA championships are intended to provide national-level competition among the best eligible student-athletes and teams of member institutions, with consideration also for approved regional structures for certain championships.

18.01.2 Postseason Competition Not Sponsored by a Collegiate Entity. Competition by member institutions in postseason contests that are not sponsored, promoted, managed and controlled by a collegiate entity shall conform to the requirements set forth in this article and all other applicable legislation of the Association, which may include penalties for violations of these requirements by sponsoring agencies.

18.02 DEFINITIONS AND APPLICATIONS

18.02.1 Championships.

18.02.1.1 National Collegiate Championship. A national collegiate championship for a particular sport is postseason competition conducted by the Association for eligible student-athletes and teams of active member institutions to determine the NCAA champion in that sport for all divisions that do not have a separate division championship in that sport. A national collegiate championship is established or continued in accordance with the criteria set forth in Bylaws 18.2.3 and 18.2.4.

18.02.1.2 Division Championship. A division championship for a particular sport is postseason competition conducted by the Association for eligible student-athletes or teams of active member institutions to determine the division champion in that sport. A division championship is established or continued in accordance with the criteria set forth in Bylaws 18.2.3 and 18.2.4.

18.02.2 Mixed Team. A mixed team is a varsity intercollegiate sports team on which at least one individual of each gender competes (see Bylaw 18.2.8.3). *(Revised: 1/11/94)*

18.02.3 Open Date. An open date is a regular weekend playing date prior to the end of an institution's regular football schedule on which an institution is not playing a game, or a date approved by the Leadership Council, by a two-thirds majority of its members present and voting, to enable an institution to assist financially in meeting an unforeseen hardship situation resulting directly from the institution's intercollegiate athletics activities. *(Revised: 11/1/07 effective 8/1/08)*

18.02.4 Postseason Football Bowl Game. A postseason football bowl game is a football contest conducted after the regular football season and involving two teams selected because of their regular-season performance (e.g., won-lost record, conference championship). Participation in such events by member institutions is limited to those bowl games that are licensed by the Association per Bylaws 18.7 and 30.9. *(Revised: 2/1/05)*

18.1 REGULATIONS AND AUTHORITY FOR CONDUCT OF CHAMPIONSHIPS

All NCAA championships shall be conducted in accordance with this bylaw and the policies and procedures established by the Championships/Sports Management Cabinet, Leadership Council, Legislative Council, Board of Directors and/or the Executive Committee, which shall establish and revise the policies and procedures governing the administration of NCAA championships, including selection processes, formats and distribution of revenues to participating institutions. NCAA championships shall be under the control, direction and supervision of the appropriate sports committees, subject to the requirements, standards and conditions prescribed in Bylaw 31. *(Revised: 1/10/91, 8/9/07, 11/1/07 effective 8/1/08)*

18.2 CRITERIA FOR ESTABLISHMENT OR CONTINUATION OF CHAMPIONSHIPS

The establishment or continuation of an NCAA championship in a given sport shall be determined on the basis of the requirements in the following bylaws, with sponsorship of a sport based on the Association's records as of September 30 each year.

18.2.1 National Collegiate Championship. A National Collegiate Championship for which any active member in good standing is eligible (per Bylaw 20.8) may be established by action of all three divisions acting through each division's governance structure, subject to the requirements, standards and conditions regarding the required number of members sponsoring the sport as prescribed in this bylaw. *(Revised: 1/14/97 effective 8/1/97)*

18.2.2 Division Championship. A Division I championship in a particular sport may be established by a majority vote of the Board of Directors subject to the requirements, standards and conditions regarding the required number of members sponsoring the sport as prescribed in this bylaw. *(Revised: 1/9/96 effective 8/1/97)*

18.2.3 Championships Existing during 1993-94. A National Collegiate Championship or a division championship that existed during the 1993-94 academic year may be continued if at least 40 member institutions sponsor the sport. *(Adopted: 1/11/94 effective 8/1/94)*

18.2.3.1 National Collegiate and Division Championship in Same Sport. If a National Collegiate Championship and a division championship exist in the same sport, sponsorship of the sport in the division in which the division championship is conducted shall not count toward the minimum sponsorship number for the National Collegiate Championship. *(Adopted: 1/11/94 effective 8/1/94)*

18.2.4 Minimum Sponsorship for Championships.

18.2.4.1 Men's Sports. A National Collegiate Championship or a division championship may be established in a men's sport if at least 50 institutions sponsor the sport. *(Adopted: 1/11/94 effective 8/1/94, Revised: 1/17/09)*

18.2.4.2 Women's Sports. A National Collegiate Championship or a division championship may be established in a women's sport if at least 40 institutions sponsor the sport. *(Adopted: 1/11/94 effective 8/1/94, Revised: 4/22/98 effective 8/1/98, 4/25/02 effective 8/1/02, 1/17/09)*

18.2.4.3 Sponsorship Criteria.

18.2.4.3.1 Minimum Period. In men's sports, the applicable minimum sponsorship number must exist for two consecutive academic years in order for a championship to be established. Legislation to establish the championship may be proposed during the second year in which the minimum sponsorship number exists. In women's sports, the applicable minimum sponsorship number must exist for one academic year in order for a championship to be established. Legislation to establish the championship may be proposed during the year in which the minimum sponsorship number exists. Varsity sports sponsored prior to August 1, 1994, shall count toward the minimum year sponsorship requirement. *(Adopted: 1/11/94 effective 8/1/94, Revised: 10/28/99 effective 8/1/00)*

18.2.4.3.2 National Collegiate and Division Championship in Same Sport. If a National Collegiate Championship and a division championship exist in the same sport, sponsorship of the sport in the division in which the division championship is conducted shall not count toward the minimum sponsorship number for the National Collegiate Championship. *(Adopted: 1/11/94 effective 8/1/94)*

18.2.5 Establishment of Single Championship in Sport. If only one championship is established or continued in accordance with Bylaws 18.2.3 and 18.2.4, it shall be a National Collegiate Championship for which any active member institution in good standing can be eligible.

18.2.6 Establishment of Three Championships in Sport. If a National Collegiate Championship and two division championships exist in the same sport, the National Collegiate Championship automatically shall become a division championship for the remaining division that does not sponsor a division championship in that sport.

18.2.7 Establishment of Two Championships in Sport. If a National Collegiate Championship and one division championship exist in the same sport, only the members of the division sponsoring the division championship may participate in the division championship, and that division's membership may not participate in the National Collegiate Championship in that sport.

18.2.8 Determination of Sponsorship Requirements.

18.2.8.1 Single-Gender Athletics Programs. For purposes of meeting the required minimums set forth in Bylaws 18.2.3 and 18.2.4, member institutions sponsoring no varsity intercollegiate athletics programs for men shall not be included in making calculations concerning men's championships, and member institutions sponsoring no varsity intercollegiate athletics programs for women shall not be included in making calculations concerning women's championships.

18.2.8.2 Separate Men's and Women's Teams, Same Sport. For purposes of meeting the required minimums set forth in Bylaws 18.2.3 and 18.2.4 for a combined men's and women's championship, separate varsity intercollegiate men's and women's teams in the same sport at a member institution shall be counted separately.

18.2.8.3 Mixed Team. For purposes of meeting the required minimums set forth in Bylaws 18.2.3 and 18.2.4, a mixed team (as defined in Bylaw 18.02.2) shall be counted as one team. A mixed team shall count toward the minimum sponsorship percentage for men's championships.

18.2.9 Subdivision Requirements. If a division subdivides for the administration of a sport, resulting in less than the applicable minimum number of the division's active members sponsoring the sport on a varsity intercollegiate basis in that subdivision, the subdivision shall meet the requirement within three years of the date the subdivision was created. It may establish and conduct a championship in the interim. *(Revised: 1/11/94 effective 8/1/94)*

18.2.10 Failure to Meet Minimum Sponsorship Requirements. A championship shall be discontinued automatically at the conclusion of the academic year in which it falls below the applicable minimum sponsorship number set forth in Bylaw 18.2.3 or 18.2.4. *(Revised: 1/11/94 effective 8/1/94)*

18.2.10.1 Exception—Olympic Sports. A National Collegiate Championship or a division championship in any Olympic sport shall be exempt from the minimum-sponsorship-percentage requirements of Bylaws 18.2.3 and 18.2.4. The membership may adopt specific legislation to discontinue the championship in an Olympic sport. *(Adopted: 1/14/97 effective 8/1/97)*

18.2.10.2 Exception—Men's and Women's Lacrosse. A National Collegiate Championship or a division championship in men's and women's lacrosse shall be exempt from the minimum sponsorship-percentage requirements of Bylaws 18.2.3 and 18.2.4. The membership may adopt specific legislation to discontinue the championship in the sport of men's lacrosse. *(Adopted: 10/28/99 effective 8/1/00)*

18.3 CURRENT CHAMPIONSHIPS

The Association currently administers 88 national championships. Ten are National Collegiate Championships. Additionally, there are 26 Division I championships, 25 Division II championships and 27 Division III championships. (See Bylaw 31.02.2 for information about the classification and terminology of championships and see Constitution 5.3.9.1 and 5.3.9.2 for the voting requirements for the establishment of a new championship.) The current championships are as follows: *(Revised: 1/10/90, 1/10/92, 1/9/96, 4/27/00, 4/26/01)*

18.3.1 National Collegiate Championships (10). [#]

Men (3)	Men and Women (3)	Women (4)
Gymnastics	Fencing	Bowling *(Adopted: 4/24/03 effective 8/1/03)*
Volleyball	Rifle	Gymnastics
Water Polo	Skiing	Ice Hockey (Divisions I and II) *(Adopted: 4/27/00)*
		Water Polo *(Adopted: 4/27/00)*

18.3.2 Division I Championships (26).

Men (13)	Women (13)
Baseball	Basketball
Basketball	Cross Country
Cross Country	Field Hockey
Football *(Revised: 12/15/06)*	Golf
Golf	Lacrosse *(Adopted: 4/27/00)*
Ice Hockey	Rowing *(Adopted: 1/9/96, Revised: 4/26/01 effective 8/1/01)*
Lacrosse	Soccer
Soccer	Softball
Swimming and Diving	Swimming and Diving
Tennis	Tennis
Indoor Track and Field	Indoor Track and Field
Outdoor Track and Field	Outdoor Track and Field
Wrestling	Volleyball

18.4 ELIGIBILITY FOR CHAMPIONSHIPS

18.4.1 Student-Athlete Eligibility. To be eligible for NCAA championships, a student-athlete shall meet all applicable individual-eligibility requirements set forth in NCAA legislation. The general and academic eligibility requirements are set forth in detail in Bylaw 14.

18.4.1.1 Institution's Responsibility. The responsibility of an institution to withhold from all intercollegiate competition a student-athlete who is ineligible under any NCAA legislation is set forth in Bylaw 14.11.1.

18.4.1.2 Committee on Student-Athlete Reinstatement Authority. The Committee on Student-Athlete Reinstatement shall have initial authority to determine all matters pertaining to the eligibility of student-

athletes competing in the various NCAA championships and to act upon all appeals concerning the eligibility of student-athletes submitted by member institutions (see Bylaw 14.12).

18.4.1.3 Protest of Eligibility Status. If a student-athlete has been certified by the institution as eligible to compete in an NCAA championship and the student-athlete's eligibility is protested, the Committee on Student-Athlete Reinstatement shall not rule on such a protest received during the period beginning 24 hours before the event and ending with the conclusion of the event. (See Bylaw 31.2.2.2 regarding protests received during a break in the continuity of a championship.)

18.4.1.4 Amateur-Status Certification. If requested by the Championships/Sports Management Cabinet, the student-athlete shall certify his or her amateur standing under the provisions of Bylaw 12 by signing an affidavit that is administered by the chair of the games committee and taken on a form prescribed by the Championships/Sports Management Cabinet. *(Revised: 11/1/07 effective 8/1/08)*

18.4.1.5 Ineligibility for Use of Banned Drugs. A student-athlete who, as a result of a drug test administered by the NCAA, is found to have used a substance on the list of banned drug classes, as set forth in Bylaw 31.2.3.4, shall be declared ineligible for further participation in postseason and regular-season competition in accordance with the ineligibility provisions in Bylaw 18.4.1.5.1. The certifying institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility if the institution concludes that circumstances warrant restoration. *(Revised: 1/10/90 effective 8/1/90)*

18.4.1.5.1 Duration of Ineligibility. A student-athlete who, as a result of a drug test administered by the NCAA, tests positive (in accordance with the testing methods authorized by the Executive Committee) shall be charged with the loss of a minimum of one season of competition in all sports if the season of competition has not yet begun for that student-athlete or a minimum of the equivalent of one full season of competition in all sports if the student-athlete tests positive during his or her season of competition (the remainder of contests in the current season and contests in the following season up to the period of time in which the student-athlete was declared ineligible during the previous year). The student-athlete shall remain ineligible for all regular-season and postseason competition during the time period ending one calendar year (365 days) after the collection of the student-athlete's positive drug-test specimen and until the student-athlete tests negative (in accordance with the testing methods authorized by the Executive Committee) and the student-athlete's eligibility is restored by the Committee on Student-Athlete Reinstatement. If the student-athlete participates in any contests from the time of collection until the confirmation of the positive result, he or she must be withheld from an equal number of contests after the 365-day period of ineligibility. *(Revised: 1/10/90 effective 8/1/90, 1/16/93, 1/9/96 effective 8/1/96, 1/14/97 effective 8/1/97, 4/28/05 effective 8/1/05, 11/1/07)*

18.4.1.5.1.1 Breach of NCAA Drug-Testing Program Protocol. A student-athlete who is in breach of the NCAA drug-testing program protocol (e.g., no-show, tampering with sample) shall be considered to have tested positive for the use of any drug other than a "street" drug. *(Adopted: 4/28/05 effective 8/1/05)*

18.4.1.5.1.2 Appeals. An institution may appeal the duration of ineligibility to the Committee on Competitive Safeguards and Medical Aspects of Sports (or a designated subcommittee). In all sports, the committee may reduce the legislated penalty to withholding the student-athlete from the next 50 percent of the season of competition or provide complete relief from the legislated penalty. If the committee requires the student-athlete to fulfill the legislated penalty or be withheld from the next 50 percent of the season of competition in all sports, the student-athlete shall remain ineligible until the prescribed penalty is fulfilled, the student-athlete tests negative and the student-athlete's eligibility is restored by the Committee on Student-Athlete Reinstatement. *(Adopted: 4/28/05 effective 8/1/05)*

18.4.1.5.1.3 Transfers. If the student-athlete transfers to another NCAA institution while ineligible, the institution from which the student-athlete transferred must notify the institution that the student-athlete is ineligible. If the student-athlete immediately transfers to a non-NCAA institution while ineligible and competes in intercollegiate competition within the 365-day period at a non-NCAA institution, the student-athlete shall be ineligible for all NCAA regular-season and postseason competition until the student-athlete does not compete in intercollegiate competition for a 365-day period. Additionally, the student-athlete must test negative (in accordance with the testing methods authorized by the Executive Committee) and request that eligibility be restored by the Committee on Student-Athlete Reinstatement. *(Revised: 4/28/05 effective 8/1/05)*

18.4.1.5.1.4 Testing Positive on More than One Occasion. If the student-athlete tests positive a second time for the use of any banned drug other than a "street drug" after having tested positive for any drug, he or she shall lose all remaining regular-season and postseason eligibility in all sports. If the student-athlete tests positive for the use of a "street drug" after having tested positive for use of any banned drug, he or she shall be charged with the loss of a minimum of one additional season of competition in all sports and also shall remain ineligible for regular-season and postseason competition during the time period ending one calendar year (365 days) after the collection of the student-athlete's positive drug-test specimen. *(Revised: 4/28/05 effective 8/1/05, 6/17/08)*

18.4.1.5.2 Banned Drugs and Drug-Testing Methods. The Executive Committee shall adopt a list of banned drug classes and shall authorize methods for drug testing of student-athletes on a year-round basis. The list of banned drug classes and the procedure for informing member institutions about authorized methods for drug testing are set forth in Bylaw 31.2.3. *(Revised: 1/10/90 effective 8/1/90)*

18.4.1.5.3 Non-NCAA Athletics Organization's Positive Drug Test. The Executive Committee shall authorize methods for drug testing any student-athlete who has disclosed in the student-athlete statement (see Bylaw 14.1.3.1) that he or she has a positive drug test administered by a non-NCAA athletics organization. A student-athlete under a drug-testing suspension from a national or international sports governing body that has adopted the World Anti-Doping Agency (WADA) code shall not participate in NCAA intercollegiate competition for the duration of the suspension. *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/28/05 effective 8/1/05)*

18.4.2 Institutional Eligibility.

18.4.2.1 General Institutional Requirements. To be eligible to enter a team or an individual in NCAA championship competition, an institution shall:

(a) Be an active member in good standing in the appropriate division, or have its sport so classified, and be eligible under the rules of the member conference of which it is a member;

(b) Have paid its membership dues for the current year in accordance with the deadlines set forth in Bylaw 31.2.1.2;

(c) Designate (in accordance with Bylaw 20) its athletics program as Division I for competition and possible eligibility for championships in those intercollegiate sports recognized by the NCAA;

(d) Certify, through its president or chancellor on a form approved by the Legislative Council, the institution's compliance with NCAA legislation. The certification shall be completed not later than September 15 (see Bylaw 30.3 for details about information required on the certification form); *(Revised: 1/10/95, 3/8/06, 11/1/07 effective 8/1/08)*

(e) Have confirmed annually its sponsorship of a varsity intercollegiate team in the sport by so reporting on the NCAA official information form; *(Adopted: 1/10/90)*

(f) Have submitted its race and demographic information to the NCAA through the official submission process; *(Adopted: 1/14/08)*

(g) Have submitted its financial data detailing operating revenues, expenses and capital related to its intercollegiate athletics program to the NCAA through the official submission process (see Constitution 3.2.4.16); and *(Adopted: 1/17/09 effective 8/1/09)*

(h) Refrain from entering a student-athlete as an individual or as a member of a team in an NCAA championship if it is acknowledged by the institution or established through the Association's enforcement procedures that the institution or representatives of its athletics interests violated NCAA regulations in the recruiting of the student-athlete. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility (see Bylaw 14.12).

18.4.2.1.1 Additional Requirements. Other requirements for institutional eligibility for championships are set forth in Bylaw 31.2.1.

18.4.2.2 Championships—Eligibility. To be eligible to enter a team or an individual in an NCAA championship, a member institution also shall:

(a) Limit its athletically related grant-in-aid awards and eligibility for participation in practice or competition to student-athletes who meet the following requirements:

(1) Freshman eligibility requirements for financial aid, practice and competition set forth in Bylaws 14.3.1 and 14.3.2; and

(2) Transfer eligibility requirements for financial aid, practice and competition set forth in Bylaws 14.5.4.1 and 14.5.4.2 (for transfer from a two-year college) or in Bylaw 14.5.5.1 (for transfer from a four-year college);

(b) Have operated for a period of two years in conformity with the requirements of 18.4.2.2-(a) at the time it certifies conformance;

(c) Report annually to the NCAA through the president or chancellor, on a form approved by the Administration Cabinet, the admissions and graduation-rate data specified in Bylaw 30.1. The data shall be received in the national office not later than March 1. Any data received after that date shall appear on a form postmarked not later than February 22; and *(Revised: 1/10/90 effective immediately for data collection and effective 10/1/91 for disclosure, 10/28/97, 11/1/00, 3/8/06, 11/1/07 effective 8/1/08)*

(d) In championship subdivision football, have complied with the minimum scheduling requirements set forth in Bylaw 20 for a period of two years. *(Adopted: 11/1/00 effective 8/1/01, Revised: 12/15/06)*

18.4.2.2.1 Division II or Division III Institution Petitioning for Division I Classification. A Division II or Division III institution petitioning for Division I institutional membership or eligibility in a sport

(in accordance with Bylaw 20) shall have operated in conformity with the requirements of Bylaw 18.4.2.2-(a) for a period of two years preceding the effective date of its Division I membership or be ineligible for Division I championships.

18.4.2.3 Academic Performance Program. The Committee on Academic Performance shall have the authority to determine the circumstances that require an institution or team(s) that fails to satisfy the academic performance program to be ineligible for postseason competition, including NCAA championships and bowl games. The Committee on Academic Performance shall establish and annually publish to the membership such circumstances. *(Adopted: 4/29/04 effective 8/1/04, Revised: 1/8/07 effective 8/1/07)*

18.4.2.3.1 Appeal Opportunity. An institution may appeal such postseason competition restrictions to the Committee on Academic Performance. (See Bylaw 23.3.) *(Adopted: 4/29/04 effective 8/1/04, Revised: 1/8/07 effective 8/1/07)*

18.4.2.3.2 Appeal of Committee on Academic Performance Decision. An institution may appeal a decision by the Committee on Academic Performance to the designated subcommittee of the Board of Directors by which the institution or one of its teams is not eligible for postseason competition (including NCAA championships and bowl games) (see Bylaw 23.3). The decision of the subcommittee of the Board of Directors is final, binding and conclusive and not subject to further review by any other authority. *(Adopted: 4/29/04 effective 8/1/04)*

18.5 AUTOMATIC QUALIFICATION BY CONFERENCE

18.5.1 Division Championship. To be eligible for automatic qualification into any Division I championship, a conference shall: *(Revised: 1/9/06 effective 8/1/06)*

(a) Have at least six member institutions classified in Division I in the sport in which automatic qualification is sought; and

(b) Meet all requirements for conference automatic qualification into any division championship as set forth in Bylaw 31.3.4. *(Revised: 1/9/06 effective 8/1/06)*

18.5.2 National Collegiate Championship. [#] To be eligible for automatic qualification into any National Collegiate Championship, a conference shall: *(Adopted: 1/9/06 effective 8/1/06)*

(a) Have a least six active members that sponsor the applicable sport in any division;

(b) Meet all applicable requirements for conference automatic qualification into any National Collegiate Championship as set forth in Bylaw 31.3.4.

18.5.3 Men's Basketball Eligibility Requirements. For automatic qualification in the sport of men's basketball in Division I, a conference shall meet the following additional requirements:

(a) It shall determine a conference champion in at least six men's sports [at least two of which must be team sports as set forth in Bylaw 31.3.4.1-(a)]; and in each of these six sports, at least six of the conference's member institutions shall sponsor the sport on the varsity intercollegiate level; and

(b) It shall conduct double round-robin, in-season conference competition, or a minimum of 14 conference games, before declaring its champion in basketball. *(Revised: 1/10/91 effective 8/1/91)*

18.6 PLAYING RULES FOR CHAMPIONSHIPS

In sports in which the Association maintains rules committees, the rules adopted by said committees shall govern the conduct of all NCAA-sponsored events in those sports. In those sports in which the Association does not maintain rules committees, the rules to be used are specified in Bylaw 31.1.6.

18.7 POSTSEASON FOOTBALL [FBS/FCS]

18.7.1 Permissible Football Games. [FBS/FCS] The only football games in which a member institution may compete are:

(a) Games scheduled as to the identity of a participating college before the beginning of the regular football season of the institution for any academic year, including not only games for which the identity of one participating college is known, but also one for which the institution's opponent is not known at the time of scheduling;

(b) Any football game scheduled between two colleges [which is to be played on a common and regular open date (as defined in Bylaw 18.02.3) of their regular football seasons, on the campus or in the regular playing stadium of either team], even if it is scheduled after the beginning of either participant's football season;

(c) Games that are part of the NCAA championship; *(Revised: 12/15/06)*

(d) Games that are part of the National Association of Intercollegiate Athletics football championships;

(e) A conference championship game on an open date during the traditional fall season, provided the game is played (as opposed to scheduled) the week prior to the first round of an NCAA football championship date and provided the game is listed on the schedules of all conference members; and

(f) Licensed postseason bowl games that meet all requirements and conditions set forth in Bylaw 30.9. *(Revised: 2/1/05)*

18.7.1.1 Institutional Eligibility—Written Report. [FBS/FCS] The director of athletics of a member institution that participates in a postseason bowl game shall submit by the following March 1 a written report on the event as specified in Bylaw 30.9.1. *(Adopted: 1/10/90, Revised: 1/12/04)*

18.7.2 Postseason Football Championship and Postseason Bowl Licensing. [FBS/FCS] In bowl subdivision football, postseason bowl games must meet the conditions and requirements set forth in Bylaw 30.9 in order to be licensed. In championship subdivision football, postseason championship football games and bowl games that are exempt from the maximum number of football contests per Bylaw 17.9.5.1, except for the Division I Football Championship, must meet the reporting requirements set forth in Bylaw 30.9. *(Revised: 1/10/92, 2/1/05, 12/15/06)*

18.7.3 Eligibility Rules. [FBS/FCS] The eligibility rules governing individual participation and drug usage shall be as demanding for participants in postseason bowl games as those governing participation in NCAA championships. To attest to the eligibility of its student-athletes (in conformity with this paragraph), each institution selected or qualified for a postseason game shall meet the certification-of-eligibility requirements set forth in Bylaws 14.10 and 30.12. *(Revised: 1/10/95)*

18.7.3.1 Institutional Eligibility. [FBS/FCS] The competing institutions shall be active members of the Association, and members shall conduct their intercollegiate athletics programs in conformance with the requirements for institutional eligibility set forth in Bylaw 18.4.2.2-(a).

18.7.4 Expenses for Spouses/Children. [FBS/FCS] A competing institution may include the spouses and children of student-athletes on the traveling squad as part of its official party to attend a licensed postseason football game and may pay their necessary travel, lodging and meal costs (see Bylaw 16.6.1.1). *(Revised: 2/1/05)*

BYLAW, ARTICLE 19

Enforcement

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19.01 GENERAL PRINCIPLES

19.01.1 Mission of NCAA Enforcement Program. It shall be the mission of the NCAA enforcement program to eliminate violations of NCAA rules and impose appropriate penalties should violations occur. The program is committed to fairness of procedures and the timely and equitable resolution of infractions cases. The achievement of these objectives is essential to the conduct of a viable and effective enforcement program. Further, an important consideration in imposing penalties is to provide fairness to uninvolved student-athletes, coaches, administrators, competitors and other institutions. *(Adopted: 1/11/94)*

19.01.2 Exemplary Conduct. Individuals employed by or associated with member institutions for the administration, the conduct or the coaching of intercollegiate athletics are, in the final analysis, teachers of young people. Their responsibility is an affirmative one, and they must do more than avoid improper conduct or questionable acts. Their own moral values must be so certain and positive that those younger and more pliable will be influenced by a fine example. Much more is expected of them than of the less critically placed citizen.

19.01.3 Responsibility to Cooperate. All representatives of member institutions shall cooperate fully with the NCAA enforcement staff, Committee on Infractions, Infractions Appeals Committee and Board of Directors to further the objectives of the Association and its enforcement program. The enforcement policies and procedures are an essential part of the intercollegiate athletics program of each member institution and require full and complete disclosure by all institutional representatives of any relevant information requested by the NCAA enforcement staff, Committee on Infractions or Infractions Appeals Committee during the course of an inquiry. *(Revised: 11/1/07 effective 8/1/08)*

19.01.4 Violations by Institutional Staff Members. Institutional staff members found in violation of NCAA regulations shall be subject to disciplinary or corrective action as set forth in the provisions of the NCAA enforcement procedures, whether such violations occurred at the certifying institution or during the individual's previous employment at another member institution.

19.01.5 Nature of Penalty Structure. As a guiding principle, a penalty imposed under NCAA enforcement policies and procedures should be broad and severe if the violation or violations reflect a general disregard for the governing rules; in those instances in which the violation or violations are isolated and of relative insignificance, then the NCAA penalty shall be specific and limited. Previous violations of NCAA legislation shall be a contributing factor in determining the degree of penalty.

19.02 DEFINITIONS AND APPLICATIONS

19.02.1 Show-Cause Order. A show-cause order is one that requires a member institution to demonstrate to the satisfaction of the Committee on Infractions (or the Infractions Appeals Committee per Bylaw 19.2) why it should not be subject to a penalty (or additional penalty) for not taking appropriate disciplinary or corrective action against an institutional staff member or representative of the institution's athletics interests identified by the committee as having been involved in a violation of NCAA regulations that has been found by the committee. *(Revised: 1/10/95, 4/24/03)*

19.02.2 Types of Violations.

19.02.2.1 Violation, Secondary. A secondary violation is a violation that is isolated or inadvertant in nature, provides or is intended to provide only a minimal recruiting, competitive or other advantage and does not include any significant recruiting inducement or extra benefit. Multiple secondary violations by a member institution may collectively be considered as a major violation. *(Revised: 1/11/94)*

19.02.2.2 Violation, Major. All violations other than secondary violations are major violations, specifically including those that provide an extensive recruiting or competitive advantage. *(Revised: 1/11/94)*

19.02.3 New Evidence. New evidence is evidence that could not reasonably be ascertained prior to the Committee on Infractions hearing. *(Adopted: 1/6/96)*

19.1 COMMITTEE ON INFRACTIONS

The Board of Directors shall appoint a Committee on Infractions, which shall be responsible for administration of the NCAA enforcement program. *(Revised: 11/1/07 effective 8/1/08)*

19.1.1 Composition of Committee. The committee shall be composed of ten members, seven of whom shall be at present or previously on the staff of an active member institution or member conference of the Association, no more than three and no less than two of whom shall be from the general public and shall not be associated with a collegiate institution, conference, or professional or similar sports organization, or represent coaches or athletes in any capacity. One of the members shall serve as chair and one member shall serve as vice chair. Two members shall be elected as coordinators of appeals, one of whom may be a public member. Two positions shall be allocated for men, two allocated for women and six unallocated. There shall be no subdivision restrictions except that all nonpublic members may not be from the same subdivision; however, the coordinators of appeals shall not be considered in determining whether such a requirement is satisfied. *(Revised: 1/16/93, 10/27/98, 10/28/99, 1/11/00, 11/1/01, 11/31/02)*

19.1.1.1 Quorum. Four members present and voting shall constitute a quorum for conduct of committee business, it being understood that the chair shall make a special effort to have full committee attendance when major infractions cases involving violations are to be considered.

19.1.1.2 Temporary Substitutes. If it appears that one or more members of the committee will be unable to participate in the hearing of a case, the chair may request the Administration Cabinet to designate a former member or members of the committee to rejoin the committee for purposes of the consideration and disposition of that case. *(Revised: 11/1/07 effective 8/1/08)*

19.1.1.3 Term of Office. A member shall serve a three-year term, which shall commence on the first day of September following the member's election. A member may be reappointed but shall not serve more than nine years on the committee, with the exception of the position of coordinator of appeals, which may be filled by a former member of the committee who had previously served nine years. In such instances, a minimum period of three years must have elapsed between the date the committee member previously relinquished duties with the committee and reappointment to the committee as the coordinator of appeals. As with a regular member of the committee, the coordinator of appeals shall serve a three-year term, which commences on the first day of September following the coordinator of appeal's selection. The coordinator of appeals may be reappointed but shall not serve more than nine years on the committee in that capacity. *(Adopted: 1/11/00)*

19.1.1.4 Duties of the Coordinators of Appeals. The coordinators of appeals shall be responsible for processing appeals to infraction cases on behalf of the committee. The coordinators of appeals will be present during institutional hearings before the committee and during following committee deliberations, but will not be active participants in either. The coordinators of appeals shall represent the committee in proceedings before the Infractions Appeals Committee. *(Adopted: 10/28/99, Revised: 10/31/02)*

19.1.2 Authority of Committee. Disciplinary or corrective actions other than suspension or termination of membership may be effected by members of the Committee on Infractions present and voting at any duly called meeting thereof, provided the call of such a meeting shall have contained notice of the situation presenting the disciplinary problem. Actions of the committee in cases involving major violations, however, shall be subject to review by the Infractions Appeals Committee per Bylaw 19.2, on appeal. *(Revised: 1/16/93, 1/10/95, 4/24/03)*

19.1.2.1 Authority of Vice President for Enforcement Services. Upon review of information developed by the enforcement staff or self-reported by the member institution, the vice president for enforcement services shall identify the charges as involving alleged major or secondary violations, or multiple secondary violations that should be viewed as a major violation. Disciplinary or corrective actions in the case of secondary violations may be effected by the vice president for enforcement services. Said actions shall be taken in accordance with the provisions of the enforcement policies and procedures and shall be subject to review by the committee upon appeal. *(Revised: 4/24/03)*

19.1.2.2 Authority of Committee Chair. In the interim between meetings of the committee, the chair shall be empowered to act on behalf of the committee, subject to committee approval at its next meeting. If at any time, at a meeting or between meetings, the chair is unavailable to act as such, the vice chair is empowered to exercise the functions of the chair. *(Revised: 11/1/01)*

19.1.2.3 Authority of Infractions Appeals Committee. The Infractions Appeals Committee per Bylaw 19.2, shall hear and act upon an institution's or an involved individual's appeal of the findings of major violations and/or the imposition of associated penalties by the Committee on Infractions. *(Revised: 1/16/93, 1/10/95, 4/24/03)*

19.1.3 Duties of Committee. The duties of the Committee on Infractions shall be as follows: *(Revised: 4/24/03)*

(a) Consider complaints that may be filed with the Association charging the failure of any member to maintain the academic or athletics standards required for membership or the failure of any member to meet the conditions and obligations of membership in the Association;

(b) Formulate and revise, in accordance with the requirements of Bylaw 19.3, a statement of its established operating policies and procedures, including investigative guidelines (see Bylaw 32);

(c) Determine facts related to alleged violations and find violations of NCAA rules and requirements;

(d) Impose an appropriate penalty or show-cause requirement on a member found to be involved in a major violation (or, upon appeal, on a member found to be involved in a secondary violation), or recommend to the Board of Directors suspension or termination of membership; and

(e) Carry out any other duties directly related to the administration of the Association's enforcement program.

19.2 APPEALS COMMITTEES

19.2.1 Infractions Appeals Committee. The Board of Directors shall appoint an Infractions Appeals Committee, which shall hear and act upon appeals of the findings of major violations by the Committee on Infractions involving member institutions. *(Adopted: 1/16/93, Revised: 1/10/95, 11/1/07 effective 8/1/08)*

19.2.1.1 Composition of Committee. The committee shall be composed of five members. At least one member shall be from the general public and shall not be connected with a collegiate institution, conference, or professional or similar sports organization, or represent coaches or athletes in any capacity. The remaining members shall presently or previously be on the staff of an active member institution or member conference, but shall not serve presently on the Board of Directors. There shall be no subdivision restrictions except that all nonpublic members may not be from the same subdivision. *(Adopted: 1/16/93, Revised: 10/27/98)*

19.2.1.1.1 Temporary Substitutes. If it appears that one or more of the committee members will be unable to participate in the hearing of a case, the chair may request the Administration Council to designate a former member or members of the committee to rejoin the committee for purposes of consideration and disposition of that case. *(Adopted: 4/22/98, Revised: 11/1/07 effective 8/1/08)*

19.2.1.2 Term of Office. A member shall serve a three-year term, which shall commence on the first day of September following the member's election. A member may be reappointed but shall not serve more than nine years on the committee. *(Adopted: 1/9/96)*

19.2.1.3 Authority and Duties of Committee. The committee shall hear and act on appeals of the findings of major violations by the Committee on Infractions involving member institutions (see Bylaws 32.10 and 32.11). The committee may establish or amend enforcement policies and procedures set forth in Bylaws 32.10 and 32.11 that relate directly to the infractions appeals process, subject to review and approval by the Board of Directors. *(Adopted: 1/16/93, Revised: 1/10/95, 1/14/97, 11/1/07 effective 8/1/08)*

19.2.1.3.1 Notification to Membership. To the extent that the infractions appeals policies and procedures are revised, any member institution involved in the processing of an infractions appeals case shall be notified immediately of the change and the general membership shall be advised through The NCAA News. *(Adopted: 1/14/97)*

19.2.1.3.2 Review by Convention. Policies and procedures established by the Infractions Appeals Committee, per Bylaw 19.2.1.3, are subject to review and approval by the Board of Directors (see Constitution 5.2.3.3). *(Adopted: 1/14/97, Revised: 4/24/03, 11/1/07 effective 8/1/08)*

19.3 ESTABLISHMENT AND REVISION OF ENFORCEMENT POLICIES AND PROCEDURES

19.3.1 Amendment by Committee and Approval by Board of Directors. The Committee on Infractions may establish or amend the policies and procedures in regard to issues other than those concerning institutional penalties, restitution, and committee duties and structure. A member institution shall be provided notice of alleged NCAA rules violations for which it is charged before any penalty is imposed, as well as the opportunity to appear before the committee and the opportunity to appeal the committee's findings of major violations or penalties (see Bylaws 19.4 and 19.5). The policies and procedures governing the administration of the Association's enforcement program, as set forth in Bylaw 32, are subject to review and approval by the Board of Directors at its next regularly scheduled meeting. *(Revised: 11/1/07 effective 8/1/08)*

19.3.1.1 Notification to Membership. To the extent that the enforcement policies and procedures are revised, any member institution involved in the processing of an infractions case shall be notified immediately of the change.

19.3.2 Amendment to Enforcement Procedures. The enforcement policies and procedures set forth in Bylaw 32 may be amended in accordance with the legislative process. *(Revised: 4/24/03)*

19.4 NOTICE OF CHARGES AND OPPORTUNITY TO APPEAR

19.4.1 For Major Violations. A member under investigation for major violations shall be given the following:

(a) Notice of any specific charges against it and the facts upon which such charges are based; and

(b) An opportunity to appear before the Committee on Infractions (or the Infractions Appeals Committee per Bylaw 19.2) to answer such charges by the production of evidence (see Bylaw 19.6.2). *(Revised: 1/16/93, 1/10/95, 4/24/03)*

19.4.2 For Secondary Violations. A member under investigation for secondary violations shall be given the following:

(a) Notice of any specific charges against it and the facts upon which such charges are based; and

(b) An opportunity to provide a written response to the vice president for enforcement services (or to appear before the Committee on Infractions upon appeal) to answer such charges by the production of evidence (see Bylaw 19.6.1).

19.4.3 New Findings. When an institution and involved individual appear before the committee to discuss a response to the notice of allegations, the hearing shall be directed toward the general scope of the notice of allegations but shall not preclude the committee from finding any violation resulting from information developed or discussed during the hearing. *(Revised: 4/24/03)*

19.5 PENALTIES

19.5.1 Penalties for Secondary Violations. The vice president for enforcement services, upon approval by the chair or another member of the Committee on Infractions designated by the chair, or the committee may determine that no penalty is warranted in a secondary case, that an institutional- or conference-determined penalty is satisfactory or, if appropriate, impose a penalty. Among the disciplinary measures are: *(Revised: 1/11/94)*

(a) Termination of the recruitment of a prospective student-athlete by the institution or, if the prospective student-athlete enrolls (or has enrolled) in the institution, permanent ineligibility to represent the institution in intercollegiate competition (unless eligibility is restored by the Committee on Student-Athlete Reinstatement upon appeal);

(b) Forfeit/vacate contests in which an ineligible student-athlete participated;

(c) Prohibition of the head coach or other staff members in the involved sport from participating in any off-campus recruiting activities for up to one year; *(Revised: 1/11/94)*

(d) An institutional fine for each violation, with the monetary penalty ranging in total from $500 to $5,000, except when an ineligible student-athlete participates in an NCAA championship or other postseason competition, in which case the $5,000 limit shall not apply; *(Revised: 4/26/01 effective 8/1/01)*

(e) A limited reduction in the number of financial aid awards that may be awarded during a specified period in the sport involved to the maximum extent of 20 percent of the maximum number of awards normally permissible in that sport;

(f) Institutional recertification that its current athletics policies and practices conform to all requirements of NCAA regulations;

(g) Suspension of the head coach or other staff members for one or more competitions; *(Adopted: 1/11/94)*

(h) Public reprimand (to be invoked only in situations in which the Committee on Infractions or the vice president for enforcement services, upon approval by the committee, determines that a penalty, in addition to any institutional- or conference-determined penalty, is warranted); and *(Adopted: 1/11/94)*

(i) Requirement that a member institution that has been found in violation, or that has an athletics department staff member who has been found in violation of the provisions of NCAA legislation while representing another institution, show cause why a penalty or an additional penalty should not be imposed if it does not take appropriate disciplinary or corrective action against the athletics department personnel involved, any other institutional employee if the circumstances warrant or representatives of the institution's athletics interests. *(Adopted: 1/11/94)*

19.5.2 Penalties for Major Violations.

19.5.2.1 Presumptive Penalty. The presumptive penalty for a major violation, subject to exceptions authorized by the Committee on Infractions on the basis of specifically stated reasons, shall include all of the following:

(a) A two-year probationary period (including a periodic in-person monitoring system and written institutional reports);

(b) The reduction in the number of expense-paid recruiting visits to the institution in the involved sport for one recruiting year; *(Revised: 1/11/94)*

(c) A requirement that all coaching staff members in the sport be prohibited from engaging in any off-campus recruiting activities for up to one recruiting year; *(Revised: 1/11/94)*

(d) A requirement that all institutional staff members determined by the committee knowingly to have engaged in or condoned a major violation be subject to: *(Adopted: 1/11/94)*
   (1) Termination of employment;
   (2) Suspension without pay for at least one year;
   (3) Reassignment of duties within the institution to a position that does not include contact with prospective or enrolled student-athletes or representatives of the institution's athletics interests for at least one year; or
   (4) Other disciplinary action approved by the committee.

(e) A reduction in the number of financial aid awards; *(Adopted: 1/11/94)*

(f) Sanctions precluding postseason competition in the sport, particularly in those cases in which: (*Revised: 1/11/94*)
   (1) Involved individuals remain active in the program; *(Adopted: 1/11/94)*
   (2) A significant competitive advantage results from the violation(s); or *(Adopted: 1/11/94)*
   (3) The violation(s) reflect a lack of institutional control. *(Adopted: 1/11/94)*

(g) Institutional recertification that the current athletics policies and practices conform to all requirements of NCAA regulations.

19.5.2.2 Disciplinary Measures. In addition to those penalties prescribed for secondary violations, among the disciplinary measures, singly or in combination, that may be adopted by the committee (or the Infractions Appeals Committee per Bylaw 19.2) and imposed against an institution for major violations are: *(Revised: 1/16/93, 1/11/94, 1/10/95, 4/24/03)*

(a) Public reprimand and censure; *(Revised: 1/11/94)*

(b) Probation for at least one year; *(Revised: 1/11/94)*

(c) A reduction in the number of financial aid awards (as defined in Bylaw 15.02.4.1) that may be awarded during a specified period;

(d) Prohibition against the recruitment of prospective student-athletes for a sport or sports for a specified period;

(e) One or more of the following penalties: *(Revised: 4/26/01 effective 8/1/01)*
   (1) Individual records and performances shall be vacated or stricken; or *(Revised: 1/11/94)*
   (2) Team records and performances shall be vacated or stricken; or *(Adopted: 1/11/94)*
   (3) Individual or team awards shall be returned to the Association.

(f) A financial penalty; *(Adopted: 4/26/01 effective 8/1/01)*

(g) Ineligibility for any television programs involving coverage of the institution's intercollegiate athletics team or teams in the sport or sports in which the violations occurred; *(Revised: 1/10/92)*

(h) Ineligibility for invitational and postseason meets and tournaments;

(i) Ineligibility for one or more NCAA championship events;

(j) Prohibition against an intercollegiate sports team or teams participating against outside competition for a specified period;

(k) Ineligibility of the member to vote or its personnel to serve on committees of the Association, or both;

(l) Requirement that a member institution that has been found in violation, or that has an athletics department staff member who has been found in violation of the provisions of NCAA legislation while representing another institution, show cause why:
   (1) A penalty or an additional penalty should not be imposed if, in the opinion of the committee (or the Infractions Appeals Committee per Bylaw 19.2), it does not take appropriate disciplinary or corrective action against athletics department personnel involved in the infractions case, any other institutional employee if the circumstances warrant or representatives of the institution's athletics interests; or *(Revised: 1/10/95, 4/24/03)*
   (2) A recommendation should not be made to the membership that the institution's membership in the Association be suspended or terminated if, in the opinion of the committee (or the Infractions Appeals Committee per Bylaw 19.2), it does not take appropriate disciplinary or corrective action against the head coach of the sport involved, any other institutional employee if the circumstances warrant or representatives of the institution's athletics interests. *(Revised: 1/10/95, 4/24/03)*
   (3) "Appropriate disciplinary or corrective action" as specified in subparagraphs (1) and (2) above may include, for example, termination of the coaching contract of the head coach and any assistants involved; suspension or termination of the employment status of any other institutional employee who may be involved; severance of relations with any representative of the institution's athletics interests who may be involved; the debarment of the head or assistant coach from any coaching, recruiting or speaking engagements for a specified period; and the prohibition of all recruiting in a specified sport for a specified period.

(4) The nature and extent of such action shall be the determination of the institution after due notice and hearing to the individuals concerned, but the determination of whether or not the action is appropriate in the fulfillment of NCAA policies and principles, and its resulting effect on any institutional penalty, shall be solely that of the committee (or the Infractions Appeals Committee per Bylaw 19.2). *(Revised: 1/10/95, 4/24/03)*

(5) Where this requirement is made, the institution shall show cause or, in the alternative, shall show the appropriate disciplinary or corrective action taken, in writing, to the committee (or the Infractions Appeals Committee per Bylaw 19.2) within 15 days thereafter. The committee (or the Infractions Appeals Committee per Bylaw 19.2) may, without further hearing, determine on the basis of such writing whether or not in its opinion appropriate disciplinary or corrective action has been taken and may impose a penalty or additional penalty; take no further action, or, by notice to the institution, conduct a further hearing at a later date before making a final determination. *(Revised: 1/10/95, 4/24/03)*

19.5.2.2.1 Opportunity to Appear. In the event the committee considers additional penalties to be imposed upon an institution in accordance with Bylaw 19.5.2.2-(l) above, the involved institution shall be provided the opportunity to appear before the committee; further, the institution shall be provided the opportunity to appeal (per Bylaw 19.6.2) any additional penalty imposed by the committee.

19.5.2.3 Repeat Violators.

19.5.2.3.1 Time Period. An institution shall be considered a "repeat" violator if the Committee on Infractions finds that a major violation has occurred within five years of the starting date of a major penalty. For this provision to apply, at least one major violation must have occurred within five years after the starting date of the penalties in the previous case. It shall not be necessary that the Committee on Infractions' hearing be conducted or its report issued within the five-year period. *(Revised: 1/14/97 effective 8/1/97)*

19.5.2.3.2 Repeat-Violator Penalties. In addition to the penalties identified for a major violation, the minimum penalty for a repeat violator, subject to exceptions authorized by the Committee on Infractions on the basis of specifically stated reasons, may include any or all of the following: *(Revised: 1/11/94)*

(a) The prohibition of some or all outside competition in the sport involved in the latest major violation for one or two sports seasons and the prohibition of all coaching staff members in that sport from involvement directly or indirectly in any coaching activities at the institution during that period;

(b) The elimination of all initial grants-in-aid and all recruiting activities in the sport involved in the latest major violation in question for a two-year period;

(c) The requirement that all institutional staff members serving on the Board of Directors, Leadership Council, Legislative Council or other cabinets or committees of the Association resign those positions, it being understood that all institutional representatives shall be ineligible to serve on any NCAA committee for a period of four years; and *(Revised: 11/1/07 effective 8/1/08)*

(d) The requirement that the institution relinquish its voting privilege in the Association for a four-year period.

19.5.2.4 Probationary Periods.

19.5.2.4.1 Conditions of Probation. The committee (or the Infractions Appeals Committee per Bylaw 19.2) may identify possible conditions that an institution must satisfy during a probationary period. Such conditions shall be designed on a case-by-case basis to focus on the institution's administrative weaknesses detected in the case and shall include, but not be limited to, written reports from the institution pertaining to areas of concern to the committee (or the Infractions Appeals Committee), in-person reviews of the institution's athletics policies and practices by the NCAA administrator for the Committee on Infractions, implementation of educational or deterrent programs, and audits for specific programs or teams. If the institution fails to satisfy such conditions, the committee (or the Infractions Appeals Committee per Bylaw 19.2) may reconsider the penalties in the case and may extend the probationary period and/or impose additional sanctions. *(Revised: 1/10/95, 4/24/03)*

19.5.2.4.2 Review Prior to Restoration of Membership Rights and Privileges. In the event the committee imposes a penalty involving a probationary period, the institution shall be notified that after the penalty becomes effective, the NCAA director for the Committee on Infractions will review the athletics policies and practices of the institution prior to action by the committee to restore the institution to full rights and privileges of membership in the Association. *(Revised: 1/10/95)*

19.5.2.5 Television Appearance Limitations. In some instances, an institution is rendered ineligible to appear on television programs. When an institution is banned from such television programs, the penalty shall specify that the institution may not enter into any contracts or agreements for such appearances until the institution's probationary status has been terminated and it has been restored to full rights and privileges of membership. *(Revised: 1/10/92)*

19.5.2.5.1 Closed-Circuit Telecast Exception. The Board of Directors is authorized to permit a closed-circuit telecast, limited to the campus of the opponent of the ineligible institution, it being understood that no rights fee is to be paid to the ineligible institution. *(Revised: 11/1/07 effective 8/1/08)*

19.5.2.6 Disassociation of Representatives of Athletics Interests. The disassociation of relations with a representative of an institution's athletics interests may be imposed on a permanent basis, for the duration of the applicable probationary period or for another specified period of time. When an institution is required to show cause why a representative of the institution's athletics interests should not be disassociated from its athletics program, such disassociation shall require that the institution:

(a) Refrain from accepting any assistance from the individual that would aid in the recruitment of prospective student-athletes or the support of enrolled student-athletes;

(b) Not accept financial assistance for the institution's athletics program from the individual;

(c) Ensure that no athletics benefit or privilege be provided to the individual that is not generally available to the public at large; and

(d) Take such other actions against the individual that the institution determines to be within its authority to eliminate the involvement of the individual in the institution's athletics program.

19.5.2.7 Notification to Regional Accrediting Agency. When an institution has been found to be in violation of NCAA requirements, and the report reflects academic violations or questionable academic procedures, the president shall be authorized to forward a copy of the report to the appropriate regional accrediting agency.

19.5.2.8 Review of Penalty.

19.5.2.8.1 Newly Discovered Evidence or Prejudicial Error. When a penalty has been imposed and publicly announced and the appeal opportunity has been exhausted, there shall be no review of the penalty except upon a showing of newly discovered evidence (per Bylaw 19.02.3) that is directly related the findings in the case or that there was prejudicial error in the procedure that was followed in the processing of the case by the committee. *(Revised: 1/9/96)*

19.5.2.8.1.1 Review Process. Any institution that initiates such a review shall be required to submit a brief of its appeal to the committee and to furnish sufficient copies of the brief for distribution to all members of the committee. The committee shall review the brief and decide by majority vote whether it shall grant a hearing of the appeal.

19.5.2.8.1.2 Institution or Conference Discipline as New Evidence. Disciplinary measures imposed by the institution or its conference following the NCAA's action may be considered to be "newly discovered evidence" for the purposes of this section.

19.5.2.8.1.3 No Imposition of New Penalty. If a hearing of the appeal is granted, the committee may reduce or eliminate any penalty but may not impose any new penalty. The committee's decision with respect to the penalty shall be final and conclusive for all purposes.

19.5.2.8.2 Reconsideration of Penalty. The institution shall be notified that should any portion of the penalty in the case be set aside for any reason other than by appropriate action of the Association, the penalty shall be reconsidered by the NCAA. In such cases, any extension or adjustment of a penalty shall be proposed by the Committee on Infractions after notice to the institution and hearing. Any such action by the committee shall be subject to appeal.

19.5.3 Discipline of Affiliated or Corresponding Member.

19.5.3.1 Termination or Suspension. The membership of any affiliated or corresponding member failing to meet the conditions and obligations of membership or failing to support and adhere to the purposes and policies set forth in Constitution 1 may be terminated or suspended or the member otherwise may be disciplined through the following procedure:

(a) The Executive Committee by a two-thirds majority of its members present and voting, may take such action on its own initiative; or *(Adopted: 1/11/89)*

(b) The Committee on Infractions, by majority vote, may recommend such action to the Executive Committee, which may adopt the recommendation by a two-thirds vote of its members present and voting; and

(c) The affiliated or corresponding member shall be advised of the proposed action at least 30 days prior to any Committee on Infractions or Executive Committee meeting in which such action is considered and shall be provided the opportunity to appear at any such meeting.

19.5.4 Recommendation to Committee on Athletics Certification. The Committee on Infractions may recommend to the Committee on Athletics Certification that an institution's certification status be reviewed as a result of the institution's completed infractions case. *(Adopted: 1/16/93 effective 1/1/94)*

19.6 RIGHTS OF MEMBER TO APPEAL

19.6.1 Appeal of Secondary Violations. A member shall have the right to appeal actions taken by the vice president of enforcement services in reference to secondary violations. To appeal, the member must submit written notice of appeal to the Committee on Infractions. The Committee on Infractions must receive the written

notice of appeal and any supporting information within 30 days of the date the institution receives the enforcement staff's decision. *(Adopted: 1/16/93 effective 1/1/94)*

19.6.2 Appeal of Major Violations. A member shall have the right to give written notice of appeal of the committee's findings of major violations (subject to Bylaw 32.10.2), the penalty, or both to the Infractions Appeals Committee per Bylaw 19.2. *(Revised: 1/16/93, 1/10/95, 4/24/03)*

19.6.3 Appeal by an Institutional Staff Member. If any current or former institutional staff member participates in a hearing (either in person or through written presentation) before the Committee on Infractions and is involved in a finding of a violation against that individual, the individual shall be given the opportunity to appeal any of the findings in question (subject to the conditions of Bylaw 32.10.2) or the committee's decision to issue a show-cause order to the Infractions Appeals Committee. Under such circumstances, the individual and personal legal counsel may appear before the appeals committee at the time it considers the pertinent findings. *(Revised: 1/16/93, 1/10/95, 1/6/96, 4/24/03)*

19.6.4 Student-Athlete Appeal. If an institution concludes that continued application of the rule(s) would work an injustice on any student-athlete, an appeal shall be submitted to the Committee on Student-Athlete Reinstatement and promptly reviewed.

19.6.4.1 Obligation of Institution to Take Appropriate Action. When the committee (or the Infractions Appeals Committee per Bylaw 19.2) finds that there has been a violation of the constitution or bylaws affecting the eligibility of an individual student-athlete or student-athletes, the institution involved and its conference(s), if any, shall be notified of the violation and the name(s) of the student-athlete(s) involved, it being understood that if the institution fails to take appropriate action, the involved institution shall be cited to show cause under the Association's regular enforcement procedures why it should not be disciplined for a failure to abide by the conditions and obligations of membership (declaration of ineligibility) if it permits the student-athletes to compete. *(Revised: 1/10/95, 4/24/03)*

19.7 RESTITUTION

If a student-athlete who is ineligible under the terms of the constitution, bylaws or other legislation of the Association is permitted to participate in intercollegiate competition contrary to such NCAA legislation but in accordance with the terms of a court restraining order or injunction operative against the institution attended by such student-athlete or against the Association, or both, and said injunction is voluntarily vacated, stayed or reversed or it is finally determined by the courts that injunctive relief is not or was not justified, the Board of Directors may take any one or more of the following actions against such institution in the interest of restitution and fairness to competing institutions: *(Revised: 11/1/07 effective 8/1/08)*

(a) Require that individual records and performances achieved during participation by such ineligible student-athlete shall be vacated or stricken;

(b) Require that team records and performances achieved during participation by such ineligible student-athlete shall be vacated or stricken;

(c) Require that team victories achieved during participation by such ineligible student-athlete shall be abrogated and the games or events forfeited to the opposing institutions;

(d) Require that individual awards earned during participation by such ineligible student-athlete shall be returned to the Association, the sponsor or the competing institution supplying same;

(e) Require that team awards earned during participation by such ineligible student-athlete shall be returned to the Association, the sponsor or the competing institution supplying same;

(f) Determine that the institution is ineligible for one or more NCAA championships in the sports and in the seasons in which such ineligible student-athlete participated;

(g) Determine that the institution is ineligible for invitational and postseason meets and tournaments in the sports and in the seasons in which such ineligible student-athlete participated;

(h) Require that the institution shall remit to the NCAA the institution's share of television receipts (other than the portion shared with other conference members) for appearing on any live television series or program if such ineligible student-athlete participates in the contest(s) selected for such telecast, or if the Board of Directors concludes that the institution would not have been selected for such telecast but for the participation of such ineligible student-athlete during the season of the telecast; any such funds thus remitted shall be devoted to the NCAA postgraduate scholarship program; and *(Revised: 11/1/07 effective 8/1/08)*

(i) Require that the institution that has been represented in an NCAA championship by such a student-athlete shall be assessed a financial penalty as determined by the Committee on Infractions. *(Revised: 4/26/01 effective 8/1/01)*

BYLAW, ARTICLE 20

Division Membership

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20.01 GENERAL PRINCIPLES

20.01.1 Membership in the Association. Eligibility for membership in the Association; conditions, obligations and classes of Association membership; and procedures governing the termination, suspension and reinstatement of such membership are governed by Constitution 3.

20.01.2 Division Membership. Each active and provisional member institution and member conference is designated as a member of Division I, II or III for certain legislative and competitive purposes. In football, Division I is divided into the Football Bowl Subdivision and the Football Championship Subdivision (see Bylaw 20.7.1). Multidivision classification is permitted under specified circumstances (see Bylaw 20.4). *(Revised: 12/15/06)*

20.02 DEFINITIONS AND APPLICATIONS

20.02.1 Multidivision Classification. Multidivision classification is the procedure in which a member institution may petition to have a certain sport or sports classified in a division other than the division in which it holds membership (see Bylaw 20.4).

20.02.2 Performance Criterion. A performance criterion is a requirement for membership or classification in a division that must be met by the member institution prior to the date that the requirement becomes effective (e.g., during the academic year preceding the effective date). Performance criteria include, but are not limited to, minimum sports sponsorship requirements, minimum scheduling requirements and minimum game-attendance requirements.

20.02.3 Provisional Membership. Provisional membership is a prerequisite for active membership. The standard provisional membership process requires a seven-year period before becoming eligible for active membership. *(Adopted: 1/11/94 effective 9/2/94, Revised: 1/14/97 effective 8/1/97 for institutions petitioning for provisional membership on or after 8/1/97, 4/25/02 effective 8/1/02, 6/17/08)*

20.02.4 Restricted Membership. Restricted membership is a membership classification status assigned to an institution that fails to comply with the minimum requirements of its division (e.g., sports sponsorship, scheduling). The institution placed in such status loses eligibility for a number of membership privileges and has from one year to three years to comply with the requirement involved. Failure to comply reclassifies the institution to corresponding membership (see Bylaw 20.2.5).

20.02.5 Emerging Sports for Women. The following shall be considered emerging sports for women and countable for purposes of revenue distribution (for sports sponsorship and grants-in-aid): *(Adopted: 1/11/94 effective 9/1/94)*

(a) **Team Sports:** rugby; and *(Revised: 4/15/97, 4/27/00 effective 8/1/00, 4/25/02, 1/17/09 effective 8/1/09)*

(b) **Individual Sports:** equestrian and squash. *(Revised: 1/12/99 effective 8/1/99, 4/24/03 effective 8/1/03, 1/17/09 effective 8/1/09)*

The following Bylaw was revised April 30, 2009, and is effective August 1, 2010.

20.02.5 Emerging Sports for Women. The following shall be considered emerging sports for women and countable for purposes of revenue distribution (for sports sponsorship and grants-in-aid): *(Adopted: 1/11/94 effective 9/1/94)*

(a) **Team Sports:** rugby and sand volleyball; and *(Revised: 4/15/97, 4/27/00 effective 8/1/00, 4/25/02, 1/17/09 effective 8/1/09, 4/30/09 effective 8/1/10)*

(b) **Individual Sports:** equestrian and squash. *(Revised: 1/12/99 effective 8/1/99, 4/24/03 effective 8/1/03, 1/17/09 effective 8/1/09)*

20.02.5.1 Additional Emerging Sports. The Board of Directors periodically shall identify future emerging sports for women that shall be countable sports for revenue distribution and minimum sports sponsorship criteria and shall establish procedures to determine minimum contests and maximum grants in those sports. *(Adopted: 1/11/94 effective 9/1/94)*

20.02.5.2 Removal of Emerging Sports. A sport shall no longer be considered an emerging sport once the sport has been established as a championship sport. Further, an emerging sport is limited to a 10-year time period to become a championship sport unless it can be demonstrated that steady growth has occurred during that time. *(Adopted: 4/15/97)*

20.02.6 Football Bowl Subdivision Conference. A conference classified as a Football Bowl Subdivision conference shall be comprised of at least eight full Football Bowl Subdivision members that satisfy all bowl subdivision requirements. An institution shall be included as one of the eight full Football Bowl Subdivision members only if the institution participates in the conference schedule in at least six men's and eight women's conference-sponsored sports, including men's basketball and football and three women's team sports including women's basketball. A conference-sponsored sport shall be a sport in which regular season and/or championship opportunities are provided, consistent with the minimum standards identified by the applicable NCAA sport committee for automatic qualification. *(Adopted: 10/31/02 effective 8/1/05, Revised: 12/15/06)*

20.02.6.1 Exception. A Football Bowl Subdivision member institution shall be permitted to count as one of its required six men's sports and one of its required eight women's sports a sport in which its conference does not sponsor or conduct a championship, provided the sport is one in which it participates in another Division I multi- or single-sport conference. Different sports may be counted for men and women. *(Adopted: 4/29/04 effective 8/1/05, Revised: 12/15/06)*

20.02.6.2 Grace Period. A conference shall continue to be considered a Football Bowl Subdivision conference for two years following the date when it fails to satisfy the eight full Football Bowl Subdivision member requirement due to one or more of its member's failure to comply with the bowl subdivision membership requirements. *(Adopted: 4/28/05 effective 8/1/05, Revised: 12/15/06)*

20.1 DETERMINATION OF DIVISIONS

20.1.1 Designation of Division by Active and Provisional Members. Each active and provisional member institution shall be designated as a member of Division I, Division II or Division III for certain legislative and competitive purposes. *(Revised: 1/11/94 effective 9/2/94)*

20.1.1.1 Men's and Women's Programs in Different Divisions. An institution shall not classify its women's athletics program in a division other than the institution's membership division, unless its women's program was so classified prior to January 11, 1991; further, for those institutions so classified, the Executive Committee, by a two-thirds majority of its members present and voting, may permit the institution's women's athletics program to be classified in a division other than its membership division, provided it determines every three years that unusual circumstances warrant such action. *(Revised: 1/10/91)*

20.1.1.2 Bowl Subdivision and NCAA Championship Subdivision Football. In football, Division I shall be divided into the Bowl Subdivision and the NCAA Championship Subdivision. *(Revised: 12/15/06)*

20.1.1.3 Multidivision Classification. A member may request classification and eligibility in more than one division in accordance with provisions permitting multidivision classification, eligibility and voting (see Bylaw 20.4).

20.1.2 Designation of Division by Member Conference. Each member conference shall determine the membership division it desires for legislative and/or competitive purposes. When designating the division, at least 50 percent or a minimum of 25 of the conference's institutions must hold membership in that division. The Executive Committee shall determine the membership division of a member conference not meeting these criteria.

20.2 ESTABLISHMENT OF AND COMPLIANCE WITH DIVISION CRITERIA

20.2.1 Adoption of Criteria. The members of each division, through the legislative process, may establish division criteria for membership and competition by sport.

20.2.2 Effective Date and Compliance Period. In establishing criteria, the members of the division shall specify the effective date and compliance period, if any. Each institution (either as a member of that division or as an institution that competes in a sport in that division under the provisions of multidivision classification per Bylaw 20.4) shall conform to the requirements of the criteria by that effective date or by the end of the compliance period, whichever is later.

20.2.2.1 Deadline for Meeting Performance Criterion. An institution must comply with any specific performance criterion adopted by the membership of its division (e.g., that the institution sponsor a minimum number of sports, schedule and play a specific percentage or number of contests against opponents of a certain division, or demonstrate a specific level of paid attendance) by the end of the academic year prior to the effective date of the legislation.

20.2.3 Failure to Conform by Effective Date. If an institution has not conformed to the adopted criteria of its division by the effective date or the end of the prescribed compliance period, the institution's membership (or its sport per Bylaw 20.4) shall be reassigned to a division for which it qualifies. If the member (or its sport per Bylaw 20.4) does not qualify for any division, the institution (or its sport per Bylaw 20.4) shall be reclassified in accordance with Bylaw 20.2.5.

20.2.4 Continuation of Compliance. To retain division membership or approved multidivision classification (per Bylaw 20.4), each member institution shall continue to meet division criteria when any grace period expires. If an institution fails to remain in compliance with its division's criteria, the institution's membership (or its sport per Bylaw 20.4) shall be reassigned to a division for which it qualifies. If the member (or its sport per Bylaw 20.4) does not qualify for any division, the institution shall be reclassified in accordance with Bylaw 20.2.5 and also shall be subject to the Association's enforcement procedures.

20.2.5 Noncompliance and Waivers of Division Criteria.

20.2.5.1 Restricted Membership.

20.2.5.1.1 Minimum One-Year Compliance Period. If an institution (or its sport per Bylaw 20.4) does not qualify for membership in any division, the institution (or its sport per Bylaw 20.4) may be placed in a restricted membership category for a minimum of one year. At the conclusion of the minimum one-year period, the institution automatically shall be granted membership in its preferred division, provided the institution complies with the division's criteria. If the member does not meet the criteria of any division at the end of the restricted membership period, the member shall be reclassified as a corresponding member.

20.2.5.1.2 Failure to Meet Minimum Sports Sponsorship Criteria.

20.2.5.1.2.1 One-Year Probationary Period. An institution that fails to meet either the minimum men's or women' sports sponsorship criterion for its division shall be placed on probation for one year for its entire program (both men's and women's sports) in the next academic year after noncompliance with sports sponsorship requirements is discovered. An institution shall be afforded the one-year probationary period for failure to comply with sports sponsorship criteria only once in every 10-year period. The 10-year period shall begin the September 1 following completion of the academic year in which the membership criterion is not met. *(Revised: 1/11/89)*

20.2.5.1.2.2 Application of Restricted Membership Status. If an institution fails to meet the sports sponsorship criteria at the end of the probationary year or is ineligible for the once-in-10-year probationary period, it shall be placed in restricted membership and shall not be eligible for NCAA championship competition in all sports (both men's and women's) in the first academic year after the probationary year (or the first academic year after failure to meet the requirements if the institution is ineligible for the once-in-10-year probationary period). If the institution still cannot certify compliance with the division criteria at the end of that year, it shall be reclassified as a corresponding member. *(Revised: 1/11/89)*

20.2.5.1.3 Failure to Meet Division Scheduling Requirement. An institution that fails to meet the division scheduling requirement in a sport shall be placed in the restricted membership category in that sport, with men's and women's teams in the same sport treated separately. The sport shall be in the restricted membership category for no longer than a three-year period.

20.2.5.1.4 Failure to Meet Financial Aid Minimums. An institution that fails to meet the financial aid minimums shall be placed in the restricted membership category for a period of one year. *(Adopted: 11/1/00 effective 8/1/01)*

20.2.5.1.5 Voting Privileges and Eligibility for Championships. The institution shall identify its preferred division and, during the period of restricted membership, shall be:

(a) In compliance to the greatest extent possible with that division's scheduling criteria;
(b) Bound by all other applicable rules of the Association;
(c) Permitted to vote only on dominant issues, unless the restricted membership status is in one sport, in which case its loss of voting privileges shall apply only to that sport; and
(d) Ineligible for NCAA championships and postseason football contests, unless the restricted membership status is in one sport, in which case loss of eligibility for championships and postseason football contests shall apply only to that sport.

20.2.5.1.6 Division Members Counting a Restricted Opponent. During the period of its restricted membership, an institution may be counted by its classified opponents as a member of the restricted institution's desired division for purposes of the opponents' meeting their division's scheduling criteria; however, a restricted member shall not count another restricted member for such purposes.

20.2.5.1.6.1 Restricted Members Counting a Restricted Opponent. A contest between two institutions in restricted membership status in a sport shall not be counted as a contest by either institution for purposes of the scheduling criterion in the sport in which they are restricted, provided this exception is not applied to more than 25 percent of an institution's contests in the sport in question for any particular season.

20.2.5.1.7 No Voluntary Selection of Restricted Membership Category. Restricted membership status is imposed only when an institution has failed to comply with division membership criteria. An institution is not permitted to select voluntarily or to request that it be placed in the restricted membership category.

20.2.5.1.8 Removal of Restricted Membership Status. When an institution that has been placed in restricted membership status wishes to return to its original membership division, it shall meet the criteria that were in effect at the time it became restricted or that have become effective since that time. If a restricted institution wishes to move to a different membership division, it is considered a petitioner for change of division membership per Bylaw 20.5 and would be required to meet all of the new division's criteria at the time the institution leaves restricted status.

20.2.5.2 Corresponding Membership.

20.2.5.2.1 Failure to Meet Three-Season Requirement. If an active member no longer meets the three-season requirement for either men or women, it shall be reclassified immediately as a corresponding member (see Constitution 3.2.5.2). *(Revised: 5/8/06)*

20.2.5.3 Waivers of Division I Membership Criteria. The Administration Cabinet, by a two-thirds majority of its members present and voting, may grant waivers of the Division I membership criteria according to the procedures specified below. *(Revised: 1/11/94 effective 9/2/94, 4/24/03 effective 8/1/03, 11/1/07 effective 8/1/08)*

20.2.5.3.1 Submission of Request. The institution shall submit its written request for a waiver to the Administration Cabinet, and it shall be received in the national office not later than September 15. The request shall be signed by the institution's president or chancellor and shall include pertinent information supporting the institution's request. The Administration Cabinet, by a two-thirds majority of its members present and voting, may waive the September 15 deadline due to circumstances beyond an institution's control. *(Revised: 1/19/96, 4/24/03 effective 8/1/03, 3/8/06, 11/1/07 effective 8/1/08)*

20.2.5.3.2 Waiver—Restricted Membership Status. If an institution has been placed in the restricted membership category by the Committee on Athletics Certification, the institution may request a waiver of such status from the Administration Cabinet immediately on rectifying deficiencies outlined by the Committee on Athletics Certification. Such a waiver shall be submitted to the Administration Cabinet at least 60 days prior to the meeting in which the Administration Cabinet will act on the waiver. The Administration Cabinet, by a two-thirds majority of its members present and voting, may waive the 60-day deadline due to circumstances beyond an institution's control. *(Adopted: 1/13/98 effective 8/1/98, Revised: 4/24/03 effective 8/1/03, 11/1/07 effective 8/1/08)*

20.2.5.3.3 Voting Requirement. The division, by a majority of its members present and voting, shall vote to accept or reject the request for a waiver of the division's criteria.

20.2.5.3.4 Effective Date of Waiver. If the division votes to admit the institution as a member of that division, such classification shall become effective:

(a) In accordance with the requirements of Constitution 3.2.3.3 if a new member of the Association is involved;

(b) September 1 following the Leadership Council action if an active member institution is seeking multidivision classification or change of division membership; or *(Revised: 1/10/90, 11/1/07 effective 8/1/08)*

(c) Immediately if the institution receives a waiver of the restricted membership classification. *(Adopted: 1/11/89)*

20.2.5.3.4.1 Maximum Three-Year Waiver Period. If after three years from the effective date of multidivision classification or reclassification (September 1 following the Leadership Council action) the institution receiving such a waiver has not conformed to all adopted criteria of the division, the institution's membership (or its sport per Bylaw 20.4): *(Revised: 1/11/94 effective 9/2/94, 11/1/07 effective 8/1/08)*

(a) Shall be assigned to a division for which it qualifies in accordance with Bylaw 20.5.1; or

(b) Shall be placed in the restricted membership category for a minimum of one year in accordance with Bylaw 20.2.5.1 if the member (or its sport per Bylaw 20.4) does not qualify for any division.

20.2.5.3.4.2 Eligibility for Championships. The institution receiving such a waiver shall be accorded all privileges of division membership during this waiver period; however, its eligibility for championships shall require compliance with the institutional eligibility requirements of Bylaw 20.4.3 or 20.5.3.

20.2.5.3.5 Rejection of Waiver Request. If the Administration Cabinet votes to reject the institution's request, the institution's membership (or its sport per Bylaw 20.4): *(Revised: 4/24/03 effective 8/1/03, 11/1/07 effective 8/1/08)*

(a) Shall be reassigned to a division for which it qualifies;

(b) Shall be placed in the restricted membership category, if it does not qualify for any division (see Bylaw 20.2.5.1); or

(c) Shall be required to repeat the membership process. *(Adopted: 4/24/03 effective 8/1/03)*

20.3 PROVISIONAL MEMBERSHIP

20.3.1 Provisional Membership Process. A provisional member shall be eligible to apply for active membership only after the successful completion of specified requirements set forth in this bylaw. The Administration Cabinet may deny referral of a provisional member to the Leadership Council for election to active membership if any of the institution's sport programs are subject to penalties pursuant to the Division I Academic Performance Program. *(Revised: 5/8/06, 8/9/07, 1/17/09 effective 8/1/09; applicable to institutions in the provisional or reclassifying processes as of 8/1/09 and those beginning either process on or after 8/1/09)*

20.3.1.1 Exploratory Period. An exploratory period will begin from the time the prospective institution's provisional membership application has been approved until the following September 1. During the exploratory period, a provisional member shall receive all publications and mailings received by active member of the Association. In addition, during the exploratory period, the institution is required to satisfy the following: *(Revised: 1/8/07 effective 8/1/07 for those institutions entering the exploratory year on or after 8/1/07)*

(a) Attendance at an orientation session conducted at the NCAA Convention and a regional compliance seminar conducted by the NCAA. Institutional representatives required to attend the orientation session and regional compliance seminar are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator; *(Revised: 5/8/06, 1/8/07 effective 8/1/07 for those institutions entering the exploratory year on or after 8/1/07)*

(b) Compliance with all minimum sport sponsorship and financial aid membership requirements; and *(Adopted: 1/8/07 effective 8/1/07 for those institutions entering the exploratory year on or after 8/1/07, Revised: 4/15/09)*

(c) Submit a formal confirmation of its intent to become an active Division I member and present a basic strategic plan that addresses the Division I philosophy statement (see Bylaw 20.9) and certification operating principles (see Bylaw 22.2) not later than June 1. *(Revised: 5/8/06, 1/8/07 effective 8/1/07 for those institutions entering the exploratory year on or after 8/1/07)*

20.3.1.1.1 Application of Infractions and Reinstatement Processes. During the exploratory period, a provisional member shall not be subject to the NCAA enforcement and student-athlete reinstatement processes. *(Adopted: 1/8/07)*

20.3.1.2 First Year. During the first year of provisional membership, an institution is required to satisfy the following requirements: *(Revised: 5/8/06)*

(a) Attendance at an orientation session conducted by the NCAA national office staff related to basic Division I operating rules and membership requirements. Institutional representatives required to attend the orientation session are the chancellor or president (or an individual appointed by the chancellor or president with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator;

(b) Attendance at the NCAA Convention and at least one regional compliance seminar conducted by the NCAA or a member conference. Institutional representatives required to attend the NCAA Convention and regional compliance seminar are the chancellor or president (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator;

(c) Fulfillment of other selected NCAA requirements set forth in Constitution 3 and 6 (e.g., faculty athletics representative, student-athlete advisory committee) at the beginning of the first year of provisional membership; and *(Revised: 1/8/07 effective 8/1/07 for those institutions entering the exploratory year on or after 8/1/07)*

(d) Submit an annual report by June 1 with an updated strategic plan that addresses the Division I philosophy statement and certification operating principles.

20.3.1.2.1 Application of Infractions and Reinstatement Processes. During the first year of provisional membership, an institution shall not be subject to the NCAA enforcement and student-athlete reinstatement processes. *(Adopted: 1/8/07)*

20.3.1.3 Second Year. During the second year of provisional membership, an institution shall satisfy the following requirements: *(Revised: 5/8/06)*

(a) Full compliance with all Division I legislation and membership requirements (see Bylaw 20.9) at the beginning of the second year of provisional membership; *(Revised: 1/8/07 effective 8/1/07)*

(b) Attendance at an orientation session conducted by the NCAA staff related to the application of Division I legislation to various issues impacting Division I. Institutional representatives required to attend the

orientation session are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator;

(c) Attendance at the NCAA Convention and at least one regional compliance seminar conducted by the NCAA or a member conference. Institutional representatives required to attend the NCAA Convention and regional compliance seminar are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator;

(d) Process institutional and individual student-athlete violations of NCAA legislation through the NCAA enforcement and student-athlete reinstatement processes. The institution shall be subject to any and all sanctions for violations of NCAA legislation; and *(Adopted: 1/8/07)*

(e) Submit an annual report and updated strategic plan by June 1 based on feedback received from the previous year's plan. The institution shall report all violations to the Administration Cabinet as part of the annual report. *(Revised: 1/8/07, 11/1/07 effective 8/1/08)*

20.3.1.4 Third Year. During the third year of provisional membership, an institution shall satisfy the following requirements: *(Revised: 5/8/06)*

(a) Attendance at a meeting conducted at the NCAA Convention to discuss issues impacting Division I members. Institutional representatives required to attend the meeting are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator;

(b) Attendance at the NCAA Convention and at least one regional compliance seminar conducted by the NCAA or a member conference. Institutional representatives required to attend the NCAA Convention and regional compliance seminar are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator;

(c) Engage in a compliance review conducted by the national office staff;

(d) Process institutional and individual student-athlete violations of NCAA legislation through the NCAA enforcement and student-athlete reinstatement processes. The institution shall be subject to any and all sanctions for violations of NCAA legislation; and *(Adopted: 1/8/07)*

(e) Submit an annual report and updated strategic plan by June 1 based on feedback from the previous year's plan. The institution shall report all violations to the Administration Cabinet as part of the annual report. *(Revised: 1/8/07, 11/1/07 effective 8/1/08)*

20.3.1.5 Fourth Year. During the fourth year of provisional membership, an institution shall satisfy the following requirements: *(Revised: 5/8/06, 1/8/07 effective 8/1/07)*

(a) Attendance at a meeting conducted at the NCAA Convention to discuss issues impacting Division I members. Institutional representatives required to attend the meeting are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator;

(b) Attendance at one regional compliance seminar conducted by the NCAA or a member conference. Institutional representatives required to attend the regional compliance seminar are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator;

(c) Attendance by appropriate institutional representatives at the NCAA Gender Equity Issues Forum and an NCAA Diversity Workshop;

(d) Completion of an NCAA certification orientation;

(e) Process institutional and individual student-athlete violations of NCAA legislation through the NCAA enforcement and student-athlete reinstatement processes. The institution shall be subject to any and all sanctions for violations of NCAA legislation; and *(Adopted: 1/8/07)*

(f) Submit an annual report and updated strategic plan by June 1 based on the previous year's plan. The institution shall report all violations to the Administration Cabinet as part of the annual report. *(Revised: 1/8/07, 11/1/07 effective 8/1/08)*

20.3.1.6 Fifth Year. During the fifth year of provisional membership, an institution shall satisfy the following requirements: *(Revised: 5/8/06)*

(a) Attendance at a meeting conducted at the NCAA Convention to discuss impacting Division I members. Institutional representatives required to attend the meeting are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of

athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator;

(b) Attendance at one regional compliance seminar conducted by the NCAA or a member conference. Institutional representatives required to attend the regional compliance seminar are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator;

(c) Successfully complete an NCAA athletics certification self-study and evaluation visit;

(d) Process institutional and individual student-athlete violations of NCAA legislation through the NCAA enforcement and student-athlete reinstatement processes. The institution shall be subject to any and all sanctions for violations of NCAA legislation; and *(Adopted: 1/8/07)*

(e) Submit an annual report and updated strategic plan by June 1 based on the previous year's plan. The institution shall report all violations to the Administration Cabinet as part of the annual report. *(Revised: 1/8/07, 11/1/07 effective 8/1/08)*

20.3.1.7 Sixth Year. During the sixth year of provisional membership, an institution shall satisfy the following requirements: *(Revised: 5/8/06)*

(a) Attend a meeting conducted at the NCAA Convention to discuss issues impacting Division I members. Institutional representatives required to attend the meeting are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator;

(b) Process institutional and individual student-athlete violations of NCAA legislation through the NCAA enforcement and student-athlete reinstatement processes. The institution shall be subject to any and all sanctions for violations of NCAA legislation; and *(Adopted: 1/8/07)*

(c) Submit an annual report and updated strategic plan by June 1 based on the previous plan. The institution shall report all violations to the Administration Cabinet as part of the annual report. *(Revised: 1/8/07, 11/1/07 effective 8/1/08)*

20.4 MULTIDIVISION CLASSIFICATION

20.4.1 Multidivision—Classification Options. A member institution may have a sport classified in a division other than the one in which it is a member only in the following circumstances: (See Constitution 3.1.1.) *(Revised: 8/9/07)*

20.4.1.1 Division I Member. A member of Division I may petition to be classified in football in the Bowl Subdivision or the NCAA Championship Subdivision. *(Revised: 1/10/91 effective 9/1/93, 4/28/05, 12/15/06)*

20.4.1.2 Divisions II and III Members—Classification of a Sport in Division I. A member of Division II or Division III may petition to be classified in Division I in any one men's sport, other than football or basketball, and in any one women's sport, other than basketball, and in any single sport in which the only NCAA championships opportunity is the National Collegiate Championship. In addition, a member of Division II may be classified in Division I in a sport in which there is a Division I and a Division III championship, but no Division II championship. *(Revised: 1/11/94 effective 8/1/94)*

20.4.1.3 Women's Multidivision—Classification Limitation. A member institution that has its women's program classified in a division other than its membership division (per Bylaw 20.1.1.1) shall not be eligible to petition for the multidivision-classification opportunities available to a women's program that is classified in the same division as the institution's men's program.

20.4.1.4 National Collegiate Championship. A member institution may petition to be classified in a division other than its membership division in a single sport in which the only NCAA championships opportunity is a National Collegiate Championship for which all divisions are eligible. *(Adopted: 1/10/91, Revised: 1/10/92)*

20.4.2 Requesting Multidivision Classification.

20.4.2.1 Deadline for Submission of Approved Form. When petitioning for multidivision classification, a member shall submit its request to the Administration Cabinet on a form approved by the cabinet. The form must be received in the national office (by mail or electronic transmission) not later than June 1 preceding the year in which the institution will begin complying with the applicable division or subdivision criteria. The application forms shall be accompanied by a $5,000 fee and a strategic plan that addresses the Division I philosophy statement (see Bylaw 20.9) and certification operating principles (see Bylaw 22.2). Any form received after June 1 shall be postmarked not later than May 25. If the institution fails to qualify for active membership, the application fee shall be refunded, less any expenditure for educational costs related to the membership process. *(Revised: 4/25/02 effective 8/1/02, 4/24/03 effective 8/1/03, 8/27/05, 11/1/07 effective 8/1/08)*

20.4.2.1.1 Reclassification from Football Championship Subdivision to Football Bowl Subdivision—Notification Requirement. The chancellor or president from a Football Championship Subdivision institution that intends to petition for reclassification to the Football Bowl Subdivision, per Bylaw

20.4.2, shall submit to the NCAA president written notice of the institution's intention to reclassify. The notice shall be received in the national office (by mail or electronic transmission) not later than June 1 two years prior to the September 1 when the institution intends to reclassify to the Football Bowl Subdivision. *(Adopted: 4/28/05, Revised: 3/8/06, 12/15/06)*

20.4.2.2 Compliance with Criteria. If the member has met all applicable division membership criteria of this article (other than scheduling requirements during the first year of reclassification) and has complied for the two years preceding June 1 with all other bylaw requirements as they pertain to the sport in question (other than the Division III financial aid requirements set forth in Division III Bylaw 15.4, except that athletically related financial aid may not be awarded to incoming freshmen or transfer students), the member shall be eligible for participation in the division in that sport effective the September 1 that the institution selects as its effective date. *(Revised: 1/10/90, 4/25/02 effective 8/1/02)*

20.4.2.2.1 Additional Requirements.

20.4.2.2.1.1 First Year. During the first year of reclassification, an institution shall satisfy the following requirements: *(Adopted: 1/8/07, Revised: 1/14/08 effective 8/1/08 for those institutions that begin the reclassification process on or after 8/1/08)*

(a) Attend an orientation session conducted by the national office staff related to the application of Division I or Football Bowl Subdivision membership requirements. Institutional representatives required to attend the orientation session are the chancellor or president (or an individual appointed by the chancellor or president with executive status at the institution), the director of athletics representative and the senior compliance administrator; and

(b) Submit an annual report and updated strategic plan by June 1 at the end of the first academic year based on feedback received from the previous year's report.

(c) Report all violations to the Administration Cabinet as part of the required annual report. *(Revised: 11/1/07 effective 8/1/08)*

20.4.2.2.1.2 Second Year. During the second year of reclassification, an institution shall satisfy the following requirements: *(Adopted: 1/14/08 effective 8/1/08 for those institutions that begin the reclassification process on or after 8/1/08)*

(a) Full compliance with all Division I or Football Bowl Subdivision legislation and membership requirements; and

(b) Submit an annual report and updated strategic plan confirming compliance with all Division I or Football Bowl Subdivision legislation and membership requirements.

20.4.2.2.1.3 Compliance Review Requirement. The institution must engage in a compliance review (at the institution's expense) during the multidivision reclassification period. The review must be conducted by an authority outside the athletics department (e.g., multisport conference, outside consultant), subject to approval by the Administration Cabinet. A copy of the report of the compliance review must be kept on file at the institution and a copy must be submitted to the Administration Cabinet. *(Adopted: 1/14/08 effective 8/1/08 for those institutions that begin the reclassification process on or after 8/1/08)*

20.4.2.2.1.4 Application of Infractions and Reinstatement Process. During the reclassification process, an institution: *(Adopted: 1/8/07)*

(a) Shall process institutional and individual violations in the particular sport through the Division I enforcement and student-athlete reinstatement processes;

(b) Shall be subject to any and all sanctions for violations of Division I legislation; and

(c) Shall report all violations to the Administration Cabinet as part of the required annual report. *(Revised: 11/1/07 effective 8/1/08)*

20.4.3 Championships Eligibility. To be eligible for the NCAA championship in the sport in the new division on the effective September 1, the institution shall comply with all championships eligibility requirements, as prescribed by Bylaw 31, and otherwise shall be eligible for participation in that championship. In addition, a member of Division II or Division III that has been approved for classification in one sport in Division I shall comply with the championships eligibility provisions of Bylaw 18.4.2.2.

20.4.3.1 Championships Eligibility. [FCS] A member of Division I that has forwarded to the national office written notice of its intention to change its football membership classification from Championship Subdivision to Bowl Subdivision per Bylaw 20.4.2 no longer shall be eligible for participation in the Division I Football Championship. *(Adopted: 4/26/01 effective 8/1/01, Revised: 12/15/06)*

20.4.4 Compliance Review Requirement. At least once every four years, an active multidivisional institution must engage in a compliance review (at the institution's expense) conducted by an authority outside the athletics department (e.g., multisport conference, outside consultant), subject to approval by the Administration Cabinet. A copy of the report of the compliance review must be kept on file at the institution and a copy must be submitted to the Administration Cabinet. *(Adopted: 1/14/08 effective 8/1/08)*

20.5 CHANGE OF DIVISION MEMBERSHIP

20.5.1 Reclassification Options. A member institution may request a change of division membership according to the provisions of this section. A member of Division I may petition to change its membership to Division II or Division III, and a member of Division II may petition to change its membership to either Division I or Division III. (See Constitution 3.1.1.) *(Revised: 8/9/07)*

20.5.2 Requesting Reclassification.

20.5.2.1 Deadline for Submission of Petition. When petitioning for change of division membership, a member shall notify the Administration Cabinet on an application approved by the cabinet. The application shall be received in the national office (by mail or electronic transmission) not later than June 1 prior to the academic year that the institution begins its one-year exploratory period in the reclassification process. Any application received after that date shall be postmarked not later than May 25. A fee of $15,000 shall accompany the application. If the applicant fails to qualify for active membership, the application fee shall be refunded, less any expenditure for educational costs related to the membership process. *(Revised: 4/25/02 effective 8/1/02, 4/24/03 effective 8/1/03, 3/10/04, 4/28/05, 10/27/05, 11/1/07 effective 8/1/08)*

20.5.2.2 Compliance with Criteria. If the member has met all applicable membership criteria of this article for the division to which it intends to transfer and has complied for the four years preceding June 1 with all other requirements set forth in this bylaw, the member shall be transferred to the new division effective the September 1 that the institution selects as its effective date. However, the Administration Cabinet may deny referral of a reclassifying institution to the Leadership Council for advancement to active Division I status if any of the institution's sport programs are subject to penalties pursuant to the Division I Academic Performance Program. *(Revised: 1/10/90, 4/25/02 effective 8/1/02, 1/17/09 effective 8/1/09; applicable to institutions in the provisional or reclassifying processes as of 8/1/09 and those beginning either process on or after 8/1/09)*

20.5.2.2.1 Exploratory Year. During the exploratory year, an institution that has petitioned for a change of division or subdivision membership shall satisfy the following requirements: *(Adopted: 4/25/02 effective 8/1/02)*

(a) Attendance at the NCAA Convention and a regional compliance seminar conducted by the NCAA. Institutional representatives required to attend the Convention and compliance seminar are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator; *(Revised: 8/5/04, 10/27/05, 3/8/06)*

(b) Attendance at an orientation session conducted by the national office staff related to basic Division I membership requirements. Institutional representatives required to attend the orientation session are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator; *(Revised: 8/5/04, 3/8/06)*

(c) Compliance with all minimum sport sponsorship and financial aid membership requirements; and *(Adopted: 1/8/07 effective 8/1/07 for those institutions entering the exploratory year on or after 8/1/07, Revised: 10/10/07)*

(d) Submit a formal confirmation of its intent to reclassify to Division I and a skeleton strategic plan that addresses the Division I philosophy statement (see Bylaw 20.9) and athletics certification operating principles (see Bylaw 22.2) by June 1. During the exploratory year, an institution that has petitioned for a change of division shall start receiving all NCAA mailings relating to the new division. *(Revised: 3/10/04, 8/4/05)*

20.5.2.2.1.1 Application of Infractions and Reinstatement Processes. During the exploratory year, a Division II member reclassifying to Division I shall continue to process institutional and individual student-athlete violations through the Division II enforcement and student-athlete reinstatement processes. *(Adopted: 1/8/07)*

20.5.2.2.2 First Year. During the first year of reclassification, an institution shall satisfy the following requirements: *(Adopted: 4/25/02 effective 8/1/02; Revised: 3/10/04)*

(a) Compliance with all minimum contests and participation requirements for sports sponsorship as set forth in Bylaw 20.9.4.3;

(b) Submit a strategic plan based on feedback from the previous plan;

(c) Apply all Division I legislation except scheduling requirements and continuing eligibility requirements (e.g., progress-toward-degree, five-year rule) for student-athletes who are completing their final season of competition and were enrolled at the institution at least one year prior to the institution's petition for exploratory membership; *(Revised: 10/27/05 effective 8/1/06)*

(d) Attendance at the NCAA Convention and a regional compliance seminar conducted by the NCAA. Institutional representatives required to attend the Convention and compliance seminar are the president or chancellor (or an individual appointed by the president or chancellor with executive sta-

tus at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator; *(Revised: 8/5/04, 10/27/05, 3/8/06)*

(e) Attendance at an orientation session conducted by the national office related to the application of Division I legislation and issues impacting Division I. Institutional representatives required to attend the orientation session are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator; *(Revised: 8/5/04, 3/8/06)*

(f) Process institutional and individual student-athlete violations of Division I legislation through the Division I enforcement and student-athlete reinstatement processes. The institution shall be subject to any and all sanctions for violations of Division I legislation; and *(Adopted: 1/8/07)*

(g) Submit an annual report and updated strategic plan by June 1 based on feedback from the previous year's plan. The institution shall report all violations to the Administration Cabinet as part of the annual report. *(Revised: 8/4/05, 1/8/07, 11/1/07 effective 8/1/08)*

20.5.2.2.3 Second Year. During the second year of reclassification, an institution shall satisfy the following requirements: *(Adopted: 4/25/02 effective 8/1/02)*

(a) Full compliance with all Division I legislation and membership requirements;

(b) Attendance at the NCAA Convention and a regional compliance seminar conducted by the NCAA. Institutional representatives required to attend the Convention and compliance seminar are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator; *(Revised: 3/8/06)*

(c) Attendance at a meeting to be conducted at the NCAA Convention to discuss issues impacting Division I members. Institutional representatives required to attend the meeting are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator; *(Revised: 3/8/06)*

(d) Completion of a compliance review conducted by the national office and submission of a report with an institutional response to findings; *(Adopted: 8/4/05 effective 8/1/06)*

(e) Process institutional and individual student-athlete violations of Division I legislation through the Division I enforcement and student-athlete reinstatement processes. The institution shall be subject to any and all sanctions for violations of Division I legislation; and *(Adopted: 1/8/07)*

(f) Submit an annual report and updated strategic plan by June 1 based on feedback received from the previous year's plan. The institution shall report all violations to the Administration Cabinet as part of the annual report. *(Revised: 8/4/05, 1/8/07, 11/1/07 effective 8/1/08)*

20.5.2.2.4 Third Year. During the third year of reclassification, an institution shall satisfy the following requirements: *(Adopted: 4/25/02 effective 8/1/02)*

(a) Attendance at the NCAA Convention and a regional compliance seminar conducted by the NCAA. Institutional representatives required to attend the Convention and compliance seminar are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator; *(Revised: 3/8/06)*

(b) Attendance at a meeting to be conducted at the NCAA Convention to discuss issues impacting Division I members. Institutional representatives required to attend the meeting are the president or chancellor (or an individual appointed by the chancellor or president with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator; *(Revised: 3/8/06)*

(c) Completion of an NCAA athletics certification orientation; *(Revised: 5/27/05)*

(d) Process institutional and individual student-athlete violations of Division I legislation through the Division I enforcement and student-athlete reinstatement processes. The institution shall be subject to any and all sanctions for violations of Division I legislation; and *(Adopted: 1/8/07)*

(e) Submit an annual report and updated strategic plan by June 1 based on feedback received from the previous year's plan. The institution shall report all violations to the Administration Cabinet as part of the annual report. *(Revised: 8/4/05, 1/8/07, 11/1/07 effective 8/1/08)*

20.5.2.2.5 Fourth Year. During the fourth year of reclassification, an institution shall satisfy the following requirements: *(Adopted: 4/25/02 effective 8/1/02)*

(a) Successfully complete an NCAA athletics certification self-study and evaluation visit;

(b) Attendance at the NCAA Convention and a regional compliance seminar conducted by the NCAA. Institutional representatives required to attend the Convention and compliance seminar are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator; *(Revised: 8/5/04, 10/27/05, 3/8/06)*

(c) Attendance at a meeting conducted at the NCAA Convention to discuss issues impacting Division I members. Institutional representatives required to attend the annual meeting are the president or chancellor (or an individual appointed by the president or chancellor with executive status at the institution), the director of athletics, the senior woman administrator, the faculty athletics representative and the senior compliance administrator; *(Revised: 8/5/04, 3/8/06)*

(d) Process institutional and individual student-athlete violations of Division I legislation through the Division I enforcement and student-athlete reinstatement processes. The institution shall be subject to any and all sanctions for violations of Division I legislation; and *(Adopted: 1/8/07)*

(e) Submit an annual report and updated strategic plan by June 1 based on feedback received from the previous year's plan. The institution shall report all violations to the Administration Cabinet as part of the annual report. *(Revised: 8/4/05, 1/8/07, 11/1/07 effective 8/1/08)*

20.5.3 Championships Eligibility. To be eligible for NCAA championships in the new division on the effective September 1, the institution shall comply with all championships eligibility requirements, as prescribed by Bylaw 31, and otherwise shall be eligible for participation in those championships. In addition, a member of Division I shall comply with the provisions of Bylaw 18.4.2.2.

20.7 DIVISION LEGISLATION

20.7.1 Applicable Legislation. A member institution shall observe the applicable legislation and requirements of its membership division. However, if the institution is eligible to participate in a sport in another division (see Bylaw 20.4 for multidivision-classification privileges), it shall apply the rules of the other division that govern the sport in question.

20.7.1.1 Football Championship Subdivision Member Electing Football Bowl Subdivision Legislation. A Football Championship Subdivision member institution may elect to be governed by the legislation pertaining to the Football Bowl Subdivision, as follows: *(Revised: 12/15/06)*

(a) The institution shall file a declaration of intent with the NCAA president. The declaration shall be received in the national office (by mail or electronic transmission) not later than June 1 preceding the applicable academic year. Any declaration received after that date shall be postmarked not later than May 25.

(b) Once receipt of the declaration has been confirmed, the institution shall not be eligible for inclusion in Championship Subdivision Football rankings or for consideration for the Division I Football Championship. *(Revised: 12/15/06)*

20.7.1.2 Division III Application. A Division III member institution that has a sport classified in Division I must apply the rules of both divisions, or the more stringent rule if both divisions have a rule concerning the same issue except that in either instance, the Division III institution may apply the Division I playing and practice season regulations of Bylaw 17 in the Division I sport. *(Revised: 1/11/94)*

20.7.1.2.1 Waivers. If a member institution conducts a men's or women's sport that was classified in Division I during the 1982-83 academic year, the Administration Cabinet, by a two-thirds majority of its members present and voting, may approve waivers of the application of the Division III regulations to such a sport. This provision also applies to such an institution that later reclassifies a sport for the opposite gender to Division I. This waiver provision is subject to the following additional conditions: *(Revised: 11/1/07 effective 8/1/08)*

(a) The opportunity is available only to an institution that obtained the waiver prior to January 1, 2004, and used it during the 2002-03 academic year; and

(b) An institution that obtained a waiver for a sport for one gender prior to January 1, 2004, and used it during the 2002-03 academic year, may later request that the waiver be applied to a sport for the other gender only on the approval of the Administration Cabinet, by a two-thirds majority vote of its members present and voting. The institution must demonstrate that it is necessary to do so to attain gender equity within the program. *(Revised: 11/1/07 effective 8/1/08)*

20.8 ELIGIBILITY FOR NATIONAL COLLEGIATE AND DIVISION CHAMPIONSHIPS

20.8.1 Eligibility for National Collegiate Championships. Separate championships in each division are not sponsored in the following sports:

Women's bowling *(Adopted: 4/24/03 effective 8/1/03)*
Men's and women's fencing
Men's gymnastics
Women's gymnastics
Women's ice hockey
Men's and women's rifle
Men's and women's skiing
Men's volleyball
Men's water polo
Women's water polo

An active member institution in good standing, regardless of division, is eligible for the National Collegiate Championships if a division championship in the respective sport is not offered in its division. Such an institution normally is required to meet only the institutional and individual eligibility requirements of its division that govern the sport in question. However, in those sports in which two-thirds or more of the institutions sponsoring the sport are members of the same division, an institution participating in the championship is required to meet that division's and its own division's institutional and individual eligibility requirements (or the more stringent rule if both divisions' rules address the same issue).

20.8.2 Division II Options When No Division II Championship Is Conducted. An active member institution that holds membership in Division II is eligible to compete in the Division I championship in those sports for which no championship is conducted in Division II. The Division II institution shall declare its intention to compete by June 1. This declaration of intent shall be effective for a minimum of three years. *(Revised: 1/10/91 effective 9/1/92)*

20.8.2.1 Participation in Division I Championship. To be eligible for the Division I championship in such a sport, the Division II member institution is required to meet all Division I institutional and individual eligibility requirements and may use Division I financial aid limitations in that sport as permitted under Bylaw 20.9.1.1. *(Revised: 1/10/91 effective 9/1/92)*

20.8.2.2 Exception for Maximum Number of Contests or Dates of Competition. A Division II member institution that is eligible for a championship in another division because there is no championship in that sport in its membership division shall apply the maximum number of contests or dates of competition in the sport involved that applies to the division in which it declares its intention to compete.

20.9 DIVISION I MEMBERSHIP REQUIREMENTS

DIVISION I PHILOSOPHY

In addition to the purposes and fundamental policy of the National Collegiate Athletic Association, as set forth in Constitution 1, members of Division I support the following principles in the belief that these statements assist in defining the nature and purposes of the division. These statements are not binding on member institutions but serve as a guide for the preparation of legislation by the division and for planning and implementation of programs by institutions and conferences. A member of Division I:

(a) Subscribes to high standards of academic quality, as well as breadth of academic opportunity;

(b) Strives in its athletics program for regional and national excellence and prominence. Accordingly, its recruitment of student-athletes and its emphasis on and support of its athletics program are, in most cases, regional and national in scope;

(c) Recognizes the dual objective in its athletics program of serving both the university or college community (participants, student body, faculty-staff, alumni) and the general public (community, area, state, nation);

(d) Believes in offering extensive opportunities for participation in varsity intercollegiate athletics for both men and women;

(e) Sponsors at the highest feasible level of intercollegiate competition one or both of the traditional spectator-oriented, income-producing sports of football and basketball. In doing so, members of Division I recognize the differences in institutional objectives in support of football; therefore, the division provides competition in that sport in the Bowl Subdivision and the Championship Subdivision; *(Revised: 12/15/06)*

(f) Believes in scheduling its athletics contests primarily with other members of Division I, especially in the emphasized, spectator-oriented sports, as a reflection of its goal of maintaining an appropriate competitive level in its sports program;

(g) Maintains institutional control over all funds supporting athletics; and *(Revised: 1/14/08 effective 8/1/08)*

(h) Understands, respects and supports the programs and philosophies of other divisions. Occasionally, institutions from other divisions or athletics associations will seek membership in Division I. In such cases, the applicants should be required to meet, over a period of time, prescribed criteria for Division I membership in order to assure that such institutions agree and comply with the principles and program objectives embodied in this statement.

20.9.1 Financial Aid Requirements.

20.9.1.1 Maximum Limitations. A member of Division I shall not make an award of financial aid (for which the recipient's athletics ability is considered in any degree) in excess of the number permitted by the pro-

visions of the bylaws governing Division I financial aid awards limitations (see Bylaw 15.5). *(Revised: 1/10/91 effective 9/1/94)*

20.9.1.2 Minimum Awards. A member of Division I shall provide institutional financial assistance that equals one of the following: *(Revised: 1/10/91 effective 9/1/94)*

(a) A minimum of 50 percent of the maximum allowable grants in 14 sports, at least seven of which must be women's sports. If an institution uses indoor track and field, outdoor track and field and cross country to meet the financial aid criterion, it must award the equivalent of at least 80 percent of the full grants for men and 80 percent of the full grants for women in those sports. If the institution counts two of those three sports to meet the financial aid criterion, it must award the equivalent of at least 70 percent of the full grants for men and 70 percent of the full grants for women. If the institution counts indoor and outdoor track and field as one sport, it must award the equivalent of at least 50 percent of the full grants for men and 50 percent of the full grants for women; *(Revised: 1/10/91 effective 9/1/94, 10/27/98 effective 8/1/99)*

(b) Financial aid representing a minimum aggregate expenditure of $1,148,451 in 2009-10 (with at least $574,225 in women's sports), and $1,198,983 in 2010-11 (with at least $599,491 in women's sports) exclusive of grants in football and men's and women's basketball, provided the aggregate grant value is not less than the equivalent of 38 full grants, with at least 19 full grants for women. The Administration Cabinet shall adjust the minimum aggregate figure annually to reflect inflation, based on changes in average national tuition charges for regionally accredited institutions. The Administration Cabinet shall announce the revised figure in the fall each year for the following academic year. If the institution does not sponsor men's or women's basketball, the minimum aggregate expenditure must be $758,213 in 2009-10 and $791,574 in 2010-11 for the gender without the basketball program, but in no case fewer than the equivalent of 29 full grants for that gender; *(Revised: 1/10/91 effective 9/1/94, 1/10/95, 1/9/96, 1/14/97 effective 9/1/97, 4/15/97 effective 8/1/98, 10/27/98 effective 8/1/99, 4/13/99, 4/11/00, 4/10/01, 4/28/05, 4/27/06, 6/11/07, 11/1/07 effective 8/1/08)*

(c) A minimum of the equivalent of 50 full grants (at least 25 full grants in women's sports), exclusive of grants awarded in football and men's and women's basketball. If the member institution does not provide men's or women's basketball, it shall sponsor a minimum of 35 full grants in the sports program for the gender without the basketball program; or *(Revised: 1/10/91 effective 9/1/94, 10/27/98 effective 8/1/99, 8/14/02)*

(d) A minimum of one-half of the required grants or aggregate expenditures cited in (a), (b) or (c) above, for institutions that depend on exceptional amounts of federal assistance to meet students' financial needs. This provision shall be applicable to an institution in a given year if the average per-student allotment of Pell Grant dollars for undergraduates reported to the U.S. Department of Education the previous September is more than one standard deviation above the mean for all reporting Division I member institutions that year. If an institution does not qualify under this provision after having been able to do so the previous year, the institution may continue to use this alternative for one year and shall not be required to meet the provisions of (a), (b) or (c) above until the following year. This provision shall be applicable only to institutions that were members of Division I on September 1, 1990. *(Revised: 1/10/91 effective 9/1/94)*

20.9.1.2.1 Aid Counted Toward Minimum Requirements. All institutional financial aid (including aid that is exempted from an equivalency computation per Bylaw 15.5.3.2.2) awarded by the member institution to a counter (per Bylaw 15.5.1) shall be used to meet the appropriate minimum. *(Revised: 1/10/91 effective 9/1/94, 1/11/04, 10/27/05 effective 8/1/06)*

20.9.1.2.2 Student-Athlete Who Has Exhausted Eligibility or Used Medical Exemption. Countable financial aid awarded to a student-athlete who has exhausted his or her eligibility in a sport during a previous academic year and countable aid provided to a medically exempt student-athlete per Bylaw 15.5.1.3 may be used to meet the appropriate minimum. *(Adopted: 1/11/94)*

20.9.1.2.3 Award Requirement. To be included in reaching the appropriate minimum, the financial aid actually must be awarded. *(Revised: 1/10/91 effective 9/1/94)*

20.9.1.2.4 Multisport Student-Athlete. Financial aid awarded to multisport student-athletes shall be counted against the minimum requirements pursuant to Bylaw 15.5.9. *(Revised: 1/10/91 effective 9/1/94)*

20.9.1.2.5 Emerging Sports. Financial aid awarded to student-athletes in those emerging sports for women, as defined in Bylaw 20.02.5, may be counted in reaching the appropriate financial aid minimum requirements as well as for revenue distribution. *(Adopted: 1/11/94 effective 9/1/94)*

20.9.1.2.6 Non-NCAA Sports. Financial aid awarded in non-NCAA sports per Bylaw 20.9.4.2.1 may be counted in reaching the appropriate minimum, but financial aid awarded to those other than student-athletes (e.g., cheerleaders) shall not be counted. *(Revised: 1/10/91 effective 9/1/94)*

20.9.1.2.7 Exemptions—No Institutional Athletics Aid. Member institutions that did not award any athletically related financial aid in any sport as of January 11, 1991, shall be exempted from the minimum requirements. *(Revised: 1/10/91 effective 9/1/94)*

20.9.1.2.8 On-Campus Employment. On-campus employment earnings during the academic year outside the athletics department for which athletics interests of the institution do not intercede on behalf of the student-athlete are not countable for team equivalency purposes per Bylaw 15.02.4.1-(a) but may be counted in reaching the appropriate minimum. *(Adopted: 1/11/94 effective 9/1/94)*

20.9.1.2.9 Submission of Annual Form. A member institution must submit its annual form regarding minimum financial aid awards to the NCAA national office not later than September 15. *(Adopted: 11/1/00 effective 8/1/01)*

20.9.1.2.10 Waiver of Minimum Financial Aid Awards. The Administration Cabinet, by a two-thirds majority of its members present and voting, may waive the minimum financial aid awards required for Division I membership based on objective evidence that demonstrates circumstances that warrant the waiver of the normal application of that legislation. *(Adopted: 1/9/96, Revised: 11/1/07 effective 8/1/08)*

20.9.2 Regular-Season Eligibility. A member institution shall conduct its regular-season competition under eligibility rules at least as stringent as the provisions of Bylaw 14 (see Bylaw 14.1.1).

20.9.3 Three-Season Requirement. The institution shall sponsor at least one sport involving an all-male team or a mixed team of males and females and at least one sport involving an all-female team in every sport season. An institution may use a sport to meet the three-season requirement only if the institution has met the minimum contests and participants requirements for sports sponsorship in that sport as set forth in Bylaw 20.9.4.3. *(Revised: 5/8/06)*

20.9.3.1 Counting Multiseason Sports. If an institution sponsors the same sport in two different seasons, it may count the sport only in the season in which its team participates in the most contests. To be counted as a fall sport, the majority of an institution's contests or dates of competition would have to occur from September through December; to be counted as a spring sport February through May. *(Revised: 5/8/06)*

20.9.3.2 Mixed Team. A mixed team is a varsity intercollegiate sports team on which at least one individual of each gender competes. *(Revised: 5/8/06)*

20.9.3.3 Single-Gender Institution Exception. Institutions that sponsor and conduct athletics programs for only one gender need not meet the four-sport/three-season requirement for the other gender. *(Revised: 5/8/06)*

20.9.3.4 Waiver Three-Season Requirement. The Administration Cabinet, by a two-thirds majority of its members present and voting, may waive the requirement that an active member shall conduct at least one sport in every sport season if the institution is precluded by its academic calendar and climatic conditions from conducting a sport in a particular season. *(Revised: 5/8/06, 11/1/07 effective 8/1/08)*

20.9.4 Sports Sponsorship. A member institution shall sponsor in a minimum of: *(Revised: 1/10/91 effective 9/1/94)*

(a) Seven varsity intercollegiate sports, including at least two team sports, based on the minimum requirements of Bylaw 20.9.4.3 and involving all-male teams or mixed teams of males and females, and seven varsity intercollegiate sports (of which a maximum of two emerging sports per Bylaw 20.02.5 may be used), including at least two team sports, based on the minimum requirements of Bylaw 20.9.4.3 and involving all-female teams; or *(Revised: 1/10/91 effective 9/1/94, 1/11/94 effective 9/1/94)*

(b) Six varsity intercollegiate sports, including at least two team sports, based on the minimum requirements of Bylaw 20.9.4.3 and involving all-male teams or mixed teams of males and females, and eight varsity intercollegiate sports (of which a maximum of two emerging sports per Bylaw 20.02.5 may be used), including at least two team sports, based on the minimum requirements of Bylaw 20.9.4.3 and involving all-female teams. (See Bylaws 20.9.7.1 and 20.9.8.1 for additional sports sponsorship requirements for member institutions participating in football.) *(Adopted: 1/16/93 effective 9/1/94, Revised: 1/11/94 effective 9/1/94, 12/15/06)*

20.9.4.1 Acceptable Sports. The sports designated to meet the sports sponsorship criteria shall:

(a) Be among those in which the Association sponsors a championship or emerging sports for women (per Bylaw 20.02.5); *(Revised: 1/11/94 effective 9/1/94)*

(b) Be recognized by the institution as varsity intercollegiate sports (see Constitution 3.2.4.5); and

(c) Involve all-male teams, mixed teams of males and females or all-female teams.

20.9.4.1.1 Waiver. The Administration Cabinet, by a two-thirds majority of its members present and voting, may approve a request from an active member institution to designate one sport involving all-male teams or mixed teams of males and females and one sport involving all-female teams other than those in which the Association sponsors a championship or one designated as an emerging sport per Bylaw 20.02.5 to meet the division sports sponsorship criteria. *(Revised: 1/11/89, 11/1/07 effective 8/1/08)*

20.9.4.2 Waiver of Minimum Women's Sports Sponsorship Criterion. The Administration Cabinet, by a two-thirds majority of its members present and voting, may grant waivers of the minimum women's sports

sponsorship requirement for active members in accordance with the procedures listed below: *(Revised: 11/1/07 effective 8/1/08)*

(a) The institution shall submit its request for a waiver, signed by the institution's president or chancellor, to the NCAA president. The request shall include pertinent information supporting the institution's request, and it shall be received in the national office (by mail or electronic transmission) not later than October 1. Any request received after that date shall be postmarked not later than September 22. *(Revised: 1/10/90, 3/8/06)*

(b) The institution shall provide data demonstrating that the ratio of male to female enrollment prohibits the offering of the required number of sports for women; or

(c) The institution shall provide data demonstrating insufficient student interest in establishing or maintaining the requisite number of teams.

(d) If the Administration Cabinet votes to reject the institution's request, the institution shall be placed in a division for which it qualifies or in the restricted membership category pursuant to the provisions of Bylaw 20.2.5.1. *(Revised: 11/1/07 effective 8/1/08)*

20.9.4.3 Minimum Contests and Participants Requirements for Sports Sponsorship. In each sport, the institution's team shall engage in at least a minimum number of intercollegiate contests (against four-year, degree-granting collegiate institutions) each year. In the individual sports, the institution's team shall include a minimum number of participants in each contest that is counted toward meeting the minimum-contests requirement. The following minimums are applicable: *(Revised: 1/11/94 effective 9/1/94, 1/12/99, 1/17/09 effective 8/1/09)*

Team Sports	Minimum Contests
Baseball	27
Basketball	25
Field Hockey	11
Football	9
Men's Ice Hockey	25
Women's Ice Hockey	20
Lacrosse	10
Women's Rowing	6
Women's Rugby *(Adopted: 4/28/05 effective 8/1/05)*	9
Soccer	11
Softball	27
Volleyball	19
Men's Water Polo	15
Women's Water Polo	10

Individual Sports	Minimum Contests	Minimum Participants
Women's Bowling	8	5
Cross Country	6	5
Equestrian *(Revised: 1/25/02 effective 8/1/02, 10/31/02)*	6	12
Men's Fencing	9	5
Women's Fencing *(Revised: 1/12/99)*	9	5
Golf	8	5
Men's Gymnastics	9	6
Women's Gymnastics	9	5
Rifle	8	4
Skiing	5	5
Women's Squash	8	9
Swimming and Diving	10	11
Tennis	12	5
Track and Field, Indoor	6	14
Track and Field, Outdoor	6	14
Wrestling	13	7

(Note: The minimum-contest requirements set forth in Bylaws 20.9.4.3.1 through 20.9.4.3.7 apply only to the provisions of this section and do not apply to minimum-contest requirements in Bylaws 14 and 17.)

20.9.4.3.1 Completion of Contest. To count as a contest, the institution's team actually shall participate in and complete the contest. Scheduled contests that are canceled or not completed (in accordance with the playing rules of the sport in question) may not be counted.

20.9.4.3.2 Counting Multicontest Events in Team Sports. In the team sports, each game in a double header, triple header or tournament shall be counted as one contest.

20.9.4.3.3 Counting Multiteam Events in Individual Sports. In the individual sports, not more than three institution-versus-institution meetings shall be counted as contests in any multiteam competition (e.g., quadrangular track and field meet). If the institution achieves a single score in competition with the other competing institutions (e.g., a conference championship), it shall be counted as one contest. *(Revised: 1/10/90 effective 9/1/90, 1/10/95)*

20.9.4.3.3.1 Meets with No Team Scoring. In the individual sports, a meet at which no team scoring is kept counts as a contest for the purpose of meeting the minimum-contest requirement, provided at least the minimum number of participants per Bylaw 20.9.4.3 participate on the institution's team.

20.9.4.3.3.2 Regional Cross Country Qualifying Meets. An institution may count participation in a regional cross country meet in meeting the minimum-contest requirement, provided the institution meets the minimum-participant requirement per Bylaw 20.9.4.3 and no qualifying standards exist for participation in the meet. *(Adopted: 1/11/94)*

20.9.4.3.4 Individual Sports—One or More Sites. In the individual sports, if the minimum number of student-athletes participating on one or more teams, at one or more sites, on behalf of the institution on the same day equals or exceeds the minimum number of participants per Bylaw 20.9.4.3, an institution may use the competition as a contest in meeting the minimum-contest requirements (see Bylaw 17.02.6.1). *(Adopted: 1/16/93)*

20.9.4.3.4.1 Exception—Multiday Meets—Track and Field. In track and field, if the number of student-athletes participating in a multiday meet on behalf of the institution during the course of the entire meet equals or exceeds the minimum number of participants per Bylaw 20.9.4.3 and the meet is conducted on consecutive days, an institution may use the competition as a contest in meeting the minimum-contest requirements. *(Adopted: 1/17/09 effective 8/1/09)*

20.9.4.3.5 Contests in Two Seasons. If an institution sponsors the same sport in two different seasons of the same academic year, it may count contests in both seasons, provided regular varsity competition is sponsored in both seasons and is so listed on the institution's official schedule in that sport.

20.9.4.3.6 Contests vs. Club Teams. A contest against a collegiate institution's club team may not be counted toward meeting minimum-contest requirements. However, a member is not precluded from scheduling club teams.

20.9.4.3.7 Indoor Track and Field and Outdoor Track and Field. A member institution may receive credit for sponsoring both indoor track and field and outdoor track and field, provided its team participates in a total of at least 12 indoor and outdoor meets during the year, including at least four indoor and four outdoor meets.

20.9.4.3.8 Waivers.

20.9.4.3.8.1 Minimum Contests and Participants. The Administration Cabinet, by a two-thirds majority of its members present and voting, may approve waivers of the minimum number of intercollegiate contests or the minimum number of participants in a contest in situations in which unforeseen circumstance beyond the institution's control have prevented the completion of a scheduled competition or the participation of the required minimum number of individuals and, despite a good-faith effort, the institution was unable to engage in at least the required minimum number of intercollegiate contests. *(Revised: 1/10/90, 4/24/03 effective 8/1/03, 11/1/07 effective 8/1/08)*

20.9.4.3.8.2 Minimum Contests. The Administration Cabinet, by a two-thirds majority of its members present and voting, may approve an additional waiver of the minimum number of intercollegiate contests in a situation in which: *(Revised: 11/1/07 effective 8/1/08)*

(a) The member institution can document that it had scheduled (for that academic year) the appropriate minimum number of contests under enforceable game contracts executed in writing;
(b) An opponent canceled a game that it had contracted to play that academic year; and
(c) Despite a good-faith effort, the institution was unable to rearrange its schedule to play the appropriate minimum number of contests.

20.9.5 Scheduling—Sports Other Than Football, Basketball, Men's Swimming and Diving and Men's Indoor and Outdoor Track and Field.

20.9.5.1 Scheduling Requirement. In sports other than football, basketball, men's swimming and diving and men's indoor and outdoor track and field that a member institution uses to meet the Division I sports sponsorship criteria, an institution shall schedule and play 100 percent of its contests against Division I opponents to meet the minimum number of contests specified in Bylaw 20.9.4.3. The institution shall schedule and play at least 50 percent of its contests beyond the number specified in Bylaw 20.9.4.3 against Division I opponents. *(Adopted: 1/10/91 effective 9/1/94, Revised: 4/29/04 effective 8/1/04)*

20.9.5.1.1 Men's Swimming and Diving and Men's Indoor and Outdoor Track and Field. In men's swimming and diving and men's indoor and outdoor track and field, an institution shall schedule and play at least 50 percent of its contests against Division I opponents to satisfy the minimum number of contests specified in Bylaw 20.9.4.3. *(Adopted: 4/29/04 effective 8/1/04)*

20.9.5.1.2 Reclassifying Opponents. A reclassifying institution shall be counted as a Division I opponent in the year the reclassifying institution must comply with Division I scheduling requirements (year two of reclassifying). *(Adopted: 4/15/97, Revised: 3/10/04)*

20.9.5.1.3 Multiteam Tournament-Individual Sports. An institution may use competition in multiteam tournaments in an individual sport to meet the 100-percent-scheduling requirement, provided at least two-thirds of the institutions competing in each tournament are Division I members. If the multiteam event is not scored by division, an institution that is using the event in meeting the scheduling requirements must have the minimum required number of participants, per Bylaw 20.9.4.3. *(Adopted: 1/10/92 effective 9/1/94, Revised: 1/11/94)*

20.9.5.1.4 Exception. The scheduling criteria in Bylaw 20.9.5.1 shall not apply in those sports in which the only championships opportunity is the National Collegiate Championship per Bylaw 18.02.1.1 or in which there is no NCAA-sponsored postseason championship. *(Adopted: 1/10/91 effective 9/1/94, Revised: 1/9/96 effective 8/1/96)*

20.9.5.1.5 Provisional Member Opponents. A Division I provisional institution shall be counted as a Division I opponent in the year the Division I provisional institution must comply with Division I scheduling requirements (year two of the provisional process). *(Adopted: 1/11/94 effective 9/2/94, Revised: 11/1/01 effective 8/1/02, 4/24/03 effective 8/1/04)*

20.9.5.1.6 Waiver—Situations Beyond Institutional Control. The Administration Cabinet, by a two-thirds majority of its members present and voting, may approve waivers of the scheduling requirement in situations beyond the control of the institution (e.g., weather conditions or natural disasters) that prevent the completion of scheduled competition. *(Adopted: 1/9/96, Revised: 11/1/07 effective 8/1/08)*

20.9.6 Basketball Scheduling.

20.9.6.1 Four-Game Limit. An institution may schedule and play not more than four basketball games in an academic year against institutions that are not members of Division I.

20.9.6.1.1 Two-Game Limit for Provisional Members. A provisional member shall schedule and play not more than two basketball games in an academic year against institutions that are not members of Division I. A provisional member is required to apply scheduling criteria beginning with year two of the provisional process. *(Revised: 1/11/94 effective 9/2/94, 3/10/04)*

20.9.6.1.1.1 Alaska, Hawaii or Puerto Rico. Contests played in Alaska, Hawaii or Puerto Rico shall not be counted for purposes of meeting the division's scheduling requirement if such games are exempt from counting toward the playing-season limitations. *(Adopted: 1/10/92)*

20.9.6.2 One-Third of Men's Contests in Home Arena. An active member or a provisional member must play at least one-third of its regular-season men's basketball contests in the arena regularly used for the institution's home games. A provisional member is required to apply scheduling criteria beginning with year two of the provisional process. *(Revised: 1/11/94 effective 9/2/94, 3/10/04)*

20.9.6.2.1 Multiple-Home Arenas. In meeting the home-arena requirement, an institution may use more than one arena, provided each arena is located within a 30-mile radius of the institution's main campus and each arena is used annually by the institution for at least two home basketball contests.

20.9.6.3 Counting Contests.

20.9.6.3.1 Membership Classification of Opponents. In determining whether an institution meets the scheduling criteria, each opponent shall be counted as it was classified on September 1 of the academic year involved.

20.9.6.3.1.1 Reclassifying Opponents. A reclassifying institution shall be counted as a Division I opponent in the year the reclassifying institution must comply with Division I scheduling requirements (year two of the reclassifying process). *(Adopted: 4/15/97, Revised: 4/24/03 effective 8/1/03)*

20.9.6.3.1.2 Provisional Member Opponents. A Division I provisional institution shall be counted as a Division I opponent in the year the Division I provisional institution must comply with Division I scheduling requirements (year two of the provisional process). *(Adopted: 1/11/94 effective 9/2/94, Revised: 11/1/01 effective 8/1/02, 3/10/04)*

20.9.6.3.1.3 Waiver. The Administration Cabinet, by a two-thirds majority of its members present and voting, may grant a waiver of the provisions of Bylaw 20.9.6.4.1 in cases of reclassification of an opponent when there is an enforceable game contract, executed in writing, or in the case of similar contractual problems. *(Revised: 11/1/07 effective 8/1/08)*

20.9.7 Football Bowl Subdivision Requirements. [FBS] An institution classified in the Football Bowl Subdivision shall meet the additional requirements listed below. *(Revised: 12/15/06)*

20.9.7.1 Sports Sponsorship. [FBS] The institution shall sponsor a minimum of 16 varsity intercollegiate sports, including football, based on the minimum sports sponsorship and scheduling requirements set forth in Bylaws 20.9.4 and 20.9.4.3, including a minimum of six sports involving all-male teams or mixed teams of males and females, and a minimum of eight varsity intercollegiate sports (of which a maximum of two emerging sports per Bylaw 20.02.5 may be used) based on the minimum sports sponsorship and scheduling requirements set forth in Bylaws 20.9.4 and 20.9.4.3 and involving all-female teams, subject to the waiver provision in Bylaw 20.9.4.2. *(Revised: 1/11/94 effective 9/1/94, 4/25/02 effective 8/1/04)*

20.9.7.2 Football Scheduling Requirement. [FBS] The institution shall schedule and play at least 60 percent of its football games against members of the Football Bowl Subdivision. The institution shall schedule and play at least five regular season home games against Football Bowl Subdivision opponents. For purposes of satisfying the scheduling requirement, a contest shall be considered a home contest if it is played in the stadium in which an institution conducts at least 50 percent of its home contests. In addition, an institution may use one home contest against a Football Bowl Subdivision member conducted at a neutral site to satisfy the home-game requirement. *(Revised: 4/25/02 effective 8/1/04, 1/12/04, 12/15/06)*

20.9.7.2.1 Exception—Football Championship Subdivision Opponent. [FBS] Each year, a Football Bowl Subdivision institution may count one contest against a Football Championship Subdivision opponent to satisfy the football-scheduling requirement specified in Bylaw 20.9.7.2, provided the Football Championship Subdivision opponent has averaged 90 percent of the permissible maximum number of grants-in-aid per year in football over a rolling two-year period. *(Adopted: 4/28/05, Revised: 12/15/06)*

20.9.7.2.2 Membership Classification of Opponents. [FBS] In determining whether an institution meets the scheduling criteria of the Football Bowl Subdivision, each opponent shall be counted as it was classified on September 1 of the academic year involved. *(Revised: 12/15/06)*

20.9.7.2.2.1 Reclassifying Opponents. [FBS] A reclassifying institution shall be counted as a football bowl subdivision opponent in the year the reclassifying institution must meet the football bowl subdivision scheduling requirements (year two of the reclassifying process). *(Adopted: 4/15/97, Revised: 3/10/04, 12/15/06)*

20.9.7.2.2.2 Waiver. [FBS] The members of the Administration Cabinet representing Football Bowl Subdivision conferences, by a two-thirds majority of its members present and voting, may grant a waiver of the provisions of Bylaw 20.9.7.2.2 in cases of reclassification of an opponent when there is an enforceable game contract, executed in writing, or in the case of similar contractual problems. *(Revised: 12/15/06, 11/1/07 effective 8/1/08)*

20.9.7.2.3 Canceled Games. [FBS] A canceled game shall not be counted toward meeting the Football Bowl Subdivision scheduling criterion unless the members of the Administration Cabinet representing football bowl subdivision conferences, by a two-thirds majority of its members present and voting, approves a waiver of the criterion in a situation in which: *(Revised: 12/15/06, 11/1/07 effective 8/1/08)*

(a) The member institution can document that it had scheduled (for that academic year) the appropriate minimum percentage of contests with members of the Football Bowl Subdivision, under enforceable game contracts executed in writing; *(Revised: 12/15/06)*

(b) An opponent canceled a game that it had contracted to play that academic year; and

(c) Despite a good-faith effort, the institution was unable to re-arrange its schedule to play the appropriate percentage of contests with members of Football Bowl Subdivision. *(Revised: 12/15/06)*

20.9.7.2.4 Alaska, Hawaii or Puerto Rico. [FBS] Games played in Alaska, Hawaii or Puerto Rico shall not be counted for purposes of meeting the subdivision's scheduling requirement if such games are exempt from counting toward the playing-season limitations. *(Adopted: 1/10/92)*

20.9.7.3 Football-Attendance Requirements. [FBS] Once every two years on a rolling basis, the institution shall average at least 15,000 in actual or paid attendance for all home football games. *(Revised: 4/25/02 effective 8/1/04, 4/28/05 effective 8/1/05)*

20.9.7.3.1 Counting Attendance. [FBS]

20.9.7.3.1.1 Actual Attendance. [FBS] For purposes of computing actual attendance figures, an individual may be counted if any one of the following conditions applies: *(Revised: 4/25/02 effective 8/1/04, 4/28/05 effective 8/1/05)*

(a) Attendees are issued tickets that are collected on admission to the game and retained; *(Revised: 4/25/02 effective 8/1/04)*

(b) Attendees enter through and are counted by a turnstile that is monitored by a representative of the department of athletics who verifies in writing the accuracy of the count on a per-game basis; or *(Revised: 4/25/02 effective 8/1/04)*

(c) Attendees enter through a gate at which a representative of the department of athletics counts them individually with a manual counter, and the representative provides a written statement verifying the accuracy of the count on a per-game basis. *(Revised: 4/25/02 effective 8/1/04)*

20.9.7.3.1.2 Paid Attendance. [FBS] For purposes of computing paid attendance figures, tickets must be sold for at least one-third of the highest regular established ticket price as established prior to the season, regardless of whether they are used for admission. Tickets sold at less than one-third of the highest regular established price may be counted as paid attendance only if they are used for admission. Student attendance may be counted as paid attendance if the student pays at least one-third of the highest regular established ticket price or, if the student actually attends the game and any one of the following conditions applies: *(Adopted: 4/28/05 effective 8/1/05)*

(a) The student paid an athletics fee;

(b) The student paid an institutional fee of which a certain portion was allocated to the department of intercollegiate athletics; or

(c) The student paid no athletics fee, but the institution allocated to the department of intercollegiate athletics a certain portion of tuition income or general operating funds as the equivalent of a student athletics fee.

20.9.7.3.1.2.1 Student Attendance. [FBS] Student attendance must be verified through one of the following methods: *(Adopted: 4/28/05 effective 8/1/05)*

(a) Such students are issued tickets that are collected on admission to the game and retained;

(b) Such students enter through and are counted by a turnstile (which is not used by others in attendance) that is monitored by a representative of the department of athletics who verifies in writing the accuracy of the count on a per-game basis; or

(c) Such students enter through a gate (that is not used by others in attendance) at which a representative of the department of athletics counts them individually with a manual counter, and the representative provides a written statement verifying the accuracy of the count on a per-game basis.

20.9.7.3.1.2.1.1 Noncounted Students. [FBS] Student-athletes and cheerleaders scheduled by the institution to be at the game and students performing services at the stadium (e.g., concessionaires, ticket takers, parking-lot attendants, ushers, groundskeepers) shall not be counted toward meeting the attendance requirements. *(Adopted: 4/28/05 effective 8/1/05)*

20.9.7.3.1.2.2 Exchange of Tickets with Opponent. [FBS] For an institution to meet the football bowl subdivision attendance requirements, tickets for a football contest obtained by an institution through an exchange agreement or a purchase agreement with another institution may be used only if sold for at least one-third of the highest regular established ticket price and are used to attend the game. *(Adopted: 4/28/05 effective 8/1/05, Revised: 12/15/06)*

20.9.7.3.2 Certified Audit. [FBS] In meeting the football-attendance requirements of the Football Bowl Subdivision, an institution must undertake an annual certified audit verifying its football attendance. The audited football-attendance figures must be received in the NCAA national office not later than the February 15 following the completion of the football season, and NCAA national office staff shall verify compliance with all the Football Bowl Subdivision attendance requirements. The certified audit and materials (including the ticket manifest) must be available for inspection for a four-year period. *(Revised: 10/17/05, 12/15/06)*

20.9.7.4 Additional Financial Aid Requirements. [FBS] The institution shall satisfy the following additional financial aid requirements: *(Adopted: 4/25/02 effective 8/1/04)*

(a) Provide an average of at least 90 percent of the permissible maximum number of overall football grants-in-aid per year over a rolling two-year period; and

(b) Annually offer a minimum of 200 athletics grants-in-aids or expend at least four million dollars on grants-in-aid to student-athletes in athletics programs.

20.9.7.4.1 Type of Financial Aid Counted. [FBS] The institution shall count only athletically related financial aid awarded to counters (as defined in Bylaw 15.02.3). *(Adopted: 3/10/04 effective 8/1/04)*

20.9.7.4.2 Exception—National Service Academies. [FBS] The national service academies are exempt from all financial aid requirements set forth in Bylaw 20.9.7. *(Adopted: 4/25/02 effective 8/1/04)*

20.9.7.5 Noncompliance with Football Bowl Subdivision Criteria. [FBS]

20.9.7.5.1 Notice of Noncompliance. [FBS] An institution that fails to satisfy any of the Football Bowl Subdivision membership requirements shall receive notice of such noncompliance. After receiving notice, any further noncompliance with the Football Bowl Subdivision requirements within a 10-year period shall cause the institution to be placed in restricted membership. *(Adopted: 8/5/04, Revised: 12/15/06)*

20.9.7.5.2 Restricted Membership. [FBS] While in restricted membership, the institution shall not be eligible for postseason football competition. At the conclusion of the one-year period, the institution shall be granted membership in its preferred subdivision, provided the institution complies with the subdivision's criteria. If the member does not meet the criteria of any subdivision at the end of the restricted membership period, the institution may continue to be classified as a Division I member in sports other than football, provided the institution satisfies the Division I membership requirements set forth in Bylaws 20.9.1 through 20.9.6. A Division I member that loses Football Bowl Subdivision status must comply with the multidivision classification requirements set forth in Bylaw 20.4 to regain such status. *(Adopted: 8/5/04, Revised: 12/15/06)*

20.9.7.6 Waivers. [FBS] There shall be no waivers of the Football Bowl Subdivision membership requirements. *(Adopted: 4/24/03 effective 8/1/03, Revised: 12/15/06)*

20.9.8 Football Championship Subdivision Requirements. [FCS] An institution classified as a Football Championship Subdivision member shall meet the additional requirements listed below. *(Revised: 12/15/06)*

20.9.8.1 Sports Sponsorship. [FCS] The institution shall sponsor in Division I a minimum of:

(a) Seven varsity intercollegiate sports, including football, based on the minimum requirements of Bylaws 20.9.4 and 20.9.4.3 and involving all-male teams or mixed teams of males and females, and seven varsity intercollegiate sports (of which a maximum of two emerging sports per Bylaw 20.02.5 may be utilized) based on the minimum requirements of Bylaws 20.9.4 and 20.9.4.3 and involving all-female teams, subject to the waiver provision in Bylaw 20.9.4.2, or *(Revised: 1/10/91 effective 9/1/94, 1/11/94 effective 9/1/94)*

(b) Six varsity intercollegiate sports, including football, based on the minimum requirements of Bylaws 20.9.4 and 20.9.4.3 and involving all-male teams or mixed teams of males and females, and eight varsity intercollegiate sports (of which a maximum of two emerging sports per Bylaw 20.02.5 may be utilized) based on the minimum requirements of Bylaws 20.9.4 and 20.9.4.3 and involving all-female teams, subject to the waiver provision in Bylaw 20.9.4.2. *(Revised: 1/11/94 effective 9/1/94)*

20.9.8.2 Football Scheduling Requirement. [FCS] The institution shall schedule and play more than 50 percent of its football games against Football Bowl Subdivision or Football Championship Subdivision members. *(Revised: 12/15/06)*

20.9.8.2.1 Membership Classification of Opponents. [FCS] In determining whether an institution meets the scheduling criteria of the Football Championship Subdivision, each opponent shall be counted as it was classified on September 1 of the academic year involved. *(Revised: 12/15/06)*

20.9.8.2.1.1 Reclassifying Opponents. [FCS] A reclassifying institution shall be counted as a Football Championship Subdivision opponent in the year the reclassifying institution must comply with Football Championship Subdivision scheduling requirements (year two of the reclassifying process). *(Adopted: 4/15/97, Revised: 3/10/04, 12/15/06)*

20.9.8.2.1.2 Provisional Member Opponents. [FCS] A Football Championship Subdivision provisional institution shall be counted as a Football Championship Subdivision opponent in the year the provisional institution must comply with Football Championship Subdivision scheduling requirements (year two of the provisional process). *(Adopted: 1/11/94 effective 9/2/94, Revised: 3/10/04, 12/15/06)*

20.9.8.2.1.3 Waiver. [FCS] The Football Championship Subdivision Governance Committee, by a two-thirds majority of its members present and voting, may grant a waiver of the provisions of Bylaw 20.9.8.2.1 in cases of reclassification of an opponent when there is an enforceable game contract, executed in writing, or in the case of similar contractual problems. *(Revised: 12/15/06)*

20.9.8.2.2 Canceled Games. [FCS] A canceled game shall not be counted toward meeting the football championship subdivision scheduling criterion unless the Football Championship Subdivision Governance Committee, by a two-thirds majority of its members present and voting, approves a waiver of the criterion in a situation in which: *(Revised: 12/15/06)*

(a) The member institution can document that it had scheduled (for that academic year) the appropriate minimum percentage of contests with members of the football championship subdivision, under enforceable game contracts executed in writing; *(Revised: 12/15/06)*

(b) An opponent canceled a game that it had contracted to play that academic year; and

(c) Despite a good-faith effort, the institution was unable to re-arrange its schedule to play the appropriate percentage of contests with football championship subdivision members. *(Revised: 12/15/06)*

20.9.8.2.3 Alaska, Hawaii or Puerto Rico. [FCS] Games played in Alaska, Hawaii or Puerto Rico shall not be counted for purposes of meeting the subdivision's scheduling requirement if such games are exempt from counting toward the playing-season limitations. *(Adopted: 1/10/92)*

20.9.8.2.4 Geographical Waiver—Football Championship Subdivision. [FCS] The Football Championship Subdivision Governance Committee, by two-thirds majority of its members present and voting, may waive the provisions of Bylaw 20.9.8.2 for a Football Championship Subdivision institution that does not offer athletically related financial aid in football, or which offers fewer than 20 percent of the maximum allowable number of scholarships in the Football Championship Subdivision and was classified in Division II prior to September 1993, if it is determined that fewer than six other Championship Subdivision Football programs exist within a 500-mile radius of the institution's campus that do not offer athletically related financial aid in football or which offer fewer than 20 percent of the maximum allowable number of scholarships in the football championship subdivision and were classified in Division II prior to September 1993. An institution must calculate the percentage based upon the amount of athletically related financial aid received by its student-athletes, as opposed to including all institutional aid. *(Adopted: 1/16/93 effective 8/1/93, Revised: 1/10/95, 12/15/06)*

FIGURE 20-1
General Requirements for Division Membership

	Sports Sponsorship: Number of Sports			Football Scheduling Requirement	Football Attendance Requirement	Men's Basketball Scheduling Requirement		Women's Basketball Scheduling Requirement		Scheduling Requirement—Sports Other Than Football and Basketball	Financial Aid Requirement*
	All-Male or Mixed-Team Sports	All-Female Sports	Minimum Number of Team Sports								
Division I	7 OR 6	7 OR 8	2-All male/mixed 2-All female			Provisional member: Active member:	All but two games against Division I teams and except for the first two years of provisional membership, at least 1/3 of all contests must be played in home arena All but four games against Division I teams and at least 1/3 of all contests must be played in home arena	Provisional member: Active member:	All but two games against Division I teams All but four games against Division I teams	Sports used to meet sports sponsorship criteria: Each contest against Division I team to meet minimum number of contests. 50% of remaining contests against Division I opponents.	a) 50% of maximum allowable grants in each sport** or b) Minimum aggregate expenditure of $1,148,451 (with at least $574,225 in women's sports) in 2009-10 (excluding football and men's and women's basketball). Grant value may not be less than 38 full grants (with at least 19 for women)*** or c) Equivalent of 25 full grants in men's sports and 25 full grants in women's sports (exclusive of grants in football and men's and women's basketball)****
Football Bowl Subdivsion (FBS)	8 Including football OR 7 Including football OR 6 Including football	8 OR 9 OR 10	2-All male/mixed 2-All female	At least 60% of all games must be played against FBS members and at least five home games against members of FBS	Average 15,000 in actual or paid attendance for home football games over a rolling two-year period.						In addition to Division I requirement, a) provide an average of at least 90% of permissible maximum number of football grant in aid over rolling two-year period and b) Annually offer a minimum of 200 athletics grants-in-aid or spend $4 million on athletics grants in aid annually.
Football Championship Subdivsion (FCS)	7 Including football OR 6 Including football	7 OR 8	2-All male/mixed 2-All female	At least 50% of all games must be played against FBS or FCS members	NONE					.	No additional requirements.

* For institutions that depend on exceptional amounts of Federal assistance to meet students' financial needs, the institution must provide a minimum of one-half of the required grants or aggregate expenditures cited in (a), (b) or (c) above. This provision shall be applicable to an institution in a given year if the average per-student allotment of Pell Grant dollars for undergraduates reported to the U.S. Department of Education the previous September is more than one standard deviation above the mean for all reporting Division I member institutions that year. If an institution does not qualify under this provision after having been able to do so the previous year, the institution may continue to utilize this alternative for one year and shall not be required to meet the provisions of (a), (b) or (c) until the following year. This provision shall be applicable only to institutions that were members of Division I on September 1, 1990.

** If an institution uses indoor track and field, outdoor track and field and cross country to meet the financial aid criterion, it must award the equivalent of at least 80% of the full grants for men and 80% of the full grants for women in these sports. If the institution counts two of those three sports to meet the financial aid criterion, it must award the equivalent of at least 70% of the full grants for men and 70% of the full grants for women. If the institution counts indoor and outdoor track and field as one sport, it must award the equivalent of at least 50% of the full grants for men and 50% of the full grants for women.

*** If the institution does not sponsor men's or women's basketball, the minimum aggregate expenditure must be $758,213 in 2009-10 for men or for women, but no fewer than the equivalent of 29 full grants for men or for women.

**** If the institution does not sponsor men's or women's basketball, it must provide a minimum of 35 full grants in men's sports and 35 full grants in women's sports.

BYLAW, ARTICLE 21

Committees

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21.02 DEFINITIONS AND APPLICATIONS

21.02.1 Association-Wide Committees. [*] Association-wide committees deal with issues that affect all members of the Association and perform duties necessary to the on-going operation of the Association. Association-wide committees are comprised of members from each of the Association's divisions. *(Adopted: 1/14/97 effective 8/1/97)*

21.02.2 Common Committees. [*] Common committees deal with issues that apply to more than one division of the Association. Common committees perform duties necessary to the on-going operation of the applicable divisions and are comprised of members from the applicable divisions. *(Adopted: 1/14/97 effective 8/1/97)*

21.02.3 Federated Committees. [*] Federated committees deal with issues that apply to a specific membership division. Federated committees perform duties necessary to the on-going operation of that division and are comprised only of members from that division. *(Adopted: 1/14/97 effective 8/1/97)*

21.02.4 Districts. [#] For purposes of committee composition, the geographical districts are as follows: *(Adopted: 10/30/03)*

(a) District 1—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont;

(b) District 2—Delaware, New Jersey, New York, Pennsylvania, Puerto Rico, West Virginia;

(c) District 3—Alabama, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia;

(d) District 4—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin;

(e) District 5—Iowa, Kansas, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota;

(f) District 6—Arkansas, New Mexico, Texas;

(g) District 7—Arizona, Colorado, Idaho, Montana, Utah, Wyoming; and

(h) District 8—Alaska, California, Hawaii, Nevada, Oregon, Washington.

21.02.5 Conflict of Interest. A cabinet or committee member shall not participate in the cabinet or committee's discussion or vote on any action that might bring direct or indirect financial benefit to the member of any organization in which the member is financially interested (other than the member's institution or the conference of which it is a member). A violation of this rule by a member of a cabinet or committee shall not invalidate the action taken by the cabinet or committee if, following disclosure of the conflict of interest, the cabinet or committee authorizes, ratifies or approves the action by a vote sufficient for the purpose, without counting the vote of the cabinet or committee member with the conflict of interest, and the Leadership Council approves such action. All cabinet and committee members shall agree to this policy prior to cabinet or committee service and shall abide by the policy at all times. The current conflict of interest policy is located on the NCAA Web site (ncaa.org) or may be obtained from the NCAA national office. *(Adopted: 1/13/09)*

21.1 PLAYING RULES OVERSIGHT PANEL [#]

21.1.1 Composition. [#] The panel shall consist of 12 members, including six members from Division I and three representatives each from Divisions II and III. A single conference may not have more than one representative on the panel. *(Adopted: 4/28/05)*

21.1.2 Method of Selection. [#] Three of the six Division I representatives shall be appointed by the Division I Championships/Sports Management Cabinet (these appointees must be current members of the cabinet) and one of those three must have experience working with playing rules. The remaining three shall be appointed by the Division I Collegiate Commissioners Association (CCA). Two of those three shall have experience working with playing rules. One of the three Divisions II and III representatives shall be appointed by the divisions' Championships Committees (these appointees must be current members of the divisions' Championships Committees). The remaining two representatives in Divisions II and III will be appointed at large and one of the two per each division shall have experience working with playing rules. *(Adopted: 4/28/05, Revised: 11/1/07 effective 8/1/08)*

21.1.2.1 Definition of "Working with Playing Rules." [#] The following experience will be considered to be the equivalent of "working with playing rules": officiating experience, previous service on a rules committee, previous service on a committee with responsibility for playing rules administration or coaching. *(Adopted: 4/28/05)*

21.1.3 Term of Office. [#] At-large members of the panel will serve four-year terms. Championships/Sports Management Cabinet and Championships Committee appointments will serve for the duration of their cabinet or committee term. *(Adopted: 4/28/05, Revised: 11/1/07 effective 8/1/07)*

21.1.4 Duties. [#] The panel shall: *(Adopted: 4/28/05)*

(a) Oversee all NCAA playing rules committees. This includes approval of playing rules recommendations and oversight of other issues pertaining to playing rules;

(b) Recommend the establishment and dissolution of playing rules committees;

(c) Monitor playing rules maintained outside of the NCAA;

(d) Be responsible for all research and communication pertaining to the administration of playing rules, including the advancement of budgetary recommendations from the playing rules committees and to ensure consistency among different sports, when appropriate (for example, policies controlling fighting or abusive language);

(e) Review and act on requests from any division to exempt it from applying or delaying implementation of a playing rule for financial reasons;

(f) Review all playing rules changes pertaining to finances, safety and image of the game; and

(g) Oversee the selection process for secretary-rules editors, approve the selections of secretary-rules editors and review waiver requests for secretary-rules editor term limits. *(Adopted: 1/8/07)*

21.1.5 Meetings. [#] The Playing Rules Oversight Panel shall meet three times annually (e.g., March, June, August) after the playing rules committees for each season have completed their meetings. *(Adopted: 4/28/05)*

21.1.6 Special Operating Rules. [#]

21.1.6.1 Review Process. [#] A recommendation from any rules committee shall be considered valid unless the Playing Rules Oversight Panel determines that the recommendation harms the image of the games, creates an unsafe environment for student-athletes or places an unreasonable financial burden on the membership. *(Adopted: 4/28/05)*

21.1.6.1.1 Rules Committee Involvement. [#] The Playing Rules Oversight Panel may request that playing rules committee chairs and/or secretary rules-editors present their case to the Playing Rules Oversight Panel when proposed changes are controversial or unusually complicated. *(Adopted: 4/28/05)*

21.2 ASSOCIATION-WIDE COMMITTEES—GENERAL COMMITTEES

21.2.1 Selection, Term of Office and Operation. [#]

21.2.1.1 Method of Selection. Each division's governance structure shall appoint members to serve on the general Association-wide committees of the Association, consistent with that division's committee-appointment procedures. The membership of each committee shall include representatives from each of the Association's membership divisions, including each subdivision of Division I. *(Revised: 1/10/90, 1/16/93, 1/14/97 effective 8/1/97, 11/01/01, 5/13/08)*

21.2.1.2 Term of Office. [#] Unless otherwise specified, a member of the committees listed in this bylaw shall be appointed for one four-year term. A former member may be appointed to an additional term after three years have elapsed. An individual who has served two terms on a committee may not serve further on that committee. A member's term of service shall commence on the first day of September following the member's election or appointment. *(Revised: 5/13/08)*

21.2.1.3 Operation. [#] The Executive Committee also shall ratify policies regarding length, location and expenses of Association-wide committee meetings. *(Revised: 1/10/90, 1/16/93, 1/14/97 effective 8/1/97, 11/01/01, 5/13/08)*

21.2.2 Competitive Safeguards and Medical Aspects of Sports, Committee on. [#]

21.2.2.1 Composition. [#] The Committee on Competitive Safeguards and Medical Aspects of Sports shall consist of 20 members, including five positions allocated for men, five allocated for women and 10 unallocated. The membership of the committee shall be constituted as follows: *(Revised: 10/28/99, 11/01/01)*

(a) Two athletics directors or senior woman athletics administrators, one man and one woman;

(b) One member who is an active coach;

(c) One member active in exercise physiology research;

(d) Three members from the field of medicine, of whom at least one shall be a woman, one shall be a primary-care team physician and one shall be a board certified orthopedic specialist; *(Revised: 1/10/91, 10/30/03)*

(e) One man and one woman, one of whom is responsible for the total athletics training programs at member institutions; *(Revised: 1/10/95)*

(f) One member representing the field of law;

(g) One member of the NCAA Football Rules Committee;

(h) One member representing secondary school interests. This individual shall be the National Federation of State High School Association staff liaison to the Sports Medicine Advisory Board and shall be eligible for reappointment without restriction; *(Revised: 4/26/01)*

(i) One member active in sports-medicine research; *(Revised: 1/10/90)*

(j) One member with expertise in drug testing;

(k) One member with expertise in the area of drug education; *(Revised: 10/28/99, 11/01/01)*

(l) One student-athlete from each division (who shall have one combined vote) shall serve as a member of the committee. The Division I student-athlete may serve on the committee up to one year after completion of his or her intercollegiate athletics eligibility. The Division II and Division III student-athlete may serve on the committee up to two years after completion of his or her intercollegiate athletics eligibility; and *(Revised: 11/01/01)*

(m) Two members selected at large.

21.2.2.2 Duties. [#] The committee, subject to the direction of the Executive Committee, shall: *(Revised: 10/31/02)*

(a) Promote and sponsor research to address relevant health and safety issues;

(b) Promote education to enhance the health and safety of student-athletes;

(c) Operate a national injury surveillance program to monitor injury trends and enhance safety in intercollegiate athletics;

(d) Deter the use of NCAA banned substances in order to promote fair competition and safety;

(e) Facilitate outreach activities to enhance student-athlete health and safety; and

(f) Provide a health and safety perspective on relevant legislation and policy.

21.2.3 Honors Committee. [#]

21.2.3.1 Composition. [#] The Honors Committee shall consist of nine members, including one current or former chancellor or president from a member institution, one member from each division and subdivision of Division I and three nationally distinguished citizens, one of which must be a former NCAA honors recipient. Division II and Division III will be represented each by a member of the Management Council. Two positions shall be allocated for men, two allocated for women and five unallocated. *(Revised: 1/13/98, 11/1/07)*

21.2.3.2 Term of Office. A member's term of service shall commence on the day following adjournment of the NCAA Convention following the member's appointment. *(Adopted: 1/14/08)*

21.2.3.3 Duties. [#] The committee shall receive nominations for the Theodore Roosevelt Award, the Silver Anniversary Awards, the Top VIII Awards, the Award of Valor and the Inspiration Award and shall select the recipients of those awards.

21.2.4 Minority Opportunities and Interests Committee. [#]

21.2.4.1 Composition. [#] The Minority Opportunities and Interests Committee shall consist of 15 members. There shall be six members from Division I, three members from Division II and three members from Division III. One student-athlete from each division (who shall have one combined vote) shall serve as a member of the committee. The Division I student-athlete may serve on the committee up to one year after completion of his or her intercollegiate athletics eligibility. The Division II and Division III student-athlete may serve on the committee up to two years after completion of his or her athletics eligibility. Committee membership shall include a minimum of eight ethnic minorities, including at least four males and four females. *(Adopted: 1/10/91, Revised: 11/01/01)*

21.2.4.2 Duties. [#] The committee shall review issues related to the interests of ethnic minority student-athletes, NCAA minority programs and NCAA policies that affect ethnic minorities. *(Adopted: 1/10/91)*

21.2.5 Olympic Sports Liaison Committee. [#]

21.2.5.1 Composition. [#] The Olympic Sports Liaison Committee shall consist of 14 members, including at least one from each division. One student-athlete from each division (who shall have one combined vote) shall serve as a member of the committee. The Division I student-athlete may serve on the committee up to one year after completion of his or her intercollegiate athletics eligibility. The Division II and Division III student-athletes may serve on the committee up to two years after completion of his or her athletics eligibility. *(Adopted: 1/10/91, Revised: 11/1/01)*

21.2.5.2 Duties. [#] The committee shall: *(Adopted: 1/10/91)*

(a) Act as a liaison between the Association, the U.S. Olympic Committee and national governing bodies; and

(b) Study and make recommendations concerning the Association's appropriate role in the involvement of student-athletes in international athletics.

21.2.6 Postgraduate Scholarship Committee. [#]

21.2.6.1 Composition. [#] The Postgraduate Scholarship Committee shall consist of seven members, including two positions allocated for men, two allocated for women and three unallocated, one of which shall be a former recipient of an NCAA postgraduate scholarship.

21.2.6.2 Duties. [#] The committee shall be responsible for planning and administering the Association's postgraduate scholarship program for student-athletes who have distinguished themselves academically and athletically.

21.2.7 Research Committee. [#]

21.2.7.1 Composition. [#] The Research Committee shall consist of 10 members, including four representatives from Division I, two each from Divisions II and III and two unallocated. In addition, three positions shall be allocated for men, three allocated for women and four unallocated. The membership of the committee shall consist of at least three athletics administrators and at least three faculty athletics representatives with appropriate research experience. *(Revised: 1/13/98, 11/1/01, 8/7/03)*

21.2.7.2 Duties. [#] The committee shall:

(a) Evaluate, supervise and coordinate the Association's research activities;

(b) Make recommendations to the Executive Committee regarding expenditures of Association funds for research projects; and

(c) Make recommendations concerning research topics in intercollegiate athletics.

21.2.8 Sportsmanship and Ethical Conduct, Committee on. [#]

21.2.8.1 Composition. [#] The Committee on Sportsmanship and Ethical Conduct shall consist of 11 members. One student-athlete from each division (who shall have one combined vote) shall serve as a member of the committee. The Division I student-athlete may serve on the committee up to one year after completion of his or her intercollegiate athletics eligibility. The Division II and Division III student-athlete may serve on the committee up to two years after completion of his or her athletics eligibility. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/01/01)*

21.2.8.2 Duties. [#] The committee shall be responsible for promoting sportsmanship and ethical conduct within the Association. *(Adopted: 1/14/97 effective 8/1/97)*

21.2.9 Walter Byers Scholarship Committee. [#]

21.2.9.1 Composition. [#] The Walter Byers Scholarship Committee shall consist of five members, including one position allocated for a man, one allocated for a woman and three unallocated. *(Adopted: 1/10/90)*

21.2.9.2 Duties. [#] The committee shall be responsible for planning and administering the Association's Walter Byers Scholarship program for student-athletes who have distinguished themselves academically and athletically. *(Adopted: 1/10/90)*

21.2.10 Women's Athletics, Committee on. [#]

21.2.10.1 Composition. [#] The Committee on Women's Athletics shall consist of 15 members, including six members from Division I, three members from Division II and three members from Division III. Four positions shall be allocated for men, four allocated for women and four unallocated. One student-athlete from each division (who shall have one combined vote) shall serve as a member of the committee. The Division I student-athlete may serve on the committee up to one year after completion of his or her intercollegiate athletics eligibility. The Division II and Division III student-athlete may serve on the committee up to two years after completion of his or her athletics eligibility. *(Revised: 1/11/89, 11/01/01, 4/29/04 effective 8/1/04, 4/24/08)*

21.2.10.2 Duties. [#] The committee shall: *(Revised: 4/24/03)*

(a) Study and make policy recommendations concerning opportunities for women in athletics at the institutional, conference and national levels;

(b) Study and make policy recommendations concerning other issues directly affecting women's athletics; and *(Revised: 4/24/03)*

(c) Appoint and oversee the Woman of the Year Selection Committee and the process. *(Adopted: 4/24/03)*

21.3 ASSOCIATION-WIDE COMMITTEES—RULES COMMITTEES WITHOUT CHAMPIONSHIPS ADMINISTRATION RESPONSIBILITIES

21.3.1 Selection, Composition, Duties, Term of Office and Operation. [#]

21.3.1.1 Method of Selection. [#] Each division's governance structure shall appoint members to serve on the rules committees without championships administration responsibilities. The Playing Rules Oversight Panel shall oversee the selection process for secretary-rules editors and approve selections for those positions. The secretary-rules editor may be re-appointed but is limited to a term not to exceed eight years in length and shall be a nonvoting member of the committee. The membership of each committee shall include representatives from each of the Association's membership divisions. *(Revised: 1/11/89, 1/10/91, 1/16/93, 1/14/97 effective 8/1/97, 11/01/01, 4/24/03, 1/8/07)*

21.3.1.1.1 Waiver—Secretary-Rules Editor Term Limit. [#] Due to extenuating circumstances, the Playing Rules Oversight Panel may waive the secretary-rules editor's eight-year term limit; however, the term shall not be extended by more than four additional years. *(Adopted: 4/24/03, Revised: 1/8/07)*

21.3.1.2 Composition Requirements. [#] At least 25 percent of the positions on each rules committee shall be filled by athletics directors, associate or assistant athletics directors, senior woman athletics administrators, individuals who are employed full-time as administrators by member conferences, or individuals who are employed both part-time as administrators by member conferences and full-time by member institutions. Further, at least 50 percent of the total positions on each rules committee shall be filled by coaching staff members. In order for a district to be represented, at least five of its active members shall sponsor the sport involved on an intercollegiate basis. *(Revised: 1/10/90, 4/27/00 effective 8/1/00)*

21.3.1.3 Duties. [#] Subject to the final authority of the Playing Rules Oversight Panel, each rules committee shall establish and maintain rules of play in its sport consistent with the sound traditions of the sport and of such character as to ensure good sportsmanship and safe participation by the competitors. These playing rules shall be common for all divisions of the Association, and differences among the divisions shall not be permitted, except for the division-specific playing regulations developed to address significant financial impact and approved by the divisions and the Playing Rules Oversight Panel. Playing rules committee shall have the authority to permit rules experimentation in the nontraditional/nonchampionship season without the Playing Rules Oversight Panel approval. Experimentation in the regular season shall be subject to the Playing Rules Oversight Panel review. *(Revised: 1/10/92 effective 8/1/92, Revised: 1/14/97 effective 8/1/97, effective 4/28/05, 12/2/05)*

21.3.1.4 Term of Office. Unless otherwise specified, a member of the committees listed in this bylaw shall be appointed for one four-year term. A former member may be appointed to an additional term after three years have elapsed. An individual who has served two terms on a committee may not serve further on that committee. A member's term of service shall commence on the first day of September following the member's election or appointment. *(Revised: 5/13/08)*

21.3.1.5 Cooperation with Other Organizations. [#] A rules committee may cooperate with other national organizations in the development of common playing rules. *(Revised: 1/14/97 effective 8/1/97)*

21.3.1.6 Operation. [#] The Executive Committee shall ratify policies regarding the length, location and expenses of association-wide committee meetings. *(Adopted: 1/14/97 effective 8/1/97)*

21.3.2 Baseball Rules Committee. [#] The Baseball Rules Committee shall consist of nine members and shall be constituted as follows: *(Revised: 1/11/89)*

(a) Four members shall be from Division I, two members shall be from Division II, two members shall be from Division III and an additional member shall be secretary-rules editor; and

(b) One member shall be elected chair.

21.3.3 Basketball Rules Committee, Men's. [#] The Men's Basketball Rules Committee shall consist of 13 members and shall be constituted as follows: *(Revised: 1/10/91)*

(a) There shall be at least two representatives from each of the following four geographical regions: Districts 1 and 2; District 3; Districts 4 and 5; and Districts 6, 7 and 8;

(b) Six members shall be from Division I, three members shall be from Division II, three members shall be from Division III and an additional member shall be secretary-rules editor; and

(c) One member shall be elected chair. *(Revised: 1/10/91)*

21.3.4 Basketball Rules Committee, Women's. [#] The Women's Basketball Rules Committee shall consist of 13 members and shall be constituted as follows: *(Revised: 1/11/89)*

(a) There shall be at least two representatives from each of the following four geographical regions: Districts 1 and 2; District 3; Districts 4 and 5; and Districts 6, 7 and 8;

(b) Six members shall be from Division I, three members shall be from Division II, three members shall be from Division III and an additional member shall be secretary-rules editor; and *(Revised: 1/11/89)*

(c) One member shall be elected chair.

21.3.5 Football Rules Committee. [#] The Football Rules Committee shall consist of 13 members and shall be constituted as follows: *(Revised: 1/16/93)*

(a) There shall be at least two representatives from each of the following four geographical regions: Districts 1 and 2; District 3; Districts 4 and 5; and Districts 6, 7 and 8;

(b) Six members shall be from Division I, three members shall be from Division II, three members shall be from Division III and an additional member shall be secretary-rules editor; and *(Revised: 1/16/93)*

(c) One member shall be elected chair. *(Revised: 1/16/93)*

21.3.6 Ice Hockey Rules Committee, Men's and Women's. [#] The Men's and Women's Ice Hockey Rules Committee shall consist of 13 members and shall be constituted as follows: *(Revised: 1/11/89, 1/14/97 effective 8/1/97, 4/27/00, 4/26/01)*

(a) Six members shall be from Division I, one member shall be from Division II, four members shall be from Division III, one member shall be from Division II or III and an additional member shall be secretary-rules editor; *(Revised: 1/14/97 effective 8/1/97, 4/26/01)*

(b) Within Divisions I and III, one-half of the members shall represent men's ice hockey interests and one-half of the members shall represent women's ice hockey interests; and *(Adopted: 4/27/00)*

(c) One member shall be elected chair.

21.3.7 Lacrosse Rules Committee, Men's. [#] The Men's Lacrosse Rules Committee shall consist of nine members and shall be constituted as follow:

(a) Four members shall be from Division I, one member shall be from the Division II and three members shall be from Division III. One additional member shall serve as a nonvoting secretary-rules editor; and

(b) One member shall be elected chair.

21.3.8 Lacrosse Rules Committee, Women's. [#] The Women's Lacrosse Rules Committee shall consist of nine members and shall be constituted as follows: *(Adopted: 4/28/05 effective 8/1/05)*

(a) Four members shall be from Division I, one member shall be from Division II and three members shall be from Division III. One additional member shall serve as a nonvoting secretary-rules editor; and

(b) One member shall be elected chair.

21.3.9 Soccer Rules Committee, Men's and Women's. [#] The Men's and Women's Soccer Rules Committee shall consist of nine members and shall be constituted as follows: *(Adopted: 1/11/89)*

(a) Four members shall be from Division I, two members shall be from Division II, two members shall be from Division III and an additional member shall be secretary-rules editor;

(b) Within each division, one-half of the members shall represent men's soccer interests, and one-half of the members shall represent women's soccer interests; and

(c) One member shall be elected chair.

21.3.10 Softball Rules Committee, Women's. [#] The Women's Softball Rules Committee shall consist of nine members and shall be constituted as follows: *(Adopted: 1/9/96)*

(a) Four members shall be from Division I, two members shall be from Division II, two members shall be from Division III and an additional member shall be secretary-rules editor; and

(b) One member shall be elected chair.

21.3.11 Volleyball Rules Committee, Women's. [#] The Women's Volleyball Rules Committee shall consist of nine members and shall be constituted as follows:

(a) Four members shall be from Division I, two members shall be from Division II, two members shall be from Division III and one additional member shall serve as nonvoting secretary-rules editor; and

(b) One member shall be elected chair. *(Adopted 11/1/01, Revised: 4/26/01 effective 8/1/01)*

21.4 COMMON COMMITTEES—COMMITTEES WITH PLAYING RULES AND CHAMPIONSHIPS ADMINISTRATION RESPONSIBILITIES

21.4.1 Selection, Composition, Duties, Term of Office and Operation. [#]

21.4.1.1 Method of Selection. [#] Each division's governance structure shall appoint members to serve on the committees with playing rules and championships administration responsibilities. The Playing Rules Oversight Panel shall oversee the selection process of secretary-rules editors and approve the selections for those positions. The secretary-rules editor may be reappointed but is limited to a term not to exceed eight years in length and shall be a nonvoting member of the committee. The membership of each committee shall include

representatives from each of the Association's membership divisions. *(Revised: 1/11/89, 1/14/97 effective 8/1/97, 11/01/01, 4/24/03, 1/8/07)*

21.4.1.1.1 Waiver—Secretary-Rules Editor Term Limit. [#] Due to extenuating circumstances, the Playing Rules Oversight Panel may waive the secretary-rules editor's eight-year term limit; however, the term shall not be extended by more than four additional years. *(Adopted: 4/24/03, Revised: 1/8/07)*

21.4.1.2 Composition Requirements. [#] For committees that administer Division I, Division II, Division III and National Collegiate Championships in individual sports, at least 25 percent of the positions on each committee shall be filled by athletics administrators (athletics directors, associate or assistant athletics directors, senior woman athletics administrators, individuals who are employed full-time as administrators by member conferences, or individuals who are employed both part-time as administrators by member conferences and full-time by member institutions). Further, at least 50 percent of the total positions on each rules committee shall be filled by coaching staff members. For committees that administer Division I, Division II, Division III and National Collegiate Championships in team sports, at least 50 percent of the positions on each committee shall be filled by athletics administrators. Further, at least 50 percent of the total positions on each rules committee shall be filled by coaching staff members. In order for a district to be represented on a committee for which district representation is specified, at least five of its active members shall sponsor the sport on an intercollegiate basis. *(Revised: 1/10/90, 1/10/95, 4/27/00 effective 8/1/00)*

21.4.1.2.1 Exception—Men's and Women's Skiing Committee. [#] The Men's and Women's Skiing Committee shall be exempt from the composition requirements set forth in Bylaw 21.4.1.2. *(Adopted: 11/1/00)*

21.4.1.3 Special Operating Rules. [#] Each committee shall act as one body to formulate playing rules and determine general policies for the administration of the NCAA championships under its jurisdiction. Division subcommittees, composed of committee members from the respective divisions, shall be responsible for administering the respective division championships.

21.4.1.4 Advisory Committees. [#] The governing sports committee may appoint individuals not already serving on a sports committee to an advisory committee.

21.4.1.5 Duties. [#]

21.4.1.5.1 Rules of Play. [#] Subject to the final authority of the Playing Rules Oversight Panel, each rules committee shall establish and maintain rules of play in its sport consistent with the sound traditions of the sport and of such character as to ensure good sportsmanship and safe participation by the competitors. These playing rules shall be common for all divisions of the Association, and differences among the divisions shall not be permitted, except for the division-specific playing regulations developed to address significant financial impact and approved by the divisions and the Playing Rules Oversight Panel. Playing rules committees shall have the authority to permit rules experimentation in the nontraditional/nonchampionship season without the Playing Rules Oversight Panel approval. Experimentation in the regular season shall be subject to Playing Rules Oversight Panel review. *(Revised: 1/10/92 effective 8/1/92, 1/14/97 effective 8/1/97, effective 4/28/05, 12/2/05)*

21.4.1.5.2 National Records. [#] In sports for which national records are maintained, each committee shall be responsible for approval of such national records.

21.4.1.6 Term of Office. Unless otherwise specified, a member of the committees listed in this bylaw shall be appointed for one four-year term. A former member may be appointed to an additional term after three years have elapsed. An individual who has served two terms on a committee may not serve further on that committee. A member's term of service shall commence on the first day of September following the member's election or appointment. *(Revised: 5/13/08)*

21.4.1.7 Cooperation with Other Organizations. [#] A rules committee may cooperate with other national organizations in the development of common playing rules. *(Revised: 1/14/97 effective 8/1/97)*

21.4.1.8 Operation. [#] The Executive Committee shall ratify policies regarding the length, location and expenses of common committee meetings. *(Adopted: 1/14/97 effective 8/1/97)*

21.4.2 Bowling Committee, Women's. [#] The Women's Bowling Committee shall consist of six members, including the secretary rules editor.

21.4.3 Rifle Committee, Men's and Women's. [#] The Men's and Women's Rifle Committee shall consist of seven members, including the secretary-rules editor.

21.4.4 Skiing Committee, Men's and Women's. [#] The Men's and Women's Skiing Committee shall consist of seven members and shall be constituted as follows: *(Revised: 1/11/89)*

(a) Two members shall represent men's skiing interests, two members shall represent women's skiing interests and three unallocated; *(Revised: 1/11/89, 4/11/00)*

(b) One member shall be selected from the West skiing region, two members shall be selected from the East skiing region, three members shall be selected at large and one member shall be secretary-rules editor; and *(Revised: 1/11/89)*

(c) Two members shall be coaches who represent downhill alpine skiing and two members shall be coaches who represent nordic skiing. The secretary-rules editor may be counted towards satisfying this requirement. *(Revised: 11/1/00 effective 8/1/01)*

21.4.5 Swimming and Diving Committee, Men's and Women's. [#] The Men's and Women's Swimming and Diving Committee shall consist of 19 members and shall be constituted as follows: *(Revised: 4/15/97)*

(a) There shall be at least two representatives from Districts 1 and 2; two representatives from District 3; two representatives from District 4; one representative from Districts 5, 6 and 7; and one representative from District 8; *(Revised: 1/10/95)*

(b) Eight members shall be from Division I and shall compose a Division I subcommittee. Four members of the subcommittee shall represent men's swimming interests and four members shall represent women's swimming interests, including three positions allocated for men, three allocated for women and two unallocated;

(c) Four members shall be from Division II and shall compose a Division II subcommittee. Two members of the subcommittee shall represent men's swimming interests and two members shall represent women's swimming interests, including one position allocated for a man, one allocated for a woman and two unallocated;

(d) Four members shall be from Division III and shall compose a Division III subcommittee. Two members of the subcommittee shall represent men's swimming and diving interests and two members shall represent women's swimming and diving interests, including one position allocated for a man, one allocated for a woman and two unallocated;

(e) An additional four members shall represent diving interests, two representing men's diving and two representing women's diving. Two shall be Division I representatives, one shall be a Division II representative, and one shall be a Division III representative; and *(Revised: 4/15/97)*

(f) An additional member shall be secretary-rules editor.

21.4.6 Track and Field Committee, Men's and Women's. [#] The Men's and Women's Track and Field Committee shall consist of 25 members and shall be constituted as follows:

(a) There shall be at least four representatives from each of the following four geographical regions: Districts 1 and 2; District 3; Districts 4 and 5; and Districts 6, 7 and 8;

(b) Twelve members shall be from Division I and shall compose a Division I subcommittee. Six members of the subcommittee shall represent men's track and field interests and six members shall represent women's track and field interests, including four positions allocated for men, four allocated for women and four unallocated;

(c) Six members shall be from Division II and shall compose a Division II subcommittee. Three members of the subcommittee shall represent men's track and field interests and three members shall represent women's track and field interests, including two positions allocated for men, two allocated for women and two unallocated;

(d) Six members shall be from Division III and shall compose a Division III subcommittee. Three members of the subcommittee shall represent men's track and field interests and three members shall represent women's track and field interests, including two positions allocated for men, two allocated for women and two unallocated;

(e) An additional member shall be secretary-rules editor; and

(f) A rules-editing subcommittee shall have five members, including two members appointed by the Division I subcommittee, one member each appointed by the Division II and Division III subcommittees, and the secretary-rules editor. The rules-editing subcommittee shall formulate playing rules subject to the approval of the full committee.

21.4.7 Water Polo Committee, Men's. [#] The Men's Water Polo Committee shall consist of six members and shall be constituted as follows: *(Revised: 10/28/97, 1/12/99 effective 8/1/99, 1/8/07, representation shall be achieved through normal attrition)*

(a) Two members shall be from the East region;

(b) Two members shall be from the West region;

(c) One member shall be selected at large; and

(d) An additional member shall be secretary-rules editor.

21.4.8 Water Polo Committee, Women's. [#] The Women's Water Polo Committee shall consist of six members. There shall be three members from Division I, one member from Division II, one member from Division III and an additional member shall be secretary-rules editor. *(Adopted: 4/27/00 effective 8/1/00)*

21.4.9 Wrestling Committee. [#] The Wrestling Committee shall consist of 13 members and shall be constituted as follows:

(a) There shall be at least one representative from District 3 and at least two representatives from each of the following three geographical regions: Districts 1 and 2; Districts 4 and 5; and Districts 6, 7 and 8;

(b) Six members shall be from Division I, three members shall be from Division II and three members shall be from Division III; and

(c) An additional member shall be secretary-rules editor.

21.5 COMMON COMMITTEES—COMMITTEES WITH ONLY CHAMPIONSHIPS ADMINISTRATION RESPONSIBILITIES

21.5.1 Selection, Composition, Duties, Term of Office and Operation. [#]

21.5.1.1 Method of Selection. [#] Each applicable division's governance structure shall nominate and select the members and chair of each committee. *(Revised: 1/14/97 effective 8/1/97, 11/01/01)*

21.5.1.2 Duties. [#] Each committee shall be responsible for developing policies and procedures governing the administration and conduct of the NCAA championships under its jurisdiction, subject to the approval of the applicable division's governance structure and the requirements, standards and conditions prescribed by Bylaw 31. Policies and procedures governing the administration of National Collegiate Championships applicable to more than one division also shall be subject to the ratification of the Executive Committee. (See Bylaw 31 for committee duties related to the administration of championships.) *(Revised: 1/14/97 effective 8/1/97, 11/1/07 effective 8/1/07)*

21.5.1.3 Term of Office. [#] Unless otherwise specified, a member of committees listed in this bylaw shall be appointed for one four-year term. A former member may be appointed to an additional term after three years have elapsed. An individual who has served two terms on a committee may not serve further on that committee. A member's term of service shall commence on the first day of September following the member's election or appointment. *(Revised: 5/13/08)*

21.5.1.4 Special Operating Rules. [#] Each committee shall act as one body to determine general policies for the administration of championships. *(Revised: 1/14/97 effective 8/1/97)*

21.5.1.5 Selection Criteria. [#] Each committee shall have the authority to establish championships selection criteria, including requirements to use regular-season playing rules that conform with rules used in NCAA championships under its jurisdiction in those sports for which the Association does not maintain playing rules.

21.5.1.6 Regional Advisory Committees. [#] Regional advisory committees may be appointed by each championships committee. *(Revised: 1/14/97 effective 8/1/97)*

21.5.1.7 Operation. [#] The Executive Committee shall ratify policies regarding the length, location and expenses of common committee meetings. *(Adopted: 1/14/97 effective 8/1/97)*

21.5.2 Ice Hockey Committee, Women's. [#] The Women's Ice Hockey Committee shall consist of four members. There shall be three members from Division I and one member from Division II. *(Adopted: 4/27/00, Revised: 4/25/02 effective 8/1/02)*

21.6 COMMON COMMITTEES—COMMITTEES WITH GOVERNANCE ADMINISTRATION RESPONSIBILITIES

21.6.1 Selection. [#] Each applicable division's governance structure shall appoint members to serve on the common committees with governance administration responsibilities. The membership of each committee shall include representatives from each of the Association's applicable membership divisions, including each subdivision of Division I. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/01/01)*

21.6.2 Operation. [#] The Executive Committee shall ratify policies regarding the length, location and expenses of common committee meetings. *(Adopted: 1/14/97 effective 8/1/97)*

21.6.3 International-Student Records Committee. [#]

21.6.3.1 Composition. [#] The committee shall consist of eight members, including two Division I representatives, two Division II representatives, two representatives who may be from either Division I or Division II and two ex officio members, one of whom shall be the NCAA Eligibility Center's primary international-student records consultant. *(Adopted: 4/27/00, Revised: 5/9/07, 4/30/09; composition to be achieved by normal attrition)*

21.6.3.2 Duties. [#] The committee shall assist in reviewing initial-eligibility standards for international students. *(Adopted: 4/27/00)*

21.6.3.3 Terms. [#] Committee members shall be appointed for one three-year term. Members may be appointed to an additional term(s) on the committee after three years have elapsed. An individual who has served three consecutive terms on the committee may not serve further on that committee. *(Adopted: 4/27/00, Revised: 11/01/01)*

21.6.4 High School Review Committee. [#]

21.6.4.1 Composition. [#] The committee shall consist of nine members and shall be constituted as follows: *(Adopted: 4/26/07)*

(a) One admissions officer of a Division I or Division II institution;

(b) One staff member of a Division I or Division II institution or conference office;

(c) One representative from the Division I Academics Cabinet; *(Revised: 11/1/07 effective 8/1/08)*

(d) One representative from the Division II Academic Requirements Committee;

(e) Four representatives from the secondary-school community; and

(f) One member selected at large from either the secondary-school community or a Division I or II institution or conference office.

21.6.4.2 Duties. [#] The committee shall have the authority to establish policies and procedures related to the academic review of high schools and to determine the validity of a high school (e.g., core courses, curriculum, grades) for the purpose of meeting initial-eligibility requirements. A review may result in a determination that a high school shall not be used for the purpose of meeting initial-eligibility requirements. The policies and procedures for the review and determination of the validity of a high school shall be approved by the Division I Academics Cabinet and the Division II Academic Requirements Committee. (See Bylaw 14.1.2.1.) *(Adopted: 4/26/07, Revised: 11/1/07 effective 8/1/08)*

21.6.4.3 Terms. [#] Committee members shall be appointed to one four-year term. A member's term of service shall commence on the first day of July following the member's appointment. A member may be appointed to one additional term. An individual who has served two terms may not be re-appointed. Terms of service shall run concurrently with Division I Academics Cabinet and Division II Academic Requirements Committee service for members filling those roles. *(Adopted: 4/26/07, Revised: 11/1/07 effective 8/1/08)*

21.6.4.4 Appeals. [#] The committee determination shall be final, binding and conclusive and shall not be subject to further review by any other authority. *(Adopted: 4/26/07, Revised: 11/1/07 effective 8/1/08)*

21.6.5 Student Records Review Committee. [#]

21.6.5.1 Composition. [#] The committee shall consist of nine members and shall be constituted as follows: *(Adopted: 4/26/07)*

(a) One admissions officer of a Division I or Division II institution;

(b) One staff member of a Division I or Division II institution or conference office;

(c) One representative from the Division I Academics Cabinet; *(Revised: 11/1/07 effective 8/1/08)*

(d) One representative from the Division II Academic Requirements Committee;

(e) Four representatives from the secondary-school community; and

(f) One member selected at large from either the secondary-school community or a Division I or II institution or conference office.

21.6.5.2 Duties. [#] The committee shall have the authority to establish policies and procedures related to the review of a prospective student-athlete's academic credentials and to determine the validity of a prospective student-athlete's academic credentials for the purpose of meeting initial-eligibility requirements. A review may result in a determination that a prospective student-athlete's academic credentials shall not be used for the purpose of meeting initial-eligibility requirements. The policies and procedures for the review of academic credentials and the determination of the validity of such credentials shall be approved by the Division I Academics Cabinet and the Division II Academic Requirements Committee. (See Bylaw 14.1.2.2.) *(Adopted: 4/26/07, Revised: 11/1/07 effective 8/1/08)*

21.6.5.3 Terms. [#] Committee members shall be appointed to one four-year term. A member's term of service shall commence on the first day of January following the member's appointment. A member may be appointed to one additional term. An individual who has served two terms may not be re-appointed. Terms of service shall run concurrently with Division I Academics Cabinet and Division II Academic Requirements Committee service for members filling those roles. *(Adopted: 4/26/07, Revised: 11/1/07 effective 8/1/08)*

21.6.5.4 Appeals. The committee determination shall be final, binding and conclusive and shall not be subject to further review by any other authority. *(Adopted: 4/27/07, Revised: 11/1/07 effective 8/1/08)*

21.7 DIVISION I CABINETS AND COMMITTEES

21.7.1 Eligibility for Membership.

21.7.1.1 "On the Staff." Individuals serving on Division I cabinets or committees, or as Division I representatives on Association-wide or common committees shall be salaried on a regular basis by a Division I institution or conference and perform a regular staff function representing at least 50 percent of the normal workload for a staff member at that institution or conference, unless otherwise specified. In addition, a conference office staff member must be employed at a single or multisport conference that meets the requirements for automatic qualification and he or she must be nominated by a multisport conference set forth in Constitution 4.2.1. *(Adopted: 1/14/97 effective 8/1/97, Revised: 10/31/02 effective 8/1/03, 1/8/07)*

21.7.1.1.1 Modification in Employment Status. If a cabinet or committee member's employment status is altered to the extent that the individual no longer meets this requirement, the individual shall be replaced. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.1.1.2 Individuals on Sabbatical or Temporary Leave. An individual on sabbatical or other temporary leave for a period not exceeding 12 consecutive months may be considered to be "on the staff" and eligible for cabinet or committee membership. An individual on terminal leave or on leave in excess of

12 consecutive months shall not be eligible to serve on a cabinet or committee. *(Adopted: 1/14/97 effective 8/1/97)*

21.7.1.1.3 Waiver of Replacement Requirement. The Administration Cabinet, subject to ratification by the Board of Directors, shall have the authority to waive this provision or to approve a delayed replacement if it deems that an immediate replacement would be detrimental to the work of the cabinet or committee involved. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.1.1.4 Exception—Secretary-Rules Editor. An individual serving as the secretary rules-editor on a sport rules committee shall not be subject to the "on the staff" requirement set forth in Bylaw 21.7.1.1.*(Adopted: 8/9/01)*

21.7.1.1.5 Exception—Playing Rules Committees. Institutional staff members from Division II or Division III institutions that sponsor a Division I sport may serve on that sport's playing rules committee as a Division I representative, provided at least 25 percent of the institutions that sponsor the sport are Division II or III institutions. *(Adopted: 1/8/07 effective 8/1/07)*

21.7.2 Representation. No subdivision shall have more than 50 percent representation on any committee unless approved by a vote of at least 85 percent of the Board of Directors. The Board of Directors, the Leadership Council, the Legislative Council, the cabinets and football-related committees are not subject to this requirement. *(Adopted: 1/14/97 effective 8/1/97, Revised: 6/4/07, 11/1/07 effective 8/1/08)*

21.7.2.1 Exception. The following committees shall not be subject to the requirement that no subdivision shall have more than 50 percent representation on any committee: *(Adopted: 10/27/98, Revised: 8/8/02, 10/31/02, 4/29/04, 5/30/07)*

(a) Committee on Infractions;
(b) Infractions Appeals Committee;
(c) Baseball Committee;
(d) Men's Basketball Committee;
(e) Women's Basketball Committee;
(f) Men's Basketball Issues Committee; *(Adopted: 8/8/02)*
(g) Men's Gymnastics Committee; *(Adopted: 4/24/03)*
(h) Women's Basketball Issues Committee; *(Adopted: 8/8/02)*
(i) Men's Soccer Committee;
(j) Women's Gymnastics Committee; *(Adopted: 11/1/01)*
(k) Women's Soccer Committee;
(l) Women's Softball Committee;
(m) Women's Volleyball Committee;
(n) Wrestling Committee; *(Adopted: 1/14/08)*
(o) Committee on Student-Athlete Reinstatement; and
(p) Committee on Academic Performance.

21.7.3 Appointments, Methods of Selection and Term of Office. [◆]

21.7.3.1 Appointment of Cabinets—Conference Representation. [◆] Each conference listed in Constitution 4.2.1-(a) shall have one representative on each of the cabinets. Each of the conferences listed in Constitution 4.2.1-(b) shall have at least two representatives on the cabinets in the aggregate. *(Adopted: 1/14/97 effective 8/1/97, Revised: 12/15/06, 11/1/07 effective 8/1/08)*

21.7.3.1.1 Conference Rotations. [◆] In consultation with the conferences listed in Constitution 4.2.1-(b), the Leadership Council shall assure that there is a fair rotation among those conferences of representation on more than two cabinets at any one time, and that over any period of time there is a fair rotation of representation on each cabinet. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.3.1.2 Appointments.

21.7.3.1.2.1 Appointments by Conferences. [◆] Subject to the provisions of this section, each conference shall appoint its cabinet representatives. *(Adopted: 1/14/97 effective 8/1/97)*

21.7.3.1.2.2 Coordination of Appointments. [◆] The conferences represented in each subdivision (as identified in Constitution 4.2.1) shall review the open cabinet positions in the subdivision and shall coordinate the appointments to those positions to assure consistency with the compositional requirements of each cabinet and with the diversity requirements in Constitution 4.02.5. *(Adopted: 1/14/97 effective 8/1/97, Revised: 12/15/06, 11/1/07 effective 8/1/08)*

21.7.3.1.2.3 Review of Appointments. [◆] Each subdivision must meet the requirements of Constitution 4.02.5 when making appointments to the cabinets. The Board of Directors shall review the appointments from each subdivision and may direct any subdivision or conference to revise its appointments. *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/24/03, 11/1/07 effective 8/1/08)*

21.7.3.1.2.4 Chairs. [◆] Each cabinet shall elect one of its members to serve for a period of not more than two years as chair. At least once in every three chair rotations on each cabinet, a Football Championship Subdivision or Division I Subdivision member shall serve as chair. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.3.2 Term of Office of Cabinets. The term of office for members of cabinets shall be as follows: *(Adopted: 11/1/07 effective 8/1/08)*

(a) Members of cabinets shall be appointed for one four-year term. A former cabinet or committee member may be appointed to an additional term on that cabinet or committee after three years have elapsed. An individual who has served two terms on a cabinet or committee may not serve further on that cabinet or committee;

(b) The terms of office of Football Bowl Subdivision positions and Football Championship Subdivision and Division I Subdivision positions shall expire on a staggered basis to provide for continuity. Members may be appointed for less than full terms;

(c) The terms of office shall commence on the first day of July following the member's appointment;

(d) Members who serve more than one-half of a term shall be considered to have served a full term;

(e) A conference may remove its representative to a cabinet during a term; and

(f) The chair of each cabinet may recommend to the Administration Cabinet that a member be replaced if he or she is not properly discharging his or her duties.

21.7.3.3 Appointment of Committees. The Administration Cabinet shall make committee appointments. When specified, committees that are subordinate to a cabinet (and their chairs) shall be appointed by that cabinet. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.3.4 Term of Office of Committees. The term of office for members of committees shall be as follows: *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

(a) Unless otherwise specified, members of committees shall be appointed for one four-year term. A former committee member may be appointed to an additional term on that committee after three years have elapsed. An individual who has served two terms on a committee may not serve further on that committee;

(b) Unless otherwise specified, a term of office shall commence on the first day of September following the member's appointment;

(c) Members who serve more than one-half of a term shall be considered to have served a full term; and

(d) The chair of each committee may recommend to the applicable cabinet or the Administration Cabinet that a member be replaced if he or she is not properly discharging his or her duties.

21.7.4 Meeting Length and Sites. The Administration Cabinet, subject to ratification by the Board of Directors, is responsible for developing policies governing the length, sites and expenses related to Division I cabinet and committee meetings (see Bylaw 31.7.2). *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.5 Cabinets.

21.7.5.1 Academics Cabinet.

21.7.5.1.1 Composition. The Academics Cabinet shall consist of 21 members, including one member from each of the conferences listed in Constitution 4.2.1-(a) and 10 members from among the conference listed in Constitution 4.2.1-(b). *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/27/00 effective 8/1/00, 11/01/01, 4/25/02 effective 8/1/02, 12/15/06, 11/1/07 effective 8/1/08)*

21.7.5.1.1.1 Student-Athlete Representation. One member of the Division I Student-Athlete Advisory Committee shall serve as a member of the cabinet in an advisory capacity and may serve on the cabinet up to one year after completion of his or her intercollegiate athletics eligibility. *(Adopted: 11/1/01, Revised: 8/7/03, 11/1/07 effective 8/1/08)*

21.7.5.1.2 Duties. The cabinet shall: *(Adopted: 11/1/07 effective 8/1/08)*

(a) Be responsible for review and consideration of the portions of Division I legislation that relate to principles of sound academic requirements;

(b) Work with the Division II governance structure to ensure that consistent policies exist when possible, while maintaining each division's philosophy and legislative initent;

(c) Study issues and make policy or legislative recommendations concerning relationships between the Association and the nation's two-year colleges as represented by established regional and national organizations;

(d) Oversee academic policies;

(e) Establish, manage and monitor eligibility standards related policies; and

(f) Serve as the final appellate body for academic waivers as specified by legislation and/or policy.

21.7.5.1.3 Committees. The following committees shall report directly to the Academics Cabinet. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.5.1.3.1 Initial-Eligibility Waivers Committee.

21.7.5.1.3.1.1 Composition. The Initial-Eligibility Waivers Committee shall consist of 20 members appointed by the Administration Cabinet. *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/15/97, 10/30/03, 11/1/07 effective 8/1/08)*

21.7.5.1.3.1.2 Term of Office. A member's term of office shall commence on the first day of January following the member's appointment. *(Adopted: 4/27/00)*

21.7.5.1.3.1.3 Duties. The committee shall be responsible for reviewing requests for waivers of the initial-eligibility requirements in accordance with Bylaw 14.3.1.5. *(Adopted: 1/14/97 effective 8/1/97)*

21.7.5.1.3.1.4 Appeals. After the Initial-Eligibility Waivers Committee has acted on an initial-eligibility matter, the involved institution may appeal the decision to the Academics Cabinet. The cabinet determination shall be final, binding and conclusive and shall not be subject to further review by any other authority. *(Adopted: 4/15/97, Revised: 11/1/07 effective 8/1/08)*

21.7.5.1.3.2 Progress-Toward-Degree Waivers Committee.

21.7.5.1.3.2.1 Composition. The Progress-Toward-Degree Waivers Committee shall consist of eight members appointed by the Administration Cabinet. *(Revised: 4/24/03, 11/1/07 effective 8/1/08)*

21.7.5.1.3.2.2 Duties. The committee shall be responsible for reviewing requests for waivers of all progress-toward-degree requirements set forth in Bylaw 14.4.3.

21.7.5.1.4 Common Committees. The following committees shall report to the Academics Cabinet regarding issues related to Division I: *(Adopted: 11/1/07 effective 8/1/08)*

(a) International-Student Records Committee;

(b) High School Review Committee; and

(c) Student Records Review Committee.

21.7.5.2 Administration Cabinet.

21.7.5.2.1 Composition. The Administration Cabinet shall consist of 21 members, including one member from each of the conferences listed in Constitution 4.2.1-(a) and 10 members from among the conferences listed in Constitution 4.2.1-(b). *(Adopted: 11/1/07 effective 8/1/08)*

21.7.5.2.1.1 Student-Athlete Representation. One member of the Division I Student-Athlete Advisory Committee shall serve as a member of the cabinet in an advisory capacity and may serve on the cabinet up to one year after completion of his or her intercollegiate athletics eligibility. *(Adopted: 11/1/07 effective 8/1/08)*

21.7.5.2.2 Duties. The cabinet shall: *(Adopted: 11/1/07 effective 8/1/08)*

(a) Oversee the administrative functions related to the management of the governance structure;

(b) Appoint the members of the substructure (e.g., cabinets and committees);

(c) Administer the legislation and policies and procedures related to Division I membership; and

(d) In conjunction with the Research Committee:

(1) Evaluate, supervise and coordinate research activities;

(2) Make recommendations regarding expenditures of funds for research projects; and

(3) Make recommendations concerning research topics in intercollegiate athletics.

21.7.5.2.3 Association-Wide Committees. The following committees shall report to the Administration Cabinet regarding issues related to Division I: *(Adopted: 11/1/07 effective 8/1/08)*

(a) Honors Committee;

(b) Postgraduate Scholarship Committee;

(c) Research Committee;

(d) Walter Byers Scholarship Committee.

21.7.5.3 Amateurism Cabinet.

21.7.5.3.1 Composition. The Amateurism Cabinet shall consist of 21 members, including one member from each of the conferences listed in Constitution 4.2.1-(a) and 10 members from among the conferences listed in Constitution 4.2.1-(b). *(Adopted: 11/1/07 effective 8/1/08)*

21.7.5.3.1.1 Student-Athlete Representation. One member of the Division I Student-Athlete Advisory Committee shall serve as a member of the cabinet in an advisory capacity and may serve on

the cabinet up to one year after completion of his or her intercollegiate athletics eligibility. *(Adopted: 11/1/07 effective 8/1/08)*

21.7.5.3.2 Duties. The cabinet shall: *(Adopted: 11/1/07 effective 8/1/08)*

(a) Be responsible for review and consideration of the portions of Division I legislation that relate to principles of amateurism;

(b) Study issues and make policy or legislative recommendations concerning the relationship between intercollegiate athletics and professional teams and organizations;

(c) Study issues and make policy or legislative recommendations related to commercialism and the use of student-athletes' names and likenesses; and

(d) Serve as the final appellate body for cases involving the determination of facts related to the certification of amateur status per Bylaw 12.01.1.

21.7.5.3.3 Amateurism Fact-Finding Committee. The Amateurism Fact-Finding Committee shall report directly to the Amateurism Cabinet. *(Adopted: 8/3/06, Revised: 11/1/07 effective 8/1//08)*

21.7.5.3.3.1 Composition. The Amateurism Fact-Finding Committee shall consist of 15 members appointed by the Amateurism Cabinet. *(Adopted: 8/3/06, Revised: 11/1/07 effective 8/1/08)*

21.7.5.3.3.2 Duties. The committee shall be responsible for making a determination of facts related to the certification of a prospective student-athlete's amateur status on request of an institution. An institution may make such a request if it disagrees with the determination of facts rendered by the NCAA Eligibility Center. *(Adopted: 8/3/06, Revised: 11/1/07 effective 8/1/08)*

21.7.5.3.3.3 Appeals. After the Amateurism Fact-Finding Committee has acted on an amateurism certification case, the involved institution may appeal the determination of facts to the Amateurism Cabinet. The cabinet determination shall be final, binding and conclusive and shall not be subject to further review by any other authority. *(Adopted: 8/3/06, Revised: 11/1/07 effective 8/1/08)*

21.7.5.4 Awards, Benefits, Expenses and Financial Aid Cabinet.

21.7.5.4.1 Composition. The Awards, Benefits, Expenses and Financial Aid Cabinet shall consist of 21 members, including one member from each of the conferences listed in Constitution 4.2.1-(a) and 10 members from among the conferences listed in Constitution 4.2.1-(b). *(Adopted: 11/1/07 effective 8/1/08)*

21.7.5.4.1.1 Student-Athlete Representation. One member of the Division I Student-Athlete Advisory Committee shall serve as a member of the cabinet in an advisory capacity and may serve on the cabinet up to one year after completion of his or her intercollegiate athletics eligibility. *(Adopted: 11/1/07 effective 8/1/08)*

21.7.5.4.2 Duties. The cabinet shall: *(Adopted: 11/1/07 effective 8/1/08)*

(a) Be responsible for review and consideration of the portions of Division I legislation that relate to principles of awards, benefits, expenses and financial aid;

(b) Study issues and make policy or legislative recommendations related to the provision of financial aid to student-athletes; and

(c) Study issues and make policy or legislative recommendations related to the provision of awards, benefits and expenses to student-athletes (excluding awards, benefits and expenses related to NCAA championships).

21.7.5.5 Championships/Sports Management Cabinet.

21.7.5.5.1 Composition. The Championships/Sports Management Cabinet shall consist of 31 members with conference representation and weighted votes identical to the Legislative Council as set forth in Constitution 4.6.1-(a) through 4.6.1-(c). *(Adopted: 1/14/97 effective 8/1/97, Revised: 8/5/99, 12/15/06, 11/1/07 effective 8/1/08)*

21.7.5.5.1.1 Student-Athlete Representation. One member of the Student-Athlete Advisory committee shall serve as a member of the cabinet in an advisory capacity and may serve on the cabinet up to one year after completion of his or her intercollegiate athletics eligibility. *(Adopted: 11/1/01, Revised: 11/1/07 effective 8/1/08)*

21.7.5.5.2 Duties. The cabinet shall: *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

(a) In championships administration:

(1) Supervise qualification and/or selection procedures for National Collegiate Championships and Division I championships;

(2) Review recommendations from sports committees regarding the administration of those championships;

(3) Process other issues related to the administration of those championships; and

(4) Act for the Leadership Council as the final authority regarding championships matters in Division I or in a National Collegiate Championship that are subject to appeal to the Leadership

Council (excluding appeals of championships selection or assignment in championships competition). *(Revised: 11/1/07 effective 8/1/08)*

(b) In working with the Association-wide Committee on Competitive Safeguards and Medical Aspects of Sports:

(1) Assist in the collection and development of pertinent information regarding desirable training methods, prevention and treatment of sports injuries, usage of sound safety measures at the college level, drug education and drug testing;

(2) Assist in the dissemination of such information as might be brought appropriately to the attention of the membership and adopt recommended policies and standards designed to further the above objectives; and

(3) Assist in the supervision of the Association's drug-education and drug-testing programs under the direction of the Executive Committee.

(c) In other areas:

(1) Be responsible for issues involving postseason football contests, college all-star football and basketball contests and exempted contests. The Football Bowl Subdivision members shall vote on bowl subdivision football matters; the Football Championship Subdivision members shall vote on championship subdivision football matters, and all members, regardless of subdivision, shall vote on all other matters; and *(Revised: 12/15/06)*

(2) Be responsible for issues involving playing and practice seasons.

(d) In conjunction with the Association-wide Olympic Sports Liaison Committee: *(Adopted: 8/5/99)*

(1) Act as a liaison between Division I, the United States Olympic Committee and national governing bodies; and

(2) Study and make recommendations concerning the Division's and the Association's appropriate role and the involvement of student-athletes in international athletics.

21.7.5.5.3 Committees. The committees listed in this section shall report directly to the Championships/Sports Management Cabinet. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.5.5.3.1 Men's Basketball Issues Committee.

21.7.5.5.3.1.1 Composition. The composition of the Division I Men's Basketball Issues Committee shall consist of 16 voting members, including eight members appointed by and representing the Football Bowl Subdivision (one allocated for a current head men's basketball coach or designated alternate coach); six members appointed by and representing the Football Championship Subdivision and Division I Subdivision (one allocated to a current head men's basketball coach or designated alternate coach) and two men's basketball student-athletes, one representing the Football Bowl Subdivision and one representing the Football Championship and Division I Subdivisions. Serving as an ex officio member without a vote shall be a member of the NCAA Men's Basketball Committee. *(Adopted: 4/27/00, Revised 8/8/02, 12/15/06)*

21.7.5.5.3.1.2 Duties. The committee shall ensure appropriate oversight of men's basketball is maintained, with emphasis on recruiting activities, enhance the development and public perception of the sport and make recommendations on policy issues unrelated to legislative and playing rules changes. *(Adopted: 4/27/00 Revised: 8/8/02)*

21.7.5.5.3.2 Women's Basketball Issues Committee.

21.7.5.5.3.2.1 Composition. The composition of the Division I Women's Basketball Issues Committee shall consist of 16 voting members; including eight members appointed by and representing the Football Bowl Subdivision (one allocated for a current head women's basketball coach or designated alternate coach); six members appointed by and representing the Football Championship Subdivision and Division I Subdivision (one allocated to a current head women's basketball coach or designated alternate coach) and two women's basketball student-athletes, one representing the Football Bowl Subdivision and one representing the Football Championship and Division I Subdivisions. Serving as an ex officio member without a vote shall be a member of the NCAA Women's Basketball Committee. *(Revised: 12/15/06)*

21.7.5.5.3.2.2 Duties. The committee shall ensure appropriate oversight of women's basketball is maintained, with emphasis on recruiting activities, enhance the development and public perception of the sport and make recommendations on policy issues unrelated to legislative and playing rules changes.

21.7.5.5.3.3 Football Issues Committee.

21.7.5.5.3.3.1 Composition. The Football Issues Committee shall consist of 24 members and shall be constituted as follows: *(Adopted: 1/14/97 effective 8/1/97, Revised: 10/28/97, 8/5/99, 11/1/01, 4/29/04 effective 8/1/04)*

(a) One representative from each of the Football Bowl Subdivision conferences identified in Constitution 4.2.1-(a); *(Revised: 12/15/06)*

(b) One representative from each of the Football Championship Subdivision conferences from which representatives may be selected to the Football Championship Subdivision Governance Committee. If a conference that qualifies for a representative pursuant to this provision has a representative on the Football Championships Committee, the same representative shall serve on both committees; *(Revised: 10/29/04, 12/15/06, 8/7/08)*

(c) Two student-athletes. One student-athlete shall be from the Football Bowl Subdivision and one student-athlete shall be from the Football Championship Subdivision; *(Revised: 12/15/06)*

(d) One representative of the Football Bowl Subdivision and one representative of the Football Championship Subdivision shall be a current head football coach; and *(Adopted: 4/29/04 effective 8/1/04, Revised: 12/15/06)*

(e) One representative from the Football Rules Committee. *(Adopted: 8/7/08)*

21.7.5.5.3.3.2 Duties. The committee shall be responsible for the review of issues related to football in Division I, including postseason bowl licensing (see Bylaw 30.9). Football Subdivision and Football Bowl Championship Subdivision members shall vote separately on football issues that pertain only to their respective subdivision. *(Adopted: 1/14/97 effective 8/1/97, Revised: 10/28/97, 12/15/06, 8/7/08)*

21.7.5.5.4 Association-Wide Committees. The following committees shall report to the Championships/Sports Management Cabinet regarding issues related to Division I: *(Adopted: 11/1/07 effective 8/1/08)*

(a) Committee on Competitive Safeguards and Medical Aspects of Sports;

(b) Olympic Sports Liaison Committee; and

(c) Playing Rules Oversight Panel.

21.7.5.5.5 Sports Committees.

21.7.5.5.5.1 Rules Committees without Championships Responsibilities. These Association-wide committees shall report to the Championships/Sports Management Cabinet for Division I review of the playing rules developed by those committees, which are applicable to all divisions. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.5.5.5.2 Rules Committees with Championships Responsibilities. These common committees shall report to the Championships/Sports Management Cabinet for Division I review of the playing rules developed by those committees, which are applicable to all divisions. Each committee shall act as one body to formulate playing rules and to administer championships in those sports in which there is only a National Collegiate Championship. Division I members of each committee shall be responsible for administering the Division I championship in the sport. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.5.5.5.2.1 Administration of Championships. Each committee shall develop policies and procedures governing the administration of the NCAA championships under its jurisdiction, subject to the approval of the Championships/Sports Management Cabinet, and shall control, direct and supervise the conduct of said championships subject to the requirements, standards and conditions prescribed by Bylaw 31. The Men's and Women's Track and Field Committee shall be responsible for the Association's cross country, indoor track and field, and outdoor track and field championships. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.5.5.5.2.2 Regional Advisory Committees. Regional advisory committees may be appointed by each sports committee as prescribed by the Championships/Sports Management Cabinet. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.5.5.5.3 Committees with Championships Administration and Sports Issues Responsibilities. These sports committees shall be responsible for administering the Division I championships or National Collegiate Championships in the applicable sport. Those committees that administer National Collegiate Championships may include representatives from member institutions in Divisions II and III. Those committees administering Division I championships may meet with committees administering championships in the same sport in other divisions as appropriate for the efficient administration of the championships. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.5.5.5.3.1 Composition Requirements. For committees that administer championships in individual sports, at least 25 percent of the positions on each sports committee shall be filled by athletics administrators (e.g., athletics directors, associate or assistant athletics directors, senior woman administrators, individuals who are employed full time as administrators by member conferences, or individuals who are employed both part time as administrators by member conferences and full time by member institutions). For committees that administer championships in team sports, at least 50 percent of the positions on each sports committee shall be filled by athletics administrators. *(Adopted: 1/14/97 effective 8/1/97)*

21.7.5.5.5.3.2 Duties. Each committee shall be responsible for: *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

(a) Developing policies and procedures governing the administration and conduct of the NCAA championships under its jurisdiction, subject to the approval of the Championships/Sports Management Cabinet and the requirements, standards and conditions prescribed by Bylaw 31; and *(Revised: 11/1/07 effective 8/1/08)*

(b) The review of issues related to the applicable sport (except for those sports in which specific issues committees exist). *(Adopted: 11/1/07 effective 8/1/08)*

21.7.5.5.5.3.3 Championships Selection Criteria. Each committee shall have the authority to establish championships selection criteria, including requirements to use regular-season playing rules that conform with rules used in NCAA championships under its jurisdiction in those sports for which the Association does not maintain playing rules. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.5.5.5.3.4 Regional Advisory Committees. Regional advisory committees may be appointed by each sports committee as prescribed by the Championships/Sports Management Cabinet. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.5.5.5.3.5 Baseball Committee. The Baseball Committee shall consist of 10 members, including one member from each of the eight Division I baseball regions and two members selected at large. Six members shall be representatives from Football Bowl Subdivision institutions, and four members shall be representatives from Football Championship and Division I Subdivision institutions. *(Adopted: 1/14/97 effective 8/1/97, Revised: 10/27/98, 12/15/06)*

21.7.5.5.5.3.6 Men's Basketball Committee. The Men's Basketball Committee shall consist of 10 members, including one member from each of the four Division I men's basketball regions and six members selected at large. No more than three committee members shall represent any single region. Six members shall be representatives from Football Bowl Subdivision institutions, and four members shall be representatives from Football Championship and Division I Subdivision institutions. *(Adopted: 1/14/97 effective 8/1/97, Revised: 10/27/98, 12/15/06)*

21.7.5.5.5.3.6.1 Term of Office. Committee members shall be appointed for a five-year term. *(Adopted: 4/25/02 effective 8/1/02)*

21.7.5.5.5.3.7 Women's Basketball Committee. The Women's Basketball Committee shall consist of 10 members, including one member from each of the four Division I women's basketball regions and six members selected at large. No more than three committee members shall be from any single region. Six members shall be representatives from Football Bowl Subdivision institutions, and four members shall be representatives from Football Championship and Division I Subdivision institutions. *(Adopted: 1/14/97 effective 8/1/97, Revised: 10/27/98, 4/27/06, composition will be achieved through normal attrition, 12/15/06)*

21.7.5.5.5.3.7.1 Term of Office. Committee members shall be appointed for a five-year term. *(Adopted: 4/25/02 effective 8/1/02)*

21.7.5.5.5.3.8 Men's and Women's Fencing Committee. The Men's and Women's Fencing Committee shall consist of eight members. Four members shall represent men's fencing interests, including one representative from each of the four men's fencing regions. Four members shall represent women's fencing interests, including one representative from each of the four women's fencing regions. *(Adopted: 1/14/97 effective 8/1/97)*

21.7.5.5.5.3.9 Field Hockey Committee. The Field Hockey Committee shall consist of six members. One member shall be selected from each of the five Division I field hockey regions, and one member shall be selected at large. *(Adopted: 1/14/97 effective 8/1/97, Revised: 1/12/99 effective 8/1/99)*

21.7.5.5.5.3.10 Football Championship Committee. The Football Championship Committee shall consist of one representative from each conference that is eligible for and applies for an automatic qualification for participation in the Division I Football Championship. *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/20/99 effective 8/1/99, 12/15/06, 8/7/08)*

21.7.5.5.5.3.11 Men's Golf Committee. The Men's Golf Committee shall consist of six members. *(Adopted: 1/14/97 effective 8/1/97, Revised: 10/28/97 effective 8/1/98,4/20/99 effective 8/1/99, 10/28/99)*

21.7.5.5.5.3.12 Women's Golf Committee. The Women's Golf Committee shall consist of six members. *(Adopted: 10/28/99)*

21.7.5.5.5.3.13 Men's Gymnastics Committee. The Men's Gymnastics Committee shall consist of six members, including at least two representatives from each of the two men's gymnastics regions (East and West) and two representatives selected at large. *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/24/03)*

21.7.5.5.5.3.14 Women's Gymnastics Committee. The Women's Gymnastics Committee shall consist of seven members, including six members from Division I and one member from Division II or III. The six Division I members shall include one member from each of the six women's gymnastics regions and the Division II or III member may represent any of the six women's gymnastics regions. Further, the Division II or III member shall be excluded in determining whether the 50 percent administrator committee composition requirements per Bylaw 21.4.1.2 are met. *(Adopted: 1/14/97 effective 8/1/97, Revised: 10/28/99 effective 8/1/00, 4/26/01)*

21.7.5.5.5.3.15 Men's Ice Hockey Committee. The Men's Ice Hockey Committee shall consist of six members, including one member from each of the five eligible conferences and one at-large member. *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/26/01)*

21.7.5.5.5.3.16 Men's Lacrosse Committee. The Men's Lacrosse Committee shall consist of five members, including two representatives from the North region, two representatives from the South region and one representative from the West region. Of the five members, at least two must be coaches. *(Revised: 4/27/06)*

21.7.5.5.5.3.17 Women's Lacrosse Committee. The Women's Lacrosse Committee shall consist of six members, including one representative from each of the four regions (Northeast, Mid-Atlantic, South and West/Midwest) and two representatives selected at-large. No more than two committee members shall be from any single region. *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/20/99 effective 8/1/99, 4/27/00, 4/24/03 effective 8/1/03, 5/18/05, 4/27/06, composition will be achieved through normal attrition)*

21.7.5.5.5.3.18 Women's Rowing Committee. The Women's Rowing Committee shall consist of seven members, including one from each of the five Division I women's rowing regions and two selected at-large. *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/26/01 effective 8/1/01)*

21.7.5.5.5.3.19 Men's Soccer Committee. The Men's Soccer Committee shall consist of 10 members, including one member from each of the eight Division I men's soccer regions and two members selected at large. Six members shall be representatives from Football Bowl Subdivision institutions, and four members shall be representatives from Football Championship and Division I Subdivision institutions. *(Adopted: 1/14/97 effective 8/1/97, Revised: 10/27/98, 1/12/99 effective 8/1/99, 12/15/06)*

21.7.5.5.5.3.20 Women's Soccer Committee. The Women's Soccer Committee shall consist of 10 members, including one member from each of the eight Division I women's soccer regions and two members selected at large. No more than two members of the committee may be appointed from the same region. Six members shall be representatives from Football Bowl Subdivision institutions, and four members shall be representatives from Football Championship and Division I Subdivision institutions. *(Adopted: 1/14/97 effective 8/1/97, Revised: 10/27/98, 1/12/99 effective 8/1/99, 4/26/01 effective 8/1/01, 12/15/06, 10/30/08)*

21.7.5.5.5.3.21 Women's Softball Committee. The Women's Softball Committee shall consist of 10 members, including one representative from each of the six regions. No more than two members of the committee may be appointed from the same region. Six members shall be representatives from Football Bowl Subdivision institutions and four members shall be representatives from Football Championship and Division I Subdivision institutions. *(Adopted: 1/14/97 effective 8/1/97, Revised: 10/27/98, 4/20/99 effective 8/1/99, 4/27/00, 12/15/06)*

21.7.5.5.5.3.22 Men's and Women's Tennis Committee. The Men's and Women's Tennis Committee shall consist of 12 members. Six members of the committee shall represent men's tennis interests and six members shall represent women's tennis interests, including four positions allocated for men, four allocated for women and four unallocated. No more than one of the six members representing men's tennis interests shall be selected from any one of the six Division I men's tennis regions. No more than one of the six members representing women's tennis interests shall be selected from any one of the six Division I women's tennis regions. *(Adopted: 1/14/97 effective 8/1/97, Revised: 1/12/99 effective 8/1/99, 11/1/00, 10/27/06)*

21.7.5.5.5.3.23 Men's Volleyball Committee. The Men's Volleyball Committee shall consist of three members. One member shall be selected from each of the three Division I men's volleyball regions. *(Adopted: 1/14/97 effective 8/1/97, Revised: 1/12/99 effective 8/1/99)*

21.7.5.5.5.3.24 Women's Volleyball Committee. The Women's Volleyball Committee shall consist of 10 members, including one member from each of the eight Division I women's volleyball districts and two members selected at large. Six members shall be representatives from Football Bowl Subdivision institutions, and four members shall be representatives from Football Championship and Division I Subdivision institutions. *(Adopted: 1/14/97 effective 8/1/97, Revised: 10/27/98, 1/12/99 effective 8/1/99, 12/15/06)*

21.7.5.6 Recruiting and Athletics Personnel Issues Cabinet.

21.7.5.6.1 Composition. The Recruiting and Athletics Personnel Issues Cabinet shall consist of 21 members, including one member from each of the conferences listed in Constitution 4.2.1-(a) and 10 members from among the conferences listed in Constitution 4.2.1-(b). *(Adopted: 11/1/07 effective 8/1/08)*

21.7.5.6.1.1 Student-Athlete Representation. One member of the Student-Athlete Reinstatement Committee shall serve as a member of the cabinet in an advisory capacity and may serve on the cabinet up to one year after completion of his or her intercollegiate athletics eligibility. *(Adopted: 11/1/07 effective 8/1/08)*

21.7.5.6.2 Duties. The cabinet shall: *(Adopted: 11/1/07 effective 8/1/08)*

(a) Be responsible for review and consideration of the portions of Division I legislation that relate to principles of recruiting and athletics personnel;
(b) Study issues and make policy or legislative recommendations related to the recruiting process; and
(c) Study issues and make policy or legislative recommendations related to athletics personnel issues.

21.7.6 Committees Reporting to the Leadership Council.

21.7.6.1 Association-Wide Committees. The following committees shall report to the Leadership Council regarding issues related to Division I: *(Revised: 11/1/07 effective 8/1/08)*

(a) Committee on Women's Athletics;
(b) Minority Opportunities and Interests Committee; and
(c) Committee on Sportsmanship and Ethical Conduct.

21.7.6.2 Student-Athlete Advisory Committee.

21.7.6.2.1 Composition. The Student-Athlete Advisory Committee shall consist of one student-athlete from each of the conferences identified in Constitution 4.2.1. The members shall be selected by the Administration Cabinet from a pool of three nominees from each of the represented conferences. *(Revised: 11/1/07 effective 8/1/08)*

21.7.6.2.2 Term of Office. A student-athlete member shall not serve more than two years on the committee but may request appointment for another two-year term, subject to the Administration Cabinet's approval. *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/26/01 effective 8/1/01, 11/1/07 effective 8/1/08)*

21.7.6.2.3 Role with Leadership Council and Legislative Council. The Student-Athlete Advisory Committee shall designate one of its members to participate in each meeting of the Leadership Council in an advisory capacity and one of its members to participate in each meeting of the Legislative Council in an advisory capacity. *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.6.2.4 Duties. The committee shall receive information on an explanations of divisional activities and legislation, review and react to topics referred to by other government entities and comment to the governance structure on any divisional subject of interest. *(Adopted: 1/14/97 effective 8/1/97)*

21.7.7 Committees Reporting to the Legislative Council.

21.7.7.1 Committee on Athletics Certification. The Committee on Athletics Certification shall be appointed as provided in Bylaw 22.1 and its duties assigned as set forth in Bylaw 22.1.2 (See Bylaws 22 and 33 for details regarding the committee and the division's procedures related to athletics certification.) *(Adopted: 1/14/97 effective 8/1/97)*

21.7.7.2 Legislative Review/Interpretations Committee.

21.7.7.2.1 Composition. The Legislative Review/Interpretations Committee shall consist of nine members, including a minimum of two members representing each subdivision and a minimum of one director of athletics/senior woman administrator, one campus compliance administrator, one conference administrator and one faculty athletics representative. *(Adopted: 8/5/04)*

21.7.7.2.2 Duties. The committee shall: *(Adopted: 8/5/04)*

(a) Determine interpretations of all legislation;
(b) Review interpretations issued by the membership services staff and, if necessary, modify such interpretations; and
(c) Respond to requests from the member institutions to interpret Division I bylaws (See Constitution 5.4.1.2.1.); and
(d) Identify interpretations to be incorporated into the NCAA Division I Manual.

21.7.7.2.3 Special Operating Rules. The committee shall not have the authority to alter interpretations that have been approved by the Legislative Council. Its decision shall be binding unless overturned on appeal to the Legislative Council at its regularly scheduled meeting. *(Adopted: 8/5/04, Revised: 11/1/07 effective 8/1/08)*

21.7.7.3 Committee on Student-Athlete Reinstatement.

21.7.7.3.1 Composition. The Committee on Student-Athlete Reinstatement shall consist of five members. *(Adopted: 11/1/01, Revised: 1/9/06, 11/1/07 effective 8/1/08)*

21.7.7.3.1.1 Student-Athlete Representation. One member of the Student-Athlete Advisory Committee shall serve as a member of the committee in an advisory capacity and may serve up to one year after completion of his or her collegiate athletics eligibility. The student-athlete member shall attend all in-person meetings and participate on teleconferences not associated with an appeal of a reinstatement case. *(Adopted: 1/9/06, Revised: 11/1/07 effective 8/1/08)*

21.7.7.3.2 Term of Office. Committee members shall be appointed for one three-year term. A member's term of service shall commence on the first day of July following the member's appointment. A committee member may be appointed to a second three-year term on the committee. An individual who has served two terms on the committee may not serve further on the committee. *(Adopted: 11/1/01, Revised: 8/4/05, 11/1/07 effective 8/1/08)*

21.7.7.3.3 Duties. The committee shall have the authority under Bylaw 14.12 to determine all matters pertaining to the policies and procedures for the restoration of eligibility of a student-athlete who is ineligible for intercollegiate competition as a result of a violation of NCAA legislation and for waivers of legislation for which the committee has been authorized to act. *(Adopted: 1/11/01, Revised: 11/1/07 effective 8/1/08)*

21.7.7.3.3.1 Application of Eligibility Rules. In fulfilling the duties set forth above, the following shall apply: *(Adopted: 1/11/01, Revised: 11/1/07 effective 8/1/08)*

(a) **Authority of the Student-Athlete Reinstatement Staff.** Subject to review by the Legislative Council, the student-athlete reinstatement staff is authorized to apply the eligibility rules of the division.

(b) **Appeals.** After the student-athlete reinstatement staff has acted on a reinstatement matter or waiver, the involved institution or conference may appeal the decision to the Committee on Student-Athlete Reinstatement. The committee's determination shall be final, binding and conclusive and shall not be subject to further review by any other authority. *(Revised: 4/20/09)*

21.7.8 Committees Reporting to Board of Directors.

21.7.8.1 Division I Presidential Advisory Group.

21.7.8.1.1 Composition. Giving due weight to gender and ethnic diversity, the Division I Presidential Group shall consist of one president or chancellor from each of the conferences identified in Constitution 4.2.1-(b), seven of whom shall be the current conference representatives on the Board of Directors. As a minimal goal, the group membership shall include at least one person who is an ethnic minority and at least one person of each gender and a single member shall not be considered to meet both minimums. *(Adopted: 4/28/05, Revised: 3/8/06, 12/15/06)*

21.7.8.1.2 Term of Office. The conferences identified in Constitution 4.2.1-(b) shall be authorized to determine the term of office of the committee members. *(Adopted: 4/28/05, Revised: 12/15/06, 1/14/08)*

21.7.8.1.3 Duties. The Division I Presidential Advisory Group shall advise and provide input to the seven members of the committee who serve on the Board of Directors. Members of the Presidential Advisory Group who represent Football Championship Subdivision conferences shall have the authority to act on behalf of the Football Championship Subdivision members of the Board of Directors on legislative issues that relate to championship subdivision football, subject to review by the full Board of Directors. *(Adopted: 4/28/05, Revised: 12/15/06, 1/14/09, 4/30/09)*

21.7.8.2 Committee on Academic Performance. The Committee on Academic Performance shall be appointed and its duties assigned as provided in Bylaw 23. (See Bylaw 23 for details regarding the committee and the procedures related to the academic performance program.) *(Adopted: 4/29/04, Revised: 11/1/07 effective 8/1/08)*

21.7.8.3 Committee on Infractions. The Committee on Infractions shall be appointed and its duties assigned as provided in Bylaw 19. (See Bylaws 19 and 32 for details regarding the committee and the enforcement policies and procedures.) *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

21.7.8.4 Infractions Appeals Committee. The Infractions Appeals Committee shall be appointed and its duties assigned as provided in Bylaws 19.2 and 32. (See Bylaws 19 and 32 for details regarding the committee and the enforcement policies and procedures.) *(Adopted: 1/14/97 effective 8/1/97, Revised: 11/1/07 effective 8/1/08)*

BYLAW, ARTICLE 22

Athletics Certification

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22.01 GENERAL PRINCIPLE

The central purpose of the certification program of the Association shall be to validate the fundamental integrity of member institutions' athletics programs through a verified and evaluated institutional self-study. The involvement of peer reviewers external to the institution shall provide the verification and evaluation of the methodology and results of the self-study. *(Adopted: 1/16/93 effective 1/1/94)*

22.1 COMMITTEE ON ATHLETICS CERTIFICATION

The Administration Cabinet shall appoint a Committee on Athletics Certification that shall be responsible for administration of the athletics certification program. *(Adopted: 1/16/93 effective 1/1/94, Revised: 11/1/07 effective 8/1/08)*

22.1.1 Composition of Committee. The committee shall be composed of a minimum of 12 members and shall include one president or chancellor, one faculty athletics representative, one director of athletics, one senior woman administrator and one conference commissioner. All shall be on the staff of a Division I active member institution or member conference. One of the members shall serve as chair. *(Adopted: 1/16/93 effective 1/1/94, Revised: 3/8/06)*

22.1.2 Duties of Committee. The duties of the Committee on Athletics Certification shall be as follows: *(Adopted: 1/16/93 effective 1/1/94)*

(a) To establish a pool of peer reviewers;

(b) To select and assign peer-review teams to each institution;

(c) To determine the schedule of participating institutions;

(d) To modify and refine standards and procedures for the peer-review evaluation visit as necessary;

(e) To establish and maintain procedures for the preparation of peer-review team reports and the review-team chair's comments related to an institution's response to the report;

(f) To establish and maintain procedures for determining whether intermittent peer-review visits should be conducted as a result of changes in an institution (e.g., new personnel);

(g) To determine the certification status of member institutions, per Bylaw 22.3;

(h) To review and recommend changes in the certification cycle if appropriate; and

(i) To carry out any other duties directly related to the administration of the Association's athletics certification program.

22.1.3 Conflict of Interest. During the time of their service, committee members shall not individually provide, or be part of a for-profit firm or organization that provides services in the area of athletics certification. *(Adopted: 1/10/95)*

22.2 MANDATORY SELF-STUDY AND EXTERNAL PEER REVIEW

Each member institution, at least once every 10 years, shall complete an institutional self-study, verified and evaluated through external peer review. The self-study shall encompass the following operating principles in three basic areas: *(Adopted: 1/16/93 effective 1/1/94, Revised: 1/14/97 effective 8/1/97)*

22.2.1 Governance and Commitment to Rules Compliance.

22.2.1.1 Institutional Control, Presidential Authority and Shared Responsibilities. The Association's principle of institutional control vests in the institution the responsibility for the conduct of its athletics program, including the actions of its staff members and representatives of its athletics interests. In fulfilling this principle, the institution shall demonstrate that:

(a) The institution's governing board provides oversight and broad policy formulation for intercollegiate athletics in a manner consistent with other units of the institution;

(b) The chancellor or president is assigned ultimate responsibility and authority for the operation, fiscal integrity and personnel of the athletics program; and *(Revised: 3/8/06, 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(c) Appropriate campus constituencies have the opportunity, under the purview of the president or chancellor, to provide input into the formulation of policies relating to the conduct of the athletics program and to review periodically the implementation of such policies. *(Revised: 3/8/06)*

22.2.1.2 Rules Compliance. Membership in the Association places the responsibility on each institution to ensure that its staff, student-athletes and other individuals and groups representing the institution's athletics interests comply with the applicable Association rules and regulations. Consistent with this responsibility, the institution shall demonstrate that:

(a) It has in place a set of written policies and procedures that are clearly communicated to athletics staff members and those individuals outside athletics who have rules-compliance responsibilities. These written policies and procedures must assign specific responsibilities in the areas of rules compliance, including assignment of direct accountability for rules compliance to the individual the president or chancellor assigns overall responsibility for the athletics program; *(Revised: 3/8/06, 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(b) In critical and sensitive areas, institutional compliance procedures provide for the regular participation of persons outside of the athletics department. The responsibility for admission, certification of academic standing, evaluation of academic performance and administration of financial aid for student-athletes must be vested in the same agencies that have authority in these matters for students in general; *(Revised: 1/8/07 effective 8/1/08 beginning the third athletics certification cycle)*

(c) Rules compliance is the subject of a continuous, comprehensive educational effort to a wide range of constituencies; *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(d) A clear and unambiguous commitment to rules compliance is a central element in all personnel matters for individuals involved in the intercollegiate athletics program; and

(e) At least once every four years, its rules-compliance program is the subject of evaluation by an authority outside the athletics department. The evaluation shall include a review of the following program areas: *(Revised: 4/24/03 effective 8/1/03, 4/30/09)*

(1) Governance and organization;
(2) Initial-eligibility certification;
(3) Continuing-eligibility certification;
(4) Transfer-eligibility certification;
(5) Academic Performance Program;
(6) Financial aid administration, including individual and team limits;
(7) Recruiting (e.g., contacts and evaluations, official and unofficial visits);
(8) Camps and clinics;
(9) Investigations and self-reporting of rules violations;
(10) Rules education;
(11) Extra benefits;
(12) Playing and practice seasons;
(13) Student-athlete employment;
(14) Amateurism; and
(15) Commitment of personnel to rules-compliance activities.

22.2.2 Academic Integrity.

22.2.2.1 Academic Standards. The Association's fundamental principles indicate that an intercollegiate athletics program shall be designed and maintained as a vital component of the institution's educational system, and student-athletes shall be treated consistently with the student body. Consistent with this philosophy, the institution shall demonstrate that: *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(a) The institution admits all student-athletes as regularly enrolled, degree-seeking students in accordance with the regular, published entrance requirements that apply to all applicants; *(Revised: 4/30/09)*

(b) The institution admits only student-athletes who have reasonable expectations of obtaining academic degrees;

(1) If the academic profile of entering student-athletes, as a whole or for any student-athlete subgroup, is lower than that of other student-athletes or comparable student-body groups or subgroups, the

contrast shall be analyzed and explained by regular institutional authorities. *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(2) If the measures of academic performance of student-athletes, as a whole or for any student-athlete subgroup are lower than that of other student-athletes or comparable student-body groups or subgroups, this disparity shall be analyzed, explained and, if necessary, addressed (through specific plans for improvement) by appropriate institutional authorities. *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(c) Academic standards and policies applicable to student-athletes are consistent with those adopted by the institution for the student body in general or conference or Association standards, whichever are higher; *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(d) If the retention of student-athletes, as a whole or for any student-athlete subgroup, is lower than that of other student-athletes or comparable student body groups, this disparity shall be analyzed, explained and, if necessary, addressed through specific plans for improvement by appropriate institutional authorities; *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(e) Written policies related to scheduling are established in all sports to minimize student-athletes' conflicts with class time and/or final examination periods due to participation in intercollegiate athletics, consistent with the provisions of Constitution 3.2.4.14; and *(Adopted: 3/10/04)*

(f) Assessment, evaluation and plans for improvement exist to ensure acclimation, retention and academic success for student-athletes with special academic needs and student-athletes who are admitted through the institution's special-admission process or, for those institutions without a special admission process, student-athletes in the lower quartile of the institution's student academic profile. *(Adopted: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

22.2.2.2 Academic Support. Members of the Association have the responsibility to conduct intercollegiate athletics programs in a manner designed to protect and enhance the educational experience of student-athletes and to assure proper emphasis on educational objectives. Consistent with this responsibility, the institution shall demonstrate that: *(Revised: 4/27/06, 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(a) Adequate academic support services are available for student-athletes;

(b) Student-athletes are encouraged and assisted in reaching attainable academic goals of their own choosing;

(c) When it is determined that individual student-athletes have special academic needs, these needs are addressed either through institutional programming or through student-athlete support services; *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(d) The support services are evaluated and approved at least once every four years by appropriate academic authorities outside the department of intercollegiate athletics (e.g., faculty members or academic administrators of the institution); *(Revised: 3/11/09)*

(e) There is a commitment to the fair and equitable treatment of student-athletes, in support of their academic endeavors; and *(Adopted: 3/10/04, Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(f) Academic-improvement plans developed during the previous self-study or as required by the NCAA Division I Academic Performance Program have been implemented. Following initial campus approval of an academic-improvement plan, if the plan is modified or not fully implemented, the institution shall provide a written explanation prepared and approved by appropriate institutional authorities. *(Adopted: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

22.2.3 Gender, Diversity and Student-Athlete Well-Being. *(Revised: 3/10/04)*

22.2.3.1 Gender Issues. It is a principle of the Association to conduct and promote its athletics programs free from gender bias. In accordance with this fundamental principle, the institution shall: *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(a) Have implemented its approved gender-equity plan from the previous self-study. If the plan was modified or not fully implemented, provide an acceptable explanation from appropriate institutional authorities; *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(b) Demonstrate that it is committed to, and has progressed toward, fair and equitable treatment of both male and female student-athletes and athletics department personnel; and

(c) Formally adopt a written plan for the future of the intercollegiate athletics program that ensures the institution maintains, or continues progress toward, a program that is equitable for both genders. The plan shall include measurable goals the institution intends to achieve, steps the institution will take to achieve those goals, persons responsible and timetables. *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

22.2.3.2 Diversity Issues. It is a principle of the Association to promote respect for and sensitivity to the dignity of every person and to refrain from discrimination. In accordance with this fundamental principle, the institution shall: *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(a) Have implemented its approved minority issues plan from the previous self-study. If the plan was modified or not fully implemented, provide an acceptable explanation from appropriate institutional authorities; *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(b) Demonstrate that it is committed to, and has progressed toward, fair and equitable treatment of all student-athletes and athletics department personnel with diverse racial, ethnic and other backgrounds; and *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(c) Formally adopt a written plan for the future of the intercollegiate athletics program that ensures the institution maintains, or continues progress toward, a program that expands equitable opportunities and support for student-athletes and athletics personnel with diverse racial, ethnic and other backgrounds. The plan shall include measurable goals the institution intends to achieve, steps the institution will take to achieve those goals, persons responsible and timetables. *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

22.2.3.3 Student-Athlete Well-Being. Conducting the intercollegiate athletics program in a manner designed to protect and enhance the physical and educational well-being of student-athletes is a basic principle of the Association. In accordance with this fundamental principle, the institution shall; *(Revised: 3/10/04, 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

(a) Provide evidence that the well-being of student-athletes and the fairness of their treatment is monitored, evaluated and addressed on a continuing basis;

(b) Have established grievance or appeal procedures available to student-athletes in appropriate areas; and

(c) Provide evidence that the institution has in place programs that protect the health of and provide a safe and inclusive environment for each of its student-athletes. *(Revised: 1/8/07 effective 8/1/08 beginning with the third athletics certification cycle)*

22.3 CERTIFICATION DECISIONS

The Committee on Athletics Certification shall base its decisions regarding the certification of an institution's athletics program on information contained in the institution's self-study report, the peer-review team's written report, the institution's written response to the review team's report and evidence presented at hearings or in-person appearances before the committee. Actions of the Committee on Athletics Certification regarding an institution's certification status shall be announced publicly. *(Adopted: 1/16/93 effective 1/1/94)*

22.3.1 Categories of Certification. Based on the information presented, the Committee on Athletics Certification shall determine an institution's certification status consistent with the following three categories: *(Adopted: 1/16/93 effective 1/1/94)*

22.3.1.1 Certified. A certified institution shall have been deemed to be in substantial conformity with the operating principles in Bylaw 22.2. *(Adopted: 1/16/93 effective 1/1/94)*

22.3.1.2 Certified with Conditions. An institution that is certified with conditions shall have been deemed to be in substantial conformity with the operating principles in Bylaw 22.2, subject to the institution's fulfillment of certain corrective actions in a reasonable, specified period of time. An institution may evidence fulfillment of these corrective actions prior to the time specified by the committee. *(Adopted: 1/16/93 effective 1/1/94)*

22.3.1.3 Not Certified. An institution that is not certified shall have been deemed to be not in substantial conformity with the operating principles in Bylaw 22.2 and shall be subject to the fulfillment of certain corrective actions in a reasonable, specified period of time. An institution may evidence fulfillment of these corrective actions prior to the time specified by the committee. *(Adopted: 1/16/93 effective 1/1/94)*

22.3.2 Postponement of Certification Decision. The committee reserves the right to postpone the certification decision of an institution under either of the following conditions: *(Adopted: 1/16/93 effective 1/1/94, Revised: 8/11/98)*

(a) When its self-study is deemed to be inadequate (e.g., lacking accuracy, openness or campus-wide participation). If the institution does not respond to the committee's concerns in a period of time specified by the committee, it may be placed in restricted-membership status. Such an institution shall not be eligible for certification until an appropriate self-study is completed; or

(b) In instances in which the committee, during its deliberations, concludes that the institution has not received adequate notice from the peer-review team of a problem significant enough to affect the institution's certification status. The postponement allows the committee to seek written clarification from the institution and the peer-review team chair prior to rendering a decision as to the certification status of the institution.

22.3.3 Corrective Action. When problems are identified pursuant to the athletics certification process, a member institution shall take corrective action. Requirements for taking corrective action, and a record of such action, shall be a routine aspect of the certification process and shall be available for review during later certifications. *(Adopted: 1/16/93 effective 1/1/94)*

22.3.3.1 Demonstration of Fulfillment of Corrective Action. The Committee on Athletics Certification shall require institutions to demonstrate that corrective actions identified by the committee have been taken in

the specified period of time and, upon such a showing, shall grant the institution full certification status. *(Adopted: 1/16/93 effective 1/1/94)*

22.3.3.2 Failure to Take Corrective Actions. An institution that fails to conduct an appropriate self-study or to make an effective effort to correct problems in its athletics program may be denied certification following the expiration of a reasonable, specified period of time during which the institution may rectify its deficiencies. *(Adopted: 1/16/93 effective 1/1/94)*

22.3.3.2.1 Not Certified—Restricted Membership. If, following the expiration of the time period specified in Bylaw 22.3.3.2, the Committee on Athletics Certification determines that serious problems remain in the institution's athletics program, the institution shall be placed in a restricted-membership category, consistent with the provisions of Bylaw 20.2.5.1. *(Adopted: 1/16/93 effective 1/1/94)*

22.3.3.2.2 Not Certified—Corresponding Membership. If, at the end of the restricted-membership year specified in Bylaw 22.3.3.2.1, the Committee on Athletics Certification concludes that the concerns cited previously related to the institution's athletics department still are not being addressed properly, the institution shall be reclassified as a corresponding member, consistent with the provisions of Constitution 3.5 and Bylaw 20.2.5.1.1. *(Adopted: 1/16/93 effective 1/1/94)*

22.3.4 Action on Referrals from Committee on Infractions. The Committee on Athletics Certification may review and alter an institution's certification status upon referral from the Committee on Infractions per Bylaw 19.5.4. *(Adopted: 1/16/93 effective 1/1/94)*

22.3.5 Appeals. Following a hearing before the Committee on Athletics Certification, an institution may appeal the decision of the Committee on Athletics Certification pursuant to this section to the Legislative Council (see Bylaw 33 for hearing procedures). *(Adopted: 1/16/93 effective 1/1/94, Revised: 11/1/07 effective 8/1/08)*

22.4 CONFERENCE ASSISTANCE

Conference offices may assist member institutions in the regular review of the institution's commitment to compliance with the rules of the Association and in the development and maintenance of institutional compliance objectives and strategies. Conference records of ongoing institutional compliance efforts shall be subject to review by the peer-review team. Conferences also may serve as facilitators in the certification process, linking participating institutions and external review teams as follows: *(Adopted: 1/16/93 effective 1/1/94)*

(a) Participating in the orientation process for institutions scheduled for review;

(b) Accompanying peer-review teams on campus visits of conference members; and

(c) Ensuring that conference members develop, implement and report corrective actions identified as a normal part of the certification process.

22.5 OTHER ASSISTANCE

An institution may obtain other assistance in carrying out the responsibilities specific to athletics certification set forth in Bylaw 22.4, subject to the prior approval of the Committee on Athletics Certification. *(Adopted: 1/16/93 effective 1/1/94)*

BYLAW, ARTICLE 23

Academic Performance Program

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23.01 GENERAL PRINCIPLES

23.01.1 Purpose of the Academic Performance Program. The central purpose of the academic performance program is to ensure that the Division I membership is dedicated to providing student-athletes with exemplary educational and intercollegiate-athletics experiences in an environment that recognizes and supports the primacy of the academic mission of its member institutions, while enhancing the ability of male and female student-athletes to earn a four-year degree. *(Adopted: 4/29/04)*

23.01.2 Nature of Reward and Penalty Structure. The Division I membership is committed to providing higher education for a diverse body of male and female student-athletes within the context of an institution's academic and admissions standards for all students through a system that rewards those institutions and teams that demonstrate commitment toward the academic progress, retention and graduation of student-athletes and penalizes those that do not. *(Adopted: 4/29/04)*

23.01.3 Disclosure Requirements.

23.01.3.1 Academic Progress Rate—Disclosure. An institution shall not be eligible to enter a team or individual competitor in postseason competition (including NCAA championships and bowl games) unless it has submitted, by the applicable deadline, its academic progress rate (APR) in a form approved and administered by the Committee on Academic Performance. *(Adopted: 4/29/04, Revised: 9/14/07)*

23.01.3.2 Academic Performance Census—Disclosure. An institution shall not be eligible to enter a team or individual competitor in postseason competition (including NCAA championships and bowl games) unless it has submitted, by the applicable deadline, its academic performance census (APC) in a form administered by the Committee on Academic Performance. *(Adopted: 4/29/04, Revised: 9/14/07)*

23.01.3.3 Graduation Success Rate—Disclosure. An institution shall not be eligible to enter a team or individual competitor in a postseason competition (including NCAA championships and bowl games) unless it has submitted, by the applicable deadline, its graduation success rate (GSR) in a form approved and administered by the Committee on Academic Performance. *(Adopted: 4/29/04, Revised: 9/14/07)*

23.02 DEFINITIONS AND APPLICATIONS

23.02.1 Academic Progress Rate. The Committee on Academic Performance shall have the authority to determine the minimum acceptable academic progress rate (APR), which shall include a calculation that accounts for currently enrolled student-athletes receiving institutional financial aid based in any degree on athletics ability or, for those institutions or teams that do not offer athletics aid, recruited student-athletes who:

(a) on or after the varsity team's first date of competition in the championship segment are listed on the varsity team's roster; or

(b) have exhausted eligibility and returned to the institution as a fifth-year student to complete a baccalaureate degree.

The rate shall account for the institution's success in retaining and graduating all such student-athletes. Further, the rate shall account for the academic eligibility of the student-athletes including all applicable NCAA, conference and institutional academic eligibility requirements. The Committee on Academic Performance shall publish an explanation of the APR calculation to the membership annually. *(Adopted: 4/29/04)*

23.02.2 Graduation Success Rate. The Committee on Academic Performance shall determine the minimum acceptable graduation success rate (GSR). The Committee on Academic Performance shall publish an explanation of the GSR calculation to the membership annually. *(Adopted: 4/29/04)*

23.1 COMMITTEE ON ACADEMIC PERFORMANCE

The Committee on Academic Performance shall administer the academic performance program. *(Adopted: 4/29/04)*

23.1.1 Composition. The committee shall consist of 15 members including a minimum of two chancellors or presidents, one faculty athletics representative, one director of athletics, one senior woman administrator and one conference administrator. The committee shall include at least two members from each of the three Division I membership subdivisions. All committee members should be on the staff of a Division I active institution or conference. A president or chancellor member shall serve as chair. After the chair has served two full terms, the Board of Directors may extend his or her term at two-year intervals. *(Adopted: 4/29/04, Revised: 3/8/06, 8/7/08)*

23.1.2 Duties. The Committee on Academic Performance shall: *(Adopted: 4/29/04)*

(a) Oversee the process governing data collection, analysis and calculation used to determine the academic progress rate (APR), the graduation success rate (GSR) and the process governing data collection of the academic performance census (APC);

(b) Formulate and revise as needed, a statement of the established operating policies and procedures of the academic performance program;

(c) Determine the appropriate standards on which penalties or rewards apply and notify members of such standards;

(d) Identify and notify institutions or teams that fail to satisfy the appropriate standards under which historical penalties apply;

(e) Identify and notify institutions or teams that demonstrate academic excellence under the academic performance program;

(f) Oversee the administration of a public recognition program for institutions or teams that demonstrate academic excellence under the academic performance program;

(g) Hear appeals (or waivers) of institutions or teams subject to penalties (both contemporaneous per Bylaw 15.5.8 and historical per Bylaw 23) and any other matters of appeal pursuant to the legislation and policies and procedures of the academic performance program;

(h) Recommend changes to the academic performance program based on research data analysis and practical experience;

(i) Interpret academic performance program legislation and policies; and

(j) Perform any other duties directly related to the administration of the academic performance program.

23.2 PENALTIES AND REWARDS

23.2.1 Penalties. The Committee on Academic Performance shall notify an institution or team when it fails to satisfy the appropriate academic standards as outlined in the academic performance program. The institution shall then apply the applicable penalty pursuant to the policies of the academic performance program. *(Adopted: 4/29/04 effective 8/1/04)*

23.2.1.1 Determination of Penalties. The Committee on Academic Performance shall apply three levels of analysis when identifying those institutions or teams that fail to satisfy the academic performance program. The Committee on Academic Performance shall publish annually to the Division I membership the standards for determining unsatisfactory performance under the academic performance program. An institution or team may be required to apply penalties for failing to meet one filter, two filters or all three filters. *(Adopted: 4/29/04 effective 8/1/04)*

23.2.1.1.1 Level One—Comprehensive Comparison of Academic Progress Rate—All Sports. One level of analysis shall compare the academic progress rates among all Division I athletics teams (every Division I team of both genders from every sport). The Committee on Academic Performance shall identify the minimum academic progress rate (APR) that successfully satisfies the level one analysis, and that rate shall be published annually to the membership. *(Adopted: 4/29/04 effective 8/1/04)*

23.2.1.1.2 Level Two—Limited Comparison of Academic Progress Rate—Same Sport/Same Gender. This level of analysis shall compare the academic progress rates among all Division I institutions in the same sport and same gender. The Committee on Academic Performance shall identify the minimum academic progress rate (APR) that successfully satisfies the level two analysis and that rate shall be published annually to the membership. *(Adopted: 4/29/04 effective 8/1/04)*

23.2.1.1.3 Level Three—Comparison of NCAA Graduation-Success Rate. This level of analysis shall use the graduation-success rate (GSR) of each of an institution's athletics teams and shall involve a comparison of that rate as specified in the policies and procedures of the academic performance program. The Committee on Academic Performance shall identify the standard that successfully satisfies the level three analysis and that standard shall be published annually to the membership. *(Adopted: 4/29/04 effective 8/1/04)*

23.2.1.2 Progression of Penalties. Any institution or team that fails to satisfy the academic performance program may be required to apply the following penalties as specified in the policies and procedures of the academic performance program. *(Adopted: 4/29/04 effective 8/1/04)*

23.2.1.2.1 Public Warning. After the first occasion that an institution or team fails to satisfy the academic performance program, a public warning shall be issued to the institution or team by the Committee on Academic Performance and a monitoring period shall begin. *(Adopted: 4/29/04 effective 8/1/04)*

23.2.1.2.1.1 Appeal Opportunity. An institution or team may appeal the issuance of the public warning to the Committee on Academic Performance. The committee's determination shall be final, binding and conclusive and not subject to further review by any other authority. *(Adopted: 1/9/06 effective 8/1/06)*

23.2.1.2.1.2 Monitoring Period. An institution or team that receives a public warning under the above must satisfy the filter(s) of analysis for three consecutive years before it is released from eligibility for the next level of penalties. *(Adopted: 4/29/04 effective 8/1/04)*

23.2.1.2.2 Financial Aid, Playing and Practice Seasons and Recruiting Limitations. After the second occasion that an institution or team fails to satisfy the academic performance program, it must apply additional restrictions in the areas of financial aid, playing and practice seasons and recruiting based on the policies and procedures of the academic performance program. *(Adopted: 4/29/04 effective 8/1/04, Revised: 1/9/06 effective 8/1/07)*

23.2.1.2.2.1 Appeal Opportunity. An institution or team may appeal the application of additional restrictions in the areas of financial aid, playing and practice seasons and recruiting to the Committee on Academic Performance (see Bylaws 15.01.8, 17.01.2 and 13.01.6). The committee's determination shall be final, binding and conclusive and not subject to further review by any other authority. *(Adopted: 4/29/04 effective 8/1/04, Revised: 1/9/06 effective 8/1/07)*

23.2.1.2.3 Postseason Competition. After the third occasion that an institution or team fails to satisfy the academic performance program, the institution shall be ineligible for postseason competition (including NCAA championships and bowl games) as specified in the policies and procedures of the academic performance program. *(Adopted: 4/29/04 effective 8/1/04, Revised: 1/8/07 effective 8/1/07)*

23.2.1.2.3.1 Individual Sports. A student-athlete on an individual sport team (see Bylaw 17.02.12.2) that is penalized pursuant to Bylaw 23.2.1.2.3 shall not compete in postseason competition, including NCAA championships, as an individual (see Bylaw 14.4). *(Adopted: 4/29/04 effective 8/1/04, Revised: 1/8/07 effective 8/1/07, 1/14/08 effective 8/1/08)*

23.2.1.2.3.2 Appeal Opportunity. An institution or team may appeal the application of the postseason restrictions to the Committee on Academic Performance. (See Bylaws 18.4.2.3 and 23.3.) *(Adopted: 4/29/04 effective 8/1/04, Revised: 1/8/07 effective 8/1/07)*

23.2.1.2.3.3 Appeal of Committee on Academic Performance Decision. An institution may appeal a decision by the Committee on Academic Performance to the designated subcommittee of the Board of Directors under which the institution or one of its teams is not eligible for postseason competition (including NCAA championships and bowl games). (See Bylaw 23.3.) The decision of the subcommittee of the Board of Directors is final, binding and conclusive and not subject to further review by any other authority. *(Adopted: 4/29/04 effective 8/1/04)*

23.2.1.2.4 Membership Status. After the fourth occasion that a team fails to satisfy the academic performance program, the institution's entire program shall be reclassified to restricted membership status for a period of one year. If, at the end of the one-year restricted membership period, the penalized team does not improve enough to meet the benchmarks of the historical-penalty structure, the institution shall be reclassified as a corresponding member, consistent with the provisions of Constitution 3.5. *(Adopted: 4/29/04 effective 8/1/04, Revised: 1/9/06 effective 8/1/06)*

23.2.1.2.4.1 Appeal Opportunity. An institution may appeal such membership restrictions to the Committee on Academic Performance. (See Bylaw 23.3.) *(Adopted: 4/29/04 effective 8/1/04)*

23.2.1.2.4.2 Appeal of Committee on Academic Performance Decision. An institution may appeal a decision by the Committee on Academic Performance under which the institution has been placed in a restricted or corresponding category to the designated subcommittee of the Board of Directors. The determination of the subcommittee of the Board of Directors shall be final, binding and conclusive and not subject to further review by any other authority. *(Adopted: 4/29/04 effective 8/1/04)*

23.3 APPEAL PROCEDURES

An institution or team subject to penalty (or penalties) due to its failure to satisfy the appropriate standards of the academic performance program may appeal the application of such penalty (or penalties) to the Committee on Academic Performance. *(Adopted: 4/29/04)*

23.3.1 Authority and Duties of Committee. The Committee on Academic Performance shall act on appeals from institutions or teams subject to penalty (or penalties) pursuant to the legislation and the standards and procedures and published to the membership on an annual basis. The committee's determination shall be final, binding and conclusive and shall not be subject to further review by any other authority unless otherwise specified in this bylaw (see Bylaw 23.3.2). *(Adopted: 4/29/04)*

23.3.2 Appeal of Committee on Academic Performance Decision. An institution may appeal a decision issued by the Committee on Academic Performance to the designated subcommittee of the Board of Directors under the following conditions: *(Adopted: 4/29/04)*

(a) The penalty (or penalties) at issue in the appeal involves loss of access to postseason competition and/or reclassification of membership status to restricted or corresponding membership. No other issues or penalties (e.g., loss of scholarships, recruiting restrictions, academic or graduation rate issues, preseason competition restrictions) shall be appealed; and

(b) An institution or team appealing a decision of the Committee on Academic Performance must demonstrate that the committee abused its discretion in applying the legislation and/or policies and procedures of the academic performance program. An institution may not seek an appeal for substitution of the committee's judgment.

23.4 ESTABLISHMENT AND REVISION OF ACADEMIC PERFORMANCE POLICIES AND PROCEDURES

23.4.1 Amendment Policies and Procedures. The Committee on Academic Performance may establish or amend the policies and procedures of the academic performance program. An institution shall receive written notice of its failure to satisfy the standards of the academic performance program before it is required to apply any penalty and may appeal the application of such a penalty. The policies and procedures governing the administration of the academic performance program are subject to review and approval by the Board of Directors. *(Adopted: 4/29/04, Revised: 11/1/07 effective 8/1/08)*

23.4.1.1 Notification to Membership. The Committee on Academic Performance shall notify the membership of any changes to the policies and procedures of the academic performance program. *(Adopted: 4/29/04)*

ADMINISTRATIVE BYLAW, ARTICLE 30

Administrative Regulations

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30.01 GENERAL PRINCIPLE

Constitution 5.2.3 authorizes the Board of Directors to adopt or amend administrative regulations. *(Revised: 1/9/96 effective 8/1/97)*

30.1 ADMISSIONS AND GRADUATION-RATE DISCLOSURE

An institution shall not be eligible to enter a team or an individual competitor in an NCAA championship unless it has completed and submitted a copy of the Integrated Postsecondary-Education Data System Graduation-Rate Survey (IPEDS GRS-1) to the NCAA national office on or before the applicable deadline established by federal regulations. *(Revised: 1/10/90, 1/6/91 effective immediately for data collection, effective 10/1/91 for disclosure, 4/15/92, 1/14/97, 10/28/97, 8/11/98, 1/12/04)*

30.1.1 Academic Progress Rate and Academic Performance Census—Disclosure. An institution shall not be eligible to enter a team or individual competitor in an NCAA championship unless it has submitted, by the applicable deadline, its Academic Progress Rate (APR) and Academic Performance Census (APC) in a form approved and administered by the Division I Board of Directors, or an entity designated by the Board. *(Adopted: 8/7/03 effective 8/1/04)*

30.1.2 Graduation Success Rate—Disclosure. An institution shall not be eligible to enter a team or individual competitor in an NCAA championship unless it has submitted, by the applicable deadline, its graduation success rate (GSR) in a form approved and administered by the Board of Directors, or an entity designated by the Board. *(Adopted: 4/29/04 effective 8/1/04)*

30.2 ALL-STAR CONTESTS

30.2.1 High School Football and Basketball. As provided in Bylaw 14.6, a student-athlete shall be denied the first year of intercollegiate athletics competition if, following completion of high school eligibility in the student-athlete's sport and prior to the student-athlete's high school graduation, the student-athlete competes in more than two all-star football contests or two all-star basketball contests.

30.2.1.1 High School All-Star Contest Defined. A high school all-star contest is any contest in football or basketball that meets the following criteria:

(a) The teams participating in the contest involve individuals who have completed their high school eligibility in the sport and have not yet enrolled in and attended classes during a regular term at a collegiate institution;

(b) The contest is scheduled and publicized in advance;

(c) The competition is sponsored and promoted by an individual, organization or agency; and

(d) The individuals are selected for participation in the contest on an invitational basis and have not competed together previously as members of a team that played a regular schedule of games in an organized recreation or interscholastic program.

30.2.1.2 Contests Not Considered High School All-Star Competition. Contests conducted under the criteria listed in Bylaw 30.2.1.1 shall not be considered all-star competition for purposes of Bylaw 14.6 if one or more of the following conditions is applicable:

(a) The contest occurs within a framework of a regularly scheduled recreational program involving solely participants from the community in which the sponsor is located;

(b) The competition is limited solely to participants from the community in which the sponsor is located and no revenue, including gate receipts, concessions, program sales or contributions, is generated from the contest;

(c) The competition is scheduled within the framework of an established cultural exchange program involving other educational activities; or

(d) The contest is scheduled in conjunction with developmental competition sponsored by the national governing body of amateur basketball (USA Basketball) or an active member thereof.

30.2.1.3 Multiple Competition (Tournaments). Multiple competition (e.g., tournaments) involving more than one contest or two teams will be considered high school all-star competition if the specific criteria in Bylaw 30.2.1.1 (subject to the conditions in Bylaw 30.2.1.2) are applicable. Each game conducted under such circumstances would be considered a high school all-star contest.

30.2.1.4 Facility Use for High School All-Star Games. An institution is prohibited from making its facilities available for a high school all-star game unless the conditions specified in Bylaw 13.11.3.2 are met.

30.3 CERTIFICATION OF COMPLIANCE

A member institution shall not be eligible to enter a team or individual competitors in an NCAA championship unless its president or chancellor makes an annual institutional eligibility certification [see Bylaw 18.4.2.1-(d)] attesting that the conditions set forth in this section have been satisfied. The certification shall be completed not later than September 15. *(Revised: 1/10/95, 3/8/06)*

30.3.1 NCAA Rules Review. The chancellor or president or a designated representative has reviewed with all athletics department staff members the rules and regulations of the NCAA as they apply to the administration and conduct of intercollegiate athletics. *(Revised: 3/8/06)*

30.3.2 Coaching Staff Disciplinary Actions. At the time of such certification, and as a result of involvement in a violation of the Association's legislation as determined by the Committee on Infractions or the Infractions Appeals Committee, no current member of the institution's coaching staff:

(a) Shall have been temporarily or permanently suspended from coaching duties by another member institution within the last two years; or

(b) Shall have been prohibited within the last two years, as a result of violations occurring while employed by another member institution, from participating in identified coaching-related activities, unless the prohibition has been equally applied by the certifying institution with respect to the individual's coaching-related activities on behalf of it; or

(c) Shall have been permitted within the last two years to perform any coaching-related activities for the certifying institution that were prohibited after determination by the Committee on Infractions of an "appropriate disciplinary action" for the individual in accordance with the show-cause provision of Bylaw 19.5.2.2-(l) of the NCAA enforcement procedures.

30.3.2.1 Period of Suspension or Prohibition. The period of suspension or prohibition established by the Committee on Infractions or the Infractions Appeals Committee must be in effect for the provisions set forth in Bylaw 30.3.2 to apply.

30.3.2.2 Due-Process Requirement. The affected coaching staff member must be given through the appropriate institution notice of an opportunity to be heard at both the NCAA hearing resulting in the finding of involvement in the violation and the institutional hearing resulting in suspension or prohibition.

30.3.3 Certification of Policies, Procedures and Practices. The policies, procedures and practices of the institution, its staff members and representatives of athletics interests are in compliance at the present time with the Association's legislation insofar as the president or chancellor can determine. *(Revised: 3/8/06)*

30.3.4 Maintenance of Compliance. It is the intention of the institution to maintain such compliance.

30.3.5 Report of NCAA Violation Involving Institution. A current statement has been filed with the president or chancellor, as a part of the institution's annual certification, which is signed by each athletics department staff member (including part-time and clerical staff members), attesting that the individual has reported any knowledge of involvement in any violations of NCAA legislation involving the institution. *(Revised: 4/29/04, 6/10/04, 3/8/06)*

30.3.6 Additional Requirements. An institution shall specifically affirm the following:

(a) It has published its regular entrance requirements, including any special-admission opportunities;

(b) It has published its requirements for progress toward a degree, in accordance with membership obligations set forth in Constitution 3.2; and

(c) Each student-athlete who represents the institution in intercollegiate athletics competition during the academic year has been certified to be in good academic standing and maintaining progress toward a degree as set forth in Bylaw 14.

30.4 CONSORTIUM, ATHLETICS

An athletics consortium (see Constitution 3.1.2) may be approved by a two-thirds vote of the Administration Cabinet, provided the criteria specified below are met. *(Revised: 11/1/07 effective 8/1/08)*

30.4.1 General Policy. In general, a consortium shall be approved on the basis of existing academic considerations with the understanding that there shall be no change in the basic recruitment, enrollment or financial aid policies of the involved institutions as a result of such approval.

30.4.2 Combining Entire Athletics Programs. The institutions shall combine their entire athletics programs, and the consortium shall not be formed on a sport-by-sport basis.

30.4.3 Conference Approval. An institution that belongs to an NCAA member conference first shall receive approval of its conference prior to instituting a consortium for its intercollegiate athletics program. If more than one institution holds such conference membership, all such conferences shall approve the consortium.

30.4.4 Eligibility Requirements for Student-Athletes. Participating student-athletes shall meet all eligibility requirements of the member institution(s), the athletics conference(s) involved and the NCAA. The member institution(s) shall certify the eligibility of all student-athletes under those rules.

30.4.5 Financial Assistance to Student-Athletes. Within a consortium:

(a) Each institution shall be responsible for the financial assistance awarded to its student-athletes. The financial arrangement between or among the institutions for the exchange of funds to cover the academic costs of student-athletes who take part in the exchange program shall apply to student-athletes in the same manner as it applies to those students not participating in the intercollegiate athletics program;

(b) One institution may not provide a scholarship or any other form of financial aid to a student-athlete enrolled in another institution or transmit a scholarship or grant-in-aid to another institution to be used by one or more of its student-athletes; and

(c) Financial aid limitations as set forth in Bylaw 15 shall be applicable to the consortium as one entity and shall include all countable student-athletes, regardless of the institution in which they are enrolled.

30.4.6 Length of Approval. NCAA approval shall be for a four-academic-year period, at the end of which the institutions shall submit a report on the program setting forth its effect upon their academic and athletics operations. *(Revised: 8/4/89)*

30.4.7 NCAA Division Membership. The institutions may be members of different NCAA divisions but shall select one division for legislative and competitive purposes.

30.4.8 NCAA Member Involvement. At least one of the institutions already shall be a member of the NCAA, and no more than one nonmember institution shall be included.

30.4.9 NCAA Membership Application. The institutions shall apply for NCAA membership as a consortium and shall be considered as one member of the Association, with their combined names included on the official NCAA membership list.

30.4.10 Prior Academic Consortium Relationship. The institutions shall have had a prior academic consortium relationship.

30.4.11 Recruitment. It is permissible for one institution to recruit prospective student-athletes with a view to their possible enrollment at another institution in the consortium, provided the individuals qualify for admission to that institution and the athletics interests of the member institution are not involved, directly or indirectly, in influencing the admission or award of financial assistance.

30.5 DRUG-TESTING PROGRAM

30.5.1 Responsibility of Institution. Each member institution is responsible for ensuring compliance with the following elements of the NCAA Drug Testing Program: *(Adopted: 4/28/05 effective 8/1/05)*

(a) Complete and forward the drug-testing availability calendars to The National Center for Drug Free Sport by the date specified by the organization;

(b) Respond to the initial drug-testing notification from The National Center for Drug Free Sport by the date specified by the organization;

(c) Complete and forward to The National Center for Drug Free Sport a current and accurate institutional squad list (see Bylaw 30.13) by the date specified by the organization;

(d) Provide adequate and secure drug-testing facilities as specified by The National Center for Drug Free Sport;

(e) Notify student-athletes who have been randomly selected for drug testing according to the timeline specified by The National Center for Drug Free Sport; and

(f) Respond to additional requests for assistance in administering the NCAA drug-testing program as specified by The National Center for Drug Free Sport.

30.5.1.1 Effect of Violations. Violations of this Bylaw 30.5 shall be considered institutional violations per Constitution 2.8.1; however, they shall not affect the student-athlete's eligibility. *(Revised: 4/28/05 effective 8/1/05)*

30.5.2 Drug-Testing Consent Form. The following procedures shall be used in administering the drug-testing consent form required in Bylaw 14.1.4 (see Constitution 3.2.4.7): *(Adopted: 1/10/92 effective 8/1/92)*

(a) The consent form shall be administered individually to each student-athlete by the director of athletics or the director of athletics' designee each academic year;

(b) The director of athletics or the director of athletics' designee shall disseminate the list of banned drug classes to all student-athletes and educate them about products that might contain banned drugs. All student-athletes are to be notified that the list may change during the academic year, that updates may be found on the NCAA Web site (www.ncaa.org) and informed of the appropriate athletics department procedures for disseminating updates to the list; and *(Adopted: 4/27/00)*

(c) The consent form shall be kept on file by the director of athletics and shall be available for examination upon request by an authorized representative of the NCAA. *(Revised: 4/27/00)*

30.5.2.1 Effect of Violations. Violations of the procedure set forth in Bylaw 30.5.2 shall be considered institutional violations per Constitution 2.8.1; however, a violation shall not affect the student-athlete's eligibility. *(Revised: 4/28/05 effective 8/1/05)*

30.6 FIVE-YEAR RULE WAIVER

As authorized in Bylaw 14.2.1.5, the Committee on Student-Athlete Reinstatement, or a Committee on Student-Athlete Reinstatement-designated committee, by a two-thirds majority of its members present and voting, may approve waivers of the five-year rule in addition to the waivers in Bylaw 14.2.1.4.

30.6.1 Waiver Criteria. A waiver of the five-year period of eligibility is designed to provide a student-athlete with the opportunity to participate in four seasons of intercollegiate competition within a five-year period. This waiver may be granted, based upon objective evidence, for reasons that are beyond the control of the student-athlete or the institution, which deprive the student-athlete of the opportunity to participate for more than one season in his/her sport within the five-year period. The Committee on Student-Athlete Reinstatement reserves the right to review requests that do not meet the more-than-one-year criteria detailed in this bylaw for circumstances of extraordinary or extreme hardship. A student-athlete who has exhausted his or her five years of eligibility may continue to practice (but not compete) for a maximum of 30-consecutive-calendar days, provided the student-athlete's institution has submitted a waiver request. The student-athlete may not commence practice until the institution has filed such a request. Further, if such a request is denied prior to exhausting the 30-day practice period, the student-athlete must cease all practice activities upon the institution's notification of the denial. *(Revised: 4/17/91, 1/11/94, 8/10/94, 10/12/95, 4/27/00)*

30.6.1.1 Circumstances Beyond Control. Circumstances considered to be beyond the control of the student-athlete or the institution and do not cause a participation opportunity to be used shall include, but are not limited to, the following: *(Adopted: 8/10/94, Revised: 10/12/95)*

(a) Situations clearly supported by contemporaneous medical documentation, which states that a student-athlete is unable to participate in intercollegiate competition as a result of incapacitating physical or mental circumstances;

(b) The student-athlete is unable to participate in intercollegiate athletics as a result of a life-threatening or incapacitating injury or illness suffered by a member of the student-athlete's immediate family, which clearly is supported by contemporaneous medical documentation; *(Revised: 1/9/06)*

(c) Reliance by the student-athlete upon written, contemporaneous, clearly erroneous academic advice provided to the student-athlete from a specific academic authority from a collegiate institution regarding the academic status of the student-athlete or prospective student-athlete, which directly leads to that individual not being eligible to participate and, but for the clearly erroneous advice, the student-athlete would have established eligibility for intercollegiate competition; *(Revised: 10/9/96)*

(d) Natural disasters (e.g., earthquake, flood); and

(e) Extreme financial difficulties as a result of a specific event (e.g., layoff, death in the family) experienced by the student-athlete or by an individual upon whom the student-athlete is legally dependent, which prohibit the student-athlete from participating in intercollegiate athletics. These circumstances must be

clearly supported by objective documentation (e.g., decree of bankruptcy, proof of termination) and must be beyond the control of the student-athlete or the individual upon whom the student-athlete is legally dependent. *(Adopted: 10/12/95, Revised: 8/12/97)*

30.6.1.2 Circumstances Within Control. Circumstances that are considered to be within the control of the student-athlete or the institution and cause a participation opportunity to be used include, but are not limited to, the following: *(Adopted: 8/10/94, Revised: 10/12/95)*

(a) A student-athlete's decision to attend an institution that does not sponsor his/her sport, or decides not to participate at an institution that does sponsor his/her sport;

(b) An inability to participate due to failure to meet institutional/conference or NCAA academic requirements, or disciplinary reasons or incarceration culminating in or resulting from a conviction; *(Revised: 10/12/95)*

(c) Reliance by a student-athlete upon misinformation from a coaching staff member;

(d) Redshirt year;

(e) An inability to participate as a result of a transfer year in residence or fulfilling a condition for restoration of eligibility; and

(f) A student-athlete's lack of understanding regarding the specific starting date of his or her five-year period of eligibility. *(Adopted: 10/9/96)*

30.7 FOREIGN TOURS AND COMPETITION

A member institution may participate in a foreign tour in any sport (see Bylaw 17.29), provided the conditions specified below are met. *(Revised: 1/11/89)*

30.7.1 Certification of Tour. The institution must certify in writing that the conditions set forth in this section are met and must maintain the certification on file in the athletics department. *(Revised: 1/11/89)*

30.7.2 Eligibility of Student-Athletes. The eligibility of student-athletes on the tour shall be governed by the following (see Bylaw 14.2.3.6):

(a) If the tour takes place during the summer, the student-athletes shall have been eligible for intercollegiate competition during the previous academic year or shall have been enrolled at the institution as a full-time student during the previous academic year and have established by the beginning of the tour that he or she is eligible for competition the academic year immediately following the tour; or *(Revised: 8/11/98)*

(b) If the tour takes place after the academic year has started, the student-athletes shall be regularly enrolled in the institution and eligible for intercollegiate competition.

30.7.2.1 Incoming-Student Participation. It is permissible for an eligible incoming student-athlete to represent the institution on a foreign tour that begins after the permissible starting practice date in the sport involved or after the first day of classes of his or her first regular term at the institution. An incoming student-athlete (freshman or transfer) may participate in practice sessions conducted in preparation for a foreign tour only if such practice sessions occur either: *(Revised: 5/4/05)*

(a) On or after the first permissible practice date in the involved sport; or

(b) On or after the first day of classes of the student-athlete's first regular academic term at the institution.

30.7.3 Football Postseason Opportunity. A foreign football tour shall be considered that institution's postseason opportunity for that season, the accounting period to commence with the start of the institution's normal beginning of fall football practice.

30.7.4 Time Lapse between Tours. An institution shall not engage in a foreign tour in each sport more than once every four years. *(Revised: 1/11/89)*

30.7.5 Maximum Number of Contests/Competition Dates. A team shall be limited to a maximum of three football games, 10 basketball games, or 10 contests or dates of competition in any other sport during and as part of the tour. *(Revised: 1/10/91)*

30.7.6 Opponents. The team shall not compete during the tour against other American teams (colleges or other U.S. teams) other than teams composed of U.S. armed forces personnel stationed at U.S. military bases in foreign countries.

30.7.6.1 Exception—Women's Rowing. It is permissible for rowing teams representing NCAA member institutions to compete against each other as part of the Henley Royal Regatta. *(Adopted: 4/20/99)*

30.7.7 Practice Limitation. Not more than 10 days of practice are permitted prior to departure. Practice is prohibited outside the playing season one week prior to the beginning of the institution's final examination period for the applicable regular academic term through the conclusion of the final examination period. *(Revised: 1/14/08)*

30.7.8 Timing of Tour. A tour may only be scheduled during the summer-vacation period between the institution's spring and fall terms or during an academic year vacation period (other than a Labor Day vacation period)

published in the institution's official catalog. All travel to and from the foreign country must take place during such a vacation period. However, if the team crosses the international date line during the tour, the change of date will be disregarded and the equivalent time as measured in the United States will be used to determine the institution's vacation period. *(Revised: 10/18/89, 4/29/04, 10/29/04 effective 11/1/04, 5/12/05, 1/8/07, 1/17/09 effective 8/1/09; a contract signed before 4/14/08 may be honored)*

30.7.8.1 Prohibition Prior to Championship Segment. In sports in which separate dates are specified for the first permissible date of practice and the first permissible date of competition for the championship segment (e.g., women's volleyball, basketball, baseball), an institution may not engage in a foreign tour during the period beginning 30-days prior to the first permissible practice date until the first permissible date for a contest or date of competition in the championship segment in the applicable sport. In sports in which the same date is specified for the first permissible date of practice and the first permissible date of competition (e.g., gymnastics, lacrosse, swimming and diving), an institution may not engage in a foreign tour for a period of 30 days prior to the first day of the institution's declared playing and practice season (first permissible date of practice or competition) for the championship segment in the applicable sport. *(Adopted: 6/11/07)*

30.7.9 Per Diem. An institution may provide a student-athlete $20 cash per day to cover unitemized incidental expenses incurred in connection with a foreign tour in his or her particular sport. This expense allowance may be provided each day of the tour, up to a maximum of 21 days. *(Adopted: 11/1/01)*

30.7.10 Passports. An institution may purchase passports for its student-athletes that are required for travel in connection with a foreign tour, and student-athletes may retain ownership of such passports. The institution also may provide student-athletes with reasonable local transportation to obtain such passports. *(Adopted: 11/1/01*)

30.8 OUTSIDE COMPETITION, NATIONAL TEAM

Student-athletes are prohibited from participating in organized outside competition except as specifically provided in Bylaw 14.7.

30.8.1 National-Team Criteria. In applying the regulation permitting exceptions for student-athletes to participate during the institution's intercollegiate season in international competition involving national teams represented in the competition, a national team is defined as one that meets the following criteria:

(a) It is selected, organized and sponsored by the appropriate Group A member of the United States Olympic Committee (or, for student-athletes representing another nation, the equivalent organization of that nation, or, for student-athletes competing in a non-Olympic sport, the equivalent organization in that sport);

(b) Selection for such a team is made on a national qualification basis either through a defined selective process or actual tryouts, publicly announced; and

(c) The international competition in question requires that the entries officially represent their respective nations, although it is not necessary to require team scoring by nation.

30.9 POSTSEASON BOWL LICENSING

The following conditions and requirements shall be met in order for a postseason bowl game to be licensed. *(Revised: 11/1/00, 4/25/02)*

30.9.1 Written Report. [FBS] The director of athletics of a member institution that participates in a postseason bowl game shall submit to the Football Issues Committee a written report on the conduct and administration of the event, with special emphasis on game management. The report shall be submitted by the following March 1 on a form approved by the Leadership Council. *(Adopted: 1/10/90, Revised: 1/12/04, 11/1/07 effective 8/1/08, 8/7/08)*

30.9.2 Contest Status. [FBS] A contest shall be licensed only if it serves the purpose of providing a national contest between deserving winning teams. A "deserving winning team" shall be defined as one that has won a minimum of six games against Football Bowl Subdivision opponents and that has more wins than losses. Tie games do not count in determining a team's won-lost record. Further, when forfeiture of a regular-season football victory is required by the Committee on Infractions, a conference or self-imposed by an institution as a result of a violation of NCAA rules, neither of the competing institutions may count that contest in satisfying the definition of a "deserving winning team." *(Revised: 10/18/89, 10/12/93, 4/20/99, 12/15/06)*

30.9.2.1 Exception—12-Game Season. [FBS] An institution with a record of six wins and six losses may be selected for participation in a bowl game under the following circumstances: *(Adopted: 4/27/06 effective 8/1/06)*

(a) The institution or its conference has a primary contractual affiliation, which existed prior to the first contest of the applicable season, with the sponsoring bowl organization. In the case of a conference contractual affiliation, all conference teams with winning records must be placed in one of the contracted bowl games before any institution with a record of six wins and six losses may be placed in a contracted bowl game. There shall be no contingency agreements with other sponsoring bowl organizations intended to enable an institution with a record of six wins and six losses to become eligible for those contests; or

(b) All contractual affiliations per Bylaw 30.9.2.1-(a) have been fulfilled and all institutions with winning records have received bowl invitations (either through a contractual affiliation or as an at-large selection).

30.9.2.2 Exception—Football Championship Subdivision Opponent. [FBS] Each year, a Football Bowl Subdivision institution may count one victory against a Football Championship Subdivision opponent toward the six-win minimum, provided the opponent has averaged 90 percent of the permissible maximum number of grants-in-aid per year in football over a rolling two-year period. *(Adopted: 10/28/97 effective 8/1/98, Revised: 4/28/05, 12/15/06)*

30.9.2.2.1 Waiver. [FBS] The Football Issues Committee may approve a waiver of the 90 percent requirement to permit a Football Bowl Subdivision institution to count a victory against a Football Championship Subdivision opponent toward meeting the six-victory requirement when a unique or catastrophic situation affects the Football Championship Subdivision institution's ability to average 90 percent of the permissible maximum number of football grants-in-aid per year over a rolling two-year period. *(Adopted: 8/11/98, Revised: 4/28/05, 12/15/06)*

30.9.2.3 Waiver for Conference Champion. [FBS] The Leadership Council, by a two-thirds majority of its members present and voting, or a committee designated by the Leadership Council, may approve a waiver of the six-victory requirement to enable a conference champion to participate in a bowl game when the conference champion is scheduled contractually to participate in the game. *(Adopted: 1/12/93, Revised: 10/28/97, 11/1/07 effective 8/1/08)*

30.9.3 Participation Restrictions. [FBS] The competing institutions shall be active members of this Association, and a member institution shall not participate in more than one such game during any academic year.

30.9.4 Official Invitation. [FBS] An official invitation to participate in a licensed postseason bowl game shall be issued in writing from the executive director of the sponsoring agency to the institution's director of athletics, who shall send to the executive director written confirmation of the acceptance of the invitation. *(Revised: 8/4/89, 10/18/89)*

30.9.5 Application and Review Schedule for Proposed Game. [FBS] The proposing sponsor's application for the inauguration of a contest must be received at the NCAA national office not later than April 1; any application received after that date must be postmarked not later than March 25. The application will be reviewed by the Football Issues Committee. The sponsor shall submit, with its application form, a projected financial report showing financial soundness of the proposed game. *(Revised: 10/18/89, 4/20/94, 4/25/02, 8/7/03, 11/1/07 effective 8/1/08, 8/7/08)*

30.9.6 Licensing Documents. [FBS] The Football Issues Committee shall prepare licensing documents that require the management of each postseason bowl game to enter into a contractual agreement through the NCAA licensing program. This agreement stipulates that the bowl management agrees to comply with the NCAA's principles for the conduct of intercollegiate athletics, as set forth in Constitution 2 and relevant bylaws and interpretations, and with the restrictions on game negotiations in Bylaw 18.7 in consideration for receiving licensing of its postseason bowl game. *(Revised: 11/1/07 effective 8/1/08, 8/7/08)*

30.9.7 Playing Rules. [FBS] The official playing rules of the Association shall govern the conduct of the game, except that the Football Rules Committee has authorized the intermission between halves to extend to 30 minutes. *(Revised: 8/4/89)*

30.9.7.1 Tiebreaker. [FBS] The game shall use the tiebreaker format approved by the NCAA Football Rules Committee. *(Adopted: 10/12/95)*

30.9.8 Additional Requirements. [FBS] Additional requirements that must be met in order for a postseason bowl game to be licensed are set forth in the NCAA postseason football handbook. *(Adopted: 11/1/00)*

30.10 RECRUITING CALENDARS

30.10.1 Basketball, Men's. The following recruiting periods shall apply to men's basketball: *(Revised: 1/11/89, 1/10/91, 1/11/94, 4/27/00 effective 8/1/00, 4/27/00 effective 8/1/01, 11/1/01 effective 4/1/02, 12/5/05)*

(a) September 9 through October 5: *(Revised: 8/9/01, 8/8/02)*	Contact Period (No evaluations at sites other than the prospective student-athlete's educational institution.)
(b) October 6 through the Sunday beginning the week for the fall signing of the National Letter of Intent: *(Revised: 4/26/01, 8/8/02, 4/28/05 effective 8/1/05)*	Evaluation Period
(c) Monday through Thursday of the week that includes the initial date for the fall signing of the National letter of Intent: *(Adopted: 4/26/01)*	Dead Period

(d) The Friday of the week for the fall signing of the National Letter of Intent through March 31 [except for (1) and (2) below]: *(Revised: 4/26/01, 11/1/01 effective 4/1/02, 4/28/05 effective 8/1/05, 1/8/07)* — Evaluation Period

(1) December 24 through December 26: *(Revised: 4/28/05 effective 8/1/05)* — Dead Period

(2) March 16 through March 22: *(Adopted: 1/8/07)* — Contact Period

(e) April 1 through the Wednesday immediately prior to the NCAA Division I Men's Basketball Championship game: *(Adopted: 4/24/08 effective 8/1/08)* — Quiet Period

(f) The Thursday immediately prior to the NCAA Division I Men's Basketball Championship game to noon on the Thursday immediately after the game: *(Adopted: 4/24/08 effective 8/1/08)* — Dead Period

(g) Noon on the Thursday immediately after the NCAA Division I Men's Basketball Championship game through seven days following the initial date for the spring signing of the National Letter of Intent [except for (1) below]: *(Revised: 4/24/08 effective 8/1/08)* — Contact Period

(1) Monday through Thursday of the week that includes the initial date for the spring signing of the National Letter of Intent: *(Revised: 11/1/07, 4/24/08 effective 8/1/08)* — Dead Period

(h) The eighth day after the initial date for the spring signing of the National Letter of Intent through July 5 [except for (1) below]: *(Revised: 4/29/04 effective 8/1/04, 4/24/08 effective 8/1/08)* — Quiet Period

(1) The day after the conclusion of the spring National Letter of Intent signing period to the day before the first permissible day to conduct institutional basketball camps [except for (i) below]: *(Adopted: 1/14/08)* — Dead Period

(i) National Basketball Association Pre-Draft Camp: *(Revised: 4/28/05)* — Evaluation Period

(i) July 6 through July 15: *(Revised: 4/29/04 effective 8/1/04)* — Evaluation Period

(j) July 16 through July 21 [except for (1) below]: *(Revised: 4/29/04 effective 8/1/04)* — Dead Period

(1) It is permissible for an institution to have contact with a prospective student-athlete who is enrolled in the institution's summer term (summer session or summer bridge program) and has signed a National Letter of Intent or other written commitment to attend the institution. *(Adopted: 4/25/02)*

(k) July 22 through July 31: — Evaluation Period

(l) August 1 through September 8: — Quiet Period

30.10.2 Basketball, Women's. The following recruiting periods shall apply to women's basketball: *(Revised: 1/11/89, 1/10/90, 1/10/91, effective 8/1/91, 1/11/94 effective 8/1/94, 8/8/02, 10/28/04, 1/10/05 effective 8/1/05, 4/28/05 effective 8/1/05, 12/5/05)*

(a) August 1 through September 15: *(Revised: 7/22/97, 4/28/05 effective 8/1/05)* — Quiet Period

(b) September 16 through October 6: *(Adopted: 4/28/05 effective 8/1/05, Revised: 12/5/05)* — Contact Period

(c) October 7 through the last day of February [except for (1) and (2) below]: *(Revised: 12/5/05)* — Evaluation Period

(1) Monday through Thursday of the week that includes the initial date for the fall signing of the National Letter of Intent: *(Revised: 8/2/91, 8/14/96)* — Dead Period

(2) December 24 through 26 *(Adopted: 1/10/05 effective 8/1/05)* — Dead Period

(d) March 1 through Thursday prior to the NCAA Division I Women's Basketball Championship game: *(Adopted: 1/11/94 effective 8/1/94, Revised: 7/22/97, 4/25/02, 4/28/05 effective 8/1/05, 12/5/05)* — Contact Period

(e) Friday prior to the NCAA Division I Women's Basketball Championship game through Thursday of the week that includes the initial date for spring signing of the National Letter of Intent [except for (1) and (2) below]: *(Revised: 11/1/00, 4/25/02, 10/30/03, 10/28/04, 8/4/05, 12/5/05)* — Dead Period

(1) One women's basketball event certified by the NCAA (see 30.18) held in conjunction with, and conducted in the host city of, the NCAA Division I Women's Basketball Championship: *(Revised: 12/5/05)* — Evaluation Period

(2) The Friday, Saturday and Sunday immediately prior to the initial date for the spring signing of the National Letter of Intent: *(Adopted: 8/4/05, Revised: 12/5/05)* — Quiet Period

(f) Friday of the week that includes the initial date for the spring signing of the National Letter of Intent through the following Tuesday: *(Adopted: 12/5/05)* — Evaluation Period

(g) Wednesday of the week following the initial date for the spring signing of the National Letter of Intent through July 5: *(Revised: 1/11/94 effective 8/1/94, 8/14/96, 4/29/04 effective 8/1/04, 10/28/04, 4/28/05 effective 8/1/05, 12/5/05)* — Quiet Period

(h) July 6 through July 15: *(Revised: 4/29/04 effective 8/1/04, 12/5/05)* — Evaluation Period

(i) July 16 through July 21 [except for (1) below]: *(Adopted: 4/29/04 effective 8/1/04, Revised: 12/5/05)* — Dead Period

(1) It is permissible for an institution to have contact with a prospective student-athlete who is enrolled in the institution's summer term (summer session or summer bridge program) and has signed a National Letter of Intent or other written commitment to attend the institution. *(Adopted: 4/29/04 effective 8/1/04)*

(j) July 22 through July 31: *(Adopted: 4/29/04 effective 8/1/04, Revised: 12/5/05)* — Evaluation Period

(k) During the National Junior College Athletic Association championship competition: *(Revised: 10/28/99 effective 4/01/00, 12/5/05)* — Evaluation Period

(l) The following state-specific evaluation times are permissible: *(Adopted: 1/11/94 effective 8/1/94, Revised: 12/5/05)*

(1) In the state of Hawaii, evaluations shall be permissible only between July 8 and July 31 and between March 1 and May 31. *(Revised: 10/9/96)*

(2) In those states that play the high school basketball season in the spring, except for Hawaii, evaluations shall be permissible only between July 8 and July 31 and between April 8 and April 28.

30.10.3 Football. The following recruiting periods shall apply to football: *(Revised: 1/10/90 effective 8/1/90, 1/10/91 effective 8/1/91, 1/11/94 effective 8/1/94, 2/24/03, 12/5/05)*

(a) June 1 through the last Saturday in November [except for (1) below]: *(Revised: 1/11/94 effective 8/1/94, 4/25/02 effective 8/1/02, 10/3/03)* — Quiet Period

(1) Forty-two (54 for U.S. service academies) evaluation days (see Bylaw 13.02.6.2) during the months of September, October and November selected at the discretion of the institution and designated in writing in the office of the director of athletics; authorized off-campus recruiters shall not visit a prospective student-athlete's educational institution on more than one calendar day during this period: *(Adopted: 4/25/02 effective 8/1/02, Revised: 12/15/06, 1/14/08 effective 8/1/08, 2/22/08, 4/14/08)* — Evaluation Period

(b) The Sunday following the last Saturday in November through the Saturday prior to the initial date for the regular signing period of the National Letter of Intent except for (1) through (9) below. Six in-person off-campus contacts per prospective student-athlete shall be permitted during this time period with not more than one permitted in any one calendar week (Sunday through Saturday) or partial calendar week: *(Revised: 1/11/94 effective 8/1/94, 8/12/95, 4/27/00 effective 8/1/00, 5/27/09)* — Contact Period

(1) The Sunday prior to the dead period surrounding the initial date of the midyear junior college transfer National Letter of Intent signing period (applicable only to junior college prospective student-athletes who intend to enroll midyear): *(Adopted: 5/27/09)* — Quiet Period

(2) Monday through Thursday of the week that includes the initial date of the midyear junior college transfer National Letter of Intent signing period (applicable only to junior college prospective student-athletes who intend to enroll midyear) [except for (a) below]: *(Adopted: 5/27/09)* — Dead Period

(a) Institutional staff members may have contact with a prospective student-athlete who has been admitted for midyear enrollment, provided the prospective student-athlete has signed a National Letter of Intent or other offer of admission and/or financial aid to attend the institution and is required to be on campus to attend institutional orientation sessions for all students. *(Adopted: 5/27/09)*

(3) The Friday following the initial date of the midyear junior college transfer National Letter of Intent signing period through the Sunday of the week of the annual convention of the American Football Coaches Association [subject to the dead periods (5) and (6) below in applicable years (applicable only to junior college prospective student-athletes who intend to enroll midyear)]: *(Adopted: 5/27/09)* — Quiet Period

(4) The Sunday after the third Saturday in December: *(Adopted: 1/11/94 effective 8/1/94, Revised: 4/27/00 effective 8/1/00)* — Quiet Period

(5) The Monday following the third Saturday in December through January 1 [except for (a) below]: *(Revised: 1/11/94 effective 8/1/94, 5/27/09)* — Dead Period

(a) Institutional staff members may have contact with a prospective student-athlete who has been admitted for midyear enrollment, provided the prospective student-athlete has signed a National Letter of Intent or other offer of admission and/or financial aid to attend the institution and is required to be on campus to attend institutional orientation sessions for all students. *(Adopted: 5/27/09)*

(6) Weekdays during the first week of January when the first Monday in January is not a contact period [except for (a) below]: *(Adopted: 4/27/00 effective 8/1/00, 5/27/09)* — Dead Period

(a) Institutional staff members may have contact with a prospective student-athlete who has been admitted for midyear enrollment provided the prospective student-athlete has signed a National Letter of Intent or other offer of admission and/or financial aid to attend the institution and is required to be on campus to attend institutional orientation sessions for all students. *(Adopted: 5/27/09)*

(7) Friday, Saturday and Sunday when the first Friday in January is preceded by a dead day: *(Adopted: 4/27/00 effective 8/1/00)* — Quiet Period

(8) Sunday during the week of the annual convention of the American Football Coaches Association and Friday and Saturday after the completion of the convention: *(Adopted: 1/11/94 effective 8/1/94, Revised: 10/12/94, 4/27/00 effective 8/1/00)* — Quiet Period

(9) Monday through Thursday during the week of the annual convention of the American Football Coaches Association [except for (a) below]: *(Revised: 10/12/94, 4/27/00 effective 8/1/00, 5/27/09)* — Dead Period

(a) Institutional staff members may have contact with a prospective student-athlete who has been admitted for midyear enrollment, provided the prospective student-athlete has signed a National Letter of Intent or other offer of admission and/or financial aid to attend the institution and is required to be on campus to attend institutional orientation sessions for all students. *(Adopted: 1/10/05)*

(c) The Sunday prior to the dead period surrounding the initial date for the regular signing period of the National Letter of Intent: *(Revised: 8/12/95, 5/27/09)* — Quiet Period

(d) Monday through Thursday of the week that includes the initial date for the regular signing period of of the National Letter of Intent: *(Revised: 8/12/95, 5/27/09)* — Dead Period

(e) Friday following the initial date for the regular signing period of the National Letter of Intent through April 14: *(Revised: 8/12/95, 4/27/00 effective 8/1/00, 5/27/09)* — Quiet Period

(f) Four weeks (excluding Memorial Day and Sundays) during April 15 through May 31 selected at the discretion of the member institution and designated in writing in the office of the director of athletics [as provided in (1) below]: *(Revised: 1/11/94 effective 8/1/94, 4/27/00 effective 8/1/00, 9/6/00)* — Evaluation Period

(1) An authorized off-campus recruiter may use one evaluation to assess the prospective student-athlete's athletics ability and one evaluation to assess the prospective student-athlete's academic qualifications during this evaluation period. If an institution's coaching staff member conducts both an athletics and an academic evaluation of a prospective student-athlete on the same day during this evaluation period, the institution shall be charged with the use of an academics evaluation only and shall be permitted to conduct a second athletics evaluation of the prospective student-athlete on a separate day during this evaluation period: *(Adopted: 1/11/94 effective 8/1/94, Revised: 4/27/00 effective 8/1/00, 9/6/00)*

(g) Those days in April/May not designated in (f) above for evaluation opportunities: — Quiet Period

30.10.4 Softball. The following recruiting periods shall apply to softball: *(Adopted: 1/12/99 effective 8/1/99; Revised: 10/28/04, 12/5/05)*

(a) August 1 through the day prior to Thanksgiving Day [except for (1) below]: *(Revised: 4/26/07 effective 8/1/07, 4/30/09)* — Contact Period

(1) Monday through Thursday of the week that includes the initial date for the fall signing of the National Letter of Intent: — Dead Period

(b) Thanksgiving Day through January 1 [except for (1) below]: *(Revised: 4/26/07 effective 8/1/07, 4/30/09)* — Quiet Period

(1) 12:01 a.m. on the day of registration for the national convention of the National Fastpitch Coaches Association to 12:01 a.m. on the day after adjournment of the convention: — Dead Period

(c) January 2 through July 31 [except for (1) and (2) below]: *(Revised: 10/28/04, 4/26/07 effective 8/1/07)* — Contact Period

(1) Monday through Thursday of the week that includes the initial date for the spring signing of the National Letter of Intent: — Dead Period

(2) Tuesday prior to the start of the NCAA Division I Women's Softball Championship to noon on the day after the game: *(Revised: 1/10/05)* — Dead Period

(d) During high school regional and state championship competition that does not occur during a dead period: *(Adopted: 4/26/01, Revised: 8/8/02, 4/26/07 effective 8/1/07)* — Evaluation Period

(e) The following state-specific contact/evaluation periods are permissible: *(Adopted: 10/31/02, Revised: 4/26/07 effective 8/1/07)*

(1) In Hawaii, contacts and evaluations shall be permissible between Thanksgiving Day and January 1 [except for (a) below].

(a) 12:01 a.m. on the day of registration for the national convention of the National Fastpitch Coaches Association to 12:01 a.m. on the day after adjournment of the convention.

(2) In those states that play high school softball season in the fall, evaluations shall be permissible during those seasons, except during dead periods. *(Adopted: 4/26/07 effective 8/1/07)*

30.10.5 Lacrosse, Men's. The following recruiting periods shall apply to men's lacrosse: *(Adopted: 11/1/01 effective 8/1/02, Revised: 12/5/05)*

(a) The day after the first Sunday in January through Martin Luther King, Jr. Day: *(Adopted: 1/14/08)* — Contact Period/No Lacrosse Evaluations

(b) The day after Martin Luther King, Jr. Day through the last day of February: *(Adopted: 1/14/08)* — Quiet Period

(c) March 1 through the Thursday before the NCAA Division I Men's Lacrosse Championship [except for (1) below]: *(Revised: 1/14/08)* — Contact Period

(1) Monday through Thursday of the initial week for the spring signing of the National Letter of Intent:	Dead Period
(d) The Friday before the Division I Men's Lacrosse Championship to noon on the Tuesday after the championship:	Dead Period
(e) Noon on the Tuesday after the Division I Men's Lacrosse Championship through the first Monday in August: *(Revised: 1/14/08)*	Contact Period
(f) The day after the first Monday in August through the second Monday in August: *(Revised: 1/14/08)*	Quiet Period
(g) The day after the second Monday in August through August 31: *(Revised: 1/14/08)*	Dead Period
(h) September 1 through October 31: *(Revised: 1/14/08)*	Contact Period/No Lacrosse Evaluations
(i) November 1 through the Tuesday before Thanksgiving [except for (1) below: *(Revised: 1/14/08)*	Contact Period
(1) Monday through Thursday of the initial week for the fall signing of the National Letter of Intent:	Dead Period
(j) The Wednesday before Thanksgiving through the Sunday after Thanksgiving:	Dead Period
(k) The Monday after Thanksgiving through December 23:	Quiet Period
(l) December 24 through the first Sunday in January: *(Revised: 1/14/08)*	Dead Period

30.10.6 Women's Volleyball. The following recruiting periods shall apply to women's volleyball: *(Adopted: 4/25/02 effective 8/1/02, Revised: 8/15/02, 10/13/05, 12/5/05)*

(a) August 1 through the first Sunday of December [except for (1) below]: *(Adopted: 4/25/02 effective 8/1/02)*	Contact Period
(1) Monday through Thursday of the week that includes the initial date for the fall signing of the National Letter of Intent: *(Adopted: 4/25/02 effective 8/1/02)*	Dead Period
(b) Monday following the first Sunday of December through the Tuesday prior to the Division I Women's Volleyball Championship: *(Adopted: 4/25/02 effective 8/1/02)*	Quiet Period
(c) Wednesday prior to the Division I Women's Volleyball Championship through December 31 [except for (1) and (2) below: *(Adopted: 4/25/02 effective 8/1/02, Revised: 10/30/03, 4/26/07)*	Dead Period
(1) Coaches attending the American Volleyball Coaches Association (AVCA) annual awards banquet may have incidental contact with two-year college prospective student-athletes being honored at the banquet. (See Bylaw 13.02.4.4.1.) *(Adopted: 10/30/03)*	
(2) One event conducted on the Sunday immediately following the Division I Women's Volleyball Championship, provided it occurs within a 100-mile radius of the site of the championship; *(Adopted: 4/26/07)*	Evaluation Period
(d) January 1 through July 31 [except for (1) through (3) below]: *(Adopted: 4/25/02 effective 8/1/02, Revised: 4/28/05 effective 8/1/05)*	Contact Period
(1) January 1 to the Friday prior to Martin Luther King Jr. Day: *(Adopted: 1/9/06 effective 8/1/06)*	Quiet Period
(2) Monday through Thursday of the week that includes the initial date for the spring signing of the National Letter of Intent: *(Adopted: 4/25/02 effective 8/1/02)*	Dead Period
(3) May 1 to the Friday prior to Memorial Day: *(Adopted: 1/9/06 effective 8/1/06)*	Quiet Period
(e) The following state-specific contact and evaluation times are permissible: *(Adopted: 1/9/06 effective 8/1/06)*	
(1) In those states that play the high school volleyball season in the winter, contacts and evaluations shall be permissible January 1 through the Friday prior to the President's Weekend Tournaments. *(Adopted 1/9/06 effective 8/1/06)*	

30.10.7 Baseball. The following recruiting periods shall apply to baseball: *(Adopted: 4/24/03 effective 8/1/03, Revised: 12/5/05)*

(a) September 1 through the second Thursday of September:	Quiet Period
(b) The Friday following the second Thursday of September through the Sunday prior to the initial date for the fall signing of the National Letter of Intent:	Contact Period
(c) Monday through Thursday of the week that includes the initial date for the fall signing of the National Letter of Intent:	Dead Period
(d) The Friday of the week of the fall signing of the National Letter of Intent through the month of February [except for (1) below]:	Quiet Period
(1) 12:01 a.m. on the day of registration for the national convention of the American Baseball Coaches Association to 12:01 a.m. on the day after adjournment of the convention:	Dead Period
(e) March 1 through August 31 [except for (1) below]:	Contact Period
(1) Monday through Thursday of the week that includes the initial date for the spring signing of the National Letter of Intent:	Dead Period

30.10.8 Lacrosse, Women's. The following recruiting periods shall apply to women's lacrosse: *(Adopted: 4/29/04, Revised: 12/5/05)*

(a) January 2 through the Thursday before the NCAA Division I Women's Lacrosse Championship [except for (1) below]:	Contact Period
(1) Monday through Thursday of the initial week for the spring signing of the National Letter of Intent:	Dead Period
(b) The Friday before the Division I Women's Lacrosse Championship through Sunday of the championship [except for (1) below]:	Dead Period
(1) One event conducted during the weekend of the women's lacrosse championship, provided it is conducted on a day during which no championship competition occurs and within a 100-mile radius of the site of the championship. *(Adopted: 1/8/07)*	Evaluation Period
(c) The Monday after the Division I Women's Lacrosse Championship through July 31:	Contact Period
(d) August 1 through August 31—Seven contact days selected at the discretion of the institution and designated in writing in the office of the director of athletics. On the designated days, an institution's coaches are not restricted in the number of prospective student-athletes contacted in a single day:	Contact only (No evaluations)
(e) Those days during August 1 through August 31 not designated in (d) above for contact purposes:	Quiet Period
(f) September 1 through the Tuesday before Thanksgiving [except for (1) and (2) below]: *(Revised: 4/30/09 effective 8/1/09)*	Contact Period
(1) Monday through Thursday of the initial week of the fall signing of the National Letter of Intent:	Dead Period
(2) Evaluations of prospective student-athletes participating in lacrosse activities are limited to the three weekends (Saturday and Sunday) prior to Thanksgiving. *(Adopted: 4/30/09 effective 8/1/09)*	
(g) The Wednesday before Thanksgiving through January 1.	Quiet Period

30.10.9 Cross Country/Track and Field. The following recruiting periods shall apply to cross country and track and field: *(Adopted: 4/26/07 effective 8/1/07)*

(a) August 1 through the second Saturday in August:	Quiet Period
(b) The day after the second Saturday in August through the second Sunday in December [except (1) below]: *(Revised: 10/2/07)*	Contact Period
(1) 12:01 a.m. on the day of the Division I Men's and Women's Cross Country Championships to 12:01 a.m. on the day following the completion of the championships: *(Revised: 10/10/07)*	Dead Period
(c) The day after the second Sunday in December through January 2 [except (1) below]:	Quiet Period

(1)	12:01 a.m. on the day of registration for the national convention of the U.S. Track and Field and Cross Country Coaches Association to 12:01 a.m. on the day after the adjournment of the convention:	Dead Period
(d)	January 3 through July 31 [except (1) through (3) below]:	Contact Period
(1)	Monday through Thursday of the week that includes the initial date of spring signing of the National Letter of Intent:	Dead Period
(2)	12:01 a.m. on the first day of the NCAA Division I Men's and Women's Indoor Track and Field Championships to 12:01 a.m. on the day following the completion of the championships:	Dead Period
(3)	12:01 a.m. on the first day of the NCAA Division I Men's and Women's Outdoor Track and Field Championships to 12:01 a.m. on the day following the completion of the championships:	Dead Period

30.10.10 Dead or Quiet Periods for Other Sports. There are no specified recruiting periods in sports for which no recruiting calendars have been established except for the following dead periods and the quiet period in women's ice hockey (see Bylaw 30.10.11). *(Revised: 10/27/05, 12/5/05)*

30.10.10.1 National Letter of Intent Signing Date. Monday through Thursday of the week that includes the fall or spring signing of the National Letter of Intent in the applicable sport. *(Revised: 1/10/91, 8/2/91, 8/14/96)*

30.10.10.1.1 Exception—U.S. Diving National Championship. During any year in which the National Letter of Intent signing date dead period occurs during the U.S. Diving National Championships, it shall be permissible for authorized coaching staff members to observe prospective student-athletes participating in that event. *(Adopted: 8/14/96)*

30.10.10.1.2 Exception—North American Cup Fencing Championship. During any year in which the National Letter of Intent signing date dead period occurs during the North American Cup Fencing Championship, it shall be permissible for authorized coaching staff members to observe prospective student-athletes participating in that event. *(Adopted: 4/30/09)*

30.10.10.2 Field Hockey, Women. Wednesday prior to the NCAA Division I Field Hockey Championship to noon on the day after the game. *(Adopted: 10/12/95)*

30.10.10.3 Gymnastics, Women. Wednesday prior to the National Collegiate Women's Gymnastics Championships to noon on the Sunday after the championships.

30.10.10.4 Ice Hockey, Men. Wednesday prior to the NCAA Division I Men's Ice Hockey Championship to noon on the Sunday after the game.

30.10.10.5 Ice Hockey, Women. The day prior to the NCAA Division I Women's Ice Hockey Championship to noon on the day after the game (Thursday to noon Monday based on the current Friday to Sunday format). *(Adopted: 11/1/01)*

30.10.11 Quiet Period—Women's Ice Hockey. Monday prior to the American Hockey Coaches Association Convention through midnight May 31. *(Adopted: 10/27/05)*

30.11 STUDENT-ATHLETE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT AUTHORIZATION/BUCKLEY AMENDMENT CONSENT FORM—DISCLOSURE OF PROTECTED HEALTH INFORMATION

The following procedures shall be used in administering the Student-Athlete Health Insurance Portability and Accountability Act (HIPAA) Authorization/Buckley Amendment Consent Form—Disclosure of Protected Health Information required by Bylaw 14.1.6 (see Constitution 3.2.4.9): *(Adopted: 4/24/03, Revised: 8/7/03 effective 8/1/04)*

(a) The authorization/consent form shall be administered individually to each student-athlete by the athletics director or the athletics director's designee before the student-athlete's participation in intercollegiate athletics each academic year.

(b) Signing the authorization/consent shall be voluntary and is not required by the student-athlete's institution for medical treatment, payment for treatment, enrollment in a health plan or for any benefits (if applicable) and is not required for the student-athlete to be eligible to participate.

(c) Any signed authorization/consent forms shall be kept on file by the director of athletics.

30.11.1 Effect of Violations. Violations of the procedures set forth in Bylaw 30.11 shall be considered an institutional violation per Constitution 2.8.1 and shall not affect the student-athlete's eligibility. *(Adopted: 4/24/03 effective 8/1/03, Revised: 8/7/03 effective 8/1/04)*

30.12 STUDENT-ATHLETE STATEMENT

The following procedures shall be used in administering the student-athlete statement required in Bylaw 14.1.3: *(Revised: 8/4/89, 1/9/06 effective 8/1/06)*

(a) The statement shall be administered individually to each student-athlete by the athletics director or the athletics director's designee prior to the student's participation in intercollegiate competition each academic year;

(b) The statement shall be kept on file by the athletics director and shall be available for examination upon request by an authorized representative of the NCAA; and

(c) The athletics director shall promptly notify in writing the vice president of NCAA's education services group regarding a student-athlete's disclosure of a previous positive drug test administered by any other athletics organization. *(Adopted: 1/14/97 effective 8/1/97)*

30.13 SQUAD LIST

The following procedures shall be used in regard to the squad list required in Bylaw 15.5.11.2:

(a) The forms shall be kept on file in the office of the athletics director, and such file shall be available for examination upon request by an authorized representative of another member institution; the NCAA, and, if the institution is a member of a conference, an authorized representative of the conference;

(b) Any student-athlete who signs a drug-testing consent form must be included on the institution's squad-list form, and any student-athlete who is included on the squad-list form must have signed a drug-testing consent form pursuant to Bylaw 14.1.4. An institution is not required to place a student-athlete who is "trying out" for a team on the squad list form for 14 days from the first date the student engages in countable athletically related activities or until the institution's first competition, whichever occurs earlier; *(Adopted: 1/10/92 effective 8/1/92, Revised: 4/28/05)*

(c) A supplementary form may be filed to add names of persons not initially on the squad or to indicate a change of status; *(Revised: 1/9/06 effective 8/1/06)*

(d) A student-athlete's name must be on the official institutional form to qualify to represent the institution in intercollegiate athletics; and *(Revised: 1/9/06 effective 8/1/06)*

(e) The athletics director shall sign the form for each sport. The head coach in each sport shall sign the form for the applicable sport. *(Revised: 1/9/06 effective 8/1/06)*

30.14 SUMMER BASKETBALL LEAGUES

In order for a summer basketball league to be certified, a certification application form must be submitted each year to the NCAA national office. To be certified, the following criteria must be met by each league: *(Revised: 1/13/03, 4/14/03, 4/29/04)*

(a) **All-Star Games Prohibition**. No all-star game of any kind shall be permitted;

(b) **Geographical Limitation**. League play shall be within 100 air miles of the city limits of the student-athlete's official residence at the end of the previous academic year or the institution the student-athlete last attended as a regular student. If a league does not exist within 100 air miles of the student-athlete's residence, a student-athlete may participate in the summer league located closest to the student's official residence; *(Revised: 8/2/91)*

(c) **Payment Prohibition**. No member team shall make any payments for play or expenses directly or indirectly to any player;

(d) **Postseason Competition**. Postseason play-offs or tournaments shall be permitted, provided they involve intraleague competition and are completed by August 31;

(e) **Player Limitations**

(1) **Number from Any One College**. Each team shall include on its roster no more than two players with intercollegiate basketball eligibility remaining from any two-year or four-year college (other than a Divisions II and III member institution); *(Revised: 1/10/91, 4/27/00)*

(2) **Replacement of Student-Athlete Who Withdraws**. A student-athlete who is listed on the roster of a team and withdraws or is injured and will not continue to practice or compete may be replaced for the remainder of the season by another basketball student-athlete from the same institution. The institution is permitted only one replacement per team; and *(Adopted: 1/11/94)*

(3) **One Team, One League**. All Division I student-athletes must limit their competition to one team in one league; *(Revised: 10/18/89)*

(f) **Revenue**. No admission shall be charged for any game, no fee shall be charged for parking to attend any game, no revenue shall be realized at any game from raffles or similar activities, and no revenue shall be realized from over-the-air or cable television or radio rights fees for any game;

(g) **Staff Limitations**

(1) Neither the league nor any member team shall have on its staff or as a participant any person associated in any employment capacity with any two-year or four-year college, except that institutional employees who are not athletics department staff members and do not have responsibilities directly related to the athletics department may serve as game officials. *(Revised: 8/6/93)*

(2) Neither the league nor any member team shall have on its staff or as a participant any individual who has been found guilty or pleaded guilty in a court of law for having been involved in sports bribery, point shaving or game fixing; *(Adopted: 4/20/99, Revised: 1/13/03)*

(h) **Venue**. A certified league shall not be conducted in a venue where sports wagering on intercollegiate athletics is permitted or on property sponsored by an establishment that permits sports wagering on intercollegiate athletics or branded with signage for such an establishment; *(Revised: 11/01/01, 1/13/03)*

(i) **Involvement of Agents**. No individual or agency involved in the marketing of any individual's athletics reputation or ability (including an employee of an agent or anyone associated with an agent in his or her capacity of marketing any individual's athletics reputation or ability) shall be associated in any capacity with the league (or any team participating in the league); *(Adopted: 1/13/03, Revised: 11/1/07)*

(j) **Awards**. League participants may receive an award, provided the cost of the award is included in the participant's entry fee; *(Adopted: 1/13/03)*

(k) **Medical Insurance.** The league operator must provide proof of medical insurance coverage for league participants; and *(Adopted: 11/1/07)*

(l) **Approval of League Operator or Manager.** Individuals involved in operating or managing a league must be approved in accordance with guidelines established by the NCAA basketball certification staff. *(Adopted: 10/30/08)*

30.15 SUMMER BASKETBALL EVENT CERTIFICATION—MEN'S BASKETBALL

In men's basketball, in order for a summer basketball event (e.g., camp, league, tournament or festival) to be certified, a certification application form must be submitted each year to the NCAA national office 45 days before the start of the event. An event review form for each event also must be submitted to the national office not later than three months after the event sessions. The following criteria must be met by each event in order to be certified: *(Adopted: 11/1/01 effective 4/1/02, Revised: 1/13/03, 4/29/04)*

(a) Admissions fees charged to all event participants must be similar;

(b) No air or ground transportation or other gifts or inducements shall be provided to the event participants or their coaches or relatives;

(c) A prospective student-athlete who attends an NCAA certified event shall not retain any athletics equipment or apparel provided for his use at the event other than an event T-shirt. All other apparel (e.g., shoes or shorts) may be retained only if the prospective student-athlete is charged the normal retail value of such items (as opposed to the event's cost in purchasing the items);

(d) Compensation provided to event personnel shall be commensurate with the going rate for event personnel of like teaching ability and event experience;

(e) The event or tour shall include a comprehensive educational session presented in-person or in a video format that includes a review of regulations related to initial-eligibility standards, gambling, agents and drug use; *(Revised: 1/13/03)*

(f) An event operator, staff member of a league or member of any team may not participate if the individual has been found guilty or pleaded guilty in a court of law for having been involved in sports bribery, point shaving or game fixing;

(g) The event shall not be conducted in a venue where sports wagering on intercollegiate athletics is permitted, or on property sponsored by an establishment that permits sports wagering on intercollegiate athletics or branded with signage for such an establishment; *(Adopted: 1/14/02)*

(h) No individual or agency involved in the marketing of any individual's athletics reputation or ability (including an employee of an agent or anyone associated with an agent in his or her capacity of marketing any individual's athletics reputation or ability) shall be associated in any capacity with the event (or any team participating in the event); *(Revised: 11/1/07)*

(i) The event (and any team participating in the event) may not receive financial support from any individual or agency involved in marketing any individual's athletics reputation or ability or any representatives of an NCAA member institution's athletics interests that is assisting or has assisted in the recruiting process;

(j) Individuals involved in coaching activities and in operating or managing the event must have been approved in accordance with guidelines established by the NCAA basketball certification staff; *(Revised: 1/13/03, 10/30/08)*

(k) Participants on nonscholastic teams must be legal residents of the state in which the team is located or a geographically adjoining state and not more than a total of three prospective student-athletes from adjoining states may participate on any one nonscholastic team; *(Revised: 1/13/03)*

(l) A participant may receive an award, provided the cost of the award is included in the participant's entry fee; *(Adopted: 1/13/03 effective 1/13/03)*

(m) Qualified medical personnel must be present at the event; *(Adopted: 1/8/07)*

(n) Athletically related activities are precluded prior to 8 a.m. and the last athletically related activity may not begin later than 10 p.m.; *(Adopted: 1/8/07)*

(o) Prospective student-athletes may participate in no more than five games over a rolling two-day period and in no more than three games on any one day; and *(Adopted: 1/8/07)*

(p) The price of event packets must be listed on the event certification application and the price must be made available to coaches prior to their arrival at the event; and *(Adopted: 1/8/07)*

(q) The event operator must provide proof of medical insurance coverage for event participants. *(Adopted: 11/1/07)*

30.16 BASKETBALL EVENT CERTIFICATION—WOMEN'S BASKETBALL

In women's basketball, in order for a basketball event (e.g., camp, league, tournament or festival) to be certified, a certification application form must be submitted each year to the NCAA national office 45 days prior to the start of the event. An event review form for each event also must be submitted to the NCAA national office not later than three months following the event sessions. The following criteria must be met by each event in order to be certified: *(Adopted: 1/16/93, Revised: 1/11/94, 8/10/94, 1/10/95, 1/9/96 effective 8/1/96, 8/14/96, 2/19/97, 4/27/00 effective 8/1/01, 1/25/02, 1/13/03)*

(a) Admissions fees charged to all event participants must be similar; *(Revised: 1/11/94)*

(b) No air or ground transportation or other gifts or inducements shall be provided to the event participants or their coaches or relatives; *(Revised: 1/11/94)*

(c) A prospective student-athlete who attends an NCAA certified event shall not retain any athletics equipment provided for his or her use at the event other than an event T-shirt. All other apparel (e.g., shoes or shorts) may be retained only if the prospective student-athlete is charged the normal retail value of such items (as opposed to the event's cost in purchasing the items); *(Revised: 1/11/94, 1/14/97)*

(d) Compensation provided to event personnel shall be commensurate with the going rate for event personnel of like teaching ability and event experience; *(Revised: 1/11/94)*

(e) The event shall include a comprehensive educational session presented in-person or in a video format that includes a review of regulations related to initial-eligibility standards, gambling, agents and drug use; *(Adopted: 10/12/95, Revised: 1/13/03)*

(f) An event operator, staff member of a league or member of any team may not participate if the individual has been found guilty or pleaded guilty in a court of law for having been involved in sports bribery, point shaving or game fixing; *(Adopted: 4/20/99)*

(g) A certified event shall not be conducted in a venue where sports wagering on intercollegiate athletics is permitted or on property sponsored by an establishment that permits sports wagering on intercollegiate athletics or branded with signage for such an establishment; *(Revised: 11/1/01, 1/13/03, 1/9/06 effective 8/1/06)*

(h) No individual or agency involved in the marketing of any individual's athletics reputation or ability (including an employee of an agent or anyone associated with an agent in his or her capacity of marketing any individual's athletics reputation or ability) shall be associated in any capacity with the event (or any team participating in the event); *(Adopted: 1/9/06 effective 8/1/06, Revised: 11/1/07)*

(i) The event (and any team participating in the event) may not receive financial support from any individual or agency involved in marketing any individual's athletics reputation or ability or any representatives of an NCAA member institution's athletics interests that is assisting or has assisted in the recruiting process; *(Adopted: 1/9/06 effective 8/1/06)*

(j) Individuals involved in coaching activities and in operating or managing the event must have been approved in accordance with guidelines established by the NCAA basketball certification staff; *(Adopted: 1/9/06 effective 8/1/06, Revised: 10/30/08)*

(k) A participant may receive an award, provided the cost of the award is included in the participant's entry fee; *(Adopted: 1/13/03 effective 1/13/03, Revised: 1/9/06 effective 8/1/06)*

(l) Qualified medical personnel must be present at summer events; *(Adopted: 1/8/07)*

(m) Athletically related activities are precluded prior to 8 a.m. and the last athletically related activity may not begin later than 10 p.m.; *(Adopted: 1/8/07)*

(n) Prospective student-athletes may participate in no more than five games over a rolling two-day period and in no more than three games on any one day; *(Adopted: 1/8/07)*

(o) The price of an event packet must be listed on the event certification application and the price must be made available to coaches prior to their arrival at the event; and *(Adopted: 1/8/07)*

(p) The event operator must provide proof of medical insurance coverage for event participants. *(Adopted: 11/1/07)*

30.17 WOMEN'S FINAL FOUR BASKETBALL EVENT CERTIFICATION

In women's basketball, coaches are permitted to attend a single basketball event selected at the discretion of the institution, certified by the NCAA and held in conjunction with and conducted within a 30-mile radius of the championship site and host city of the NCAA Division I Women's Basketball Championship. The opportunity to attend such an event is limited to one per institution and is available for all coaching staff members. Institutional staff members are precluded from in-person face-to-face contacts with prospective student-athletes during such events. The following criteria must be met by each event in order to be certified: *(Revised: 1/12/04 effective 8/1/04, 4/28/05, 11/1/07)*

(a) Division I coaches may not be employed by the event;

(b) The event must include an educational session that contains a review of initial-eligibility standards, and regulations related to gambling, agents and drug use;

(c) Individuals involved in operating or managing the event must have been approved in accordance with guidelines established by the NCAA basketball certification staff; *(Adopted: 10/30/08)*

(d) Individuals involved in the administration of the event may not have been found guilty or pleaded guilty in a court of law for having been involved in sports bribery, points shaving or game fixing;

(e) All participants must have started classes for the senior year in high school;

(f) The competition must be conducted during the Final Four weekend (Saturday through Tuesday) and may not occur at the same time of any other intercollegiate competition that occurs in conjunction with the Final Four weekend; *(Revised: 11/1/07)*

(g) A certified event shall not be conducted in a venue where sports wagering on intercollegiate athletics is permitted or on property sponsored by an establishment that permits sports wagering on intercollegiate athletics or branded with signage for such an establishment; *(Revised: 11/1/01)*

(h) No individual or agency involved in the marketing of any individual's athletics reputation or ability (including an employee of an agent or anyone associated with an agent in his or her capacity of marketing any individual's athletics reputation or ability) shall be associated in any capacity with the event (or any team participating in the event); and *(Adopted: 11/1/07)*

(i) The event operator must provide proof of medical insurance coverage for event participants. *(Adopted: 11/1/07)*

30.18 U.S. SERVICE ACADEMY WAIVERS

30.18.1 Preparatory School Assistance. The Legislative Council Subcommittee for Legislative Relief may approve waivers of Bylaw 13.15, provided such waivers are limited to procedures involving preparation for entrance into one of the U.S. service academies. *(Revised: 11/1/07 effective 8/1/08)*

30.18.1.1 Air Force, Military and Naval Academies Exception. A nonprofit, outside organization representing the interests of one of the academies may collect contributions from alumni and other friends of the academy for the purpose of assisting candidates in obtaining a preparatory education, provided the following conditions are met: *(Revised: 11/1/07 effective 8/1/08)*

(a) The foundation's arrangements with the preparatory school(s) shall provide that the foundation's contributions shall be turned over to the preparatory school for the school's administration without interference or dictation from the foundation or the academy;

(b) The preparatory school shall have sole jurisdiction in determining the recipient of financial assistance and the terms and conditions of the award;

(c) The foundation may recommend candidates to the preparatory school; athletics staff members of the academy may not; and

(d) Such a foundation shall provide preparatory education assistance for prospective candidates who do not have specialized athletics abilities as well as those who do. The number of candidates with recognized ability assisted each year as the result of the foundation's program shall be in equal ratio to the number of student-athletes on the regular intercollegiate squads of the academy compared to the total enrollment of the academy.

ADMINISTRATIVE BYLAW, ARTICLE 31

Executive Regulations

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31.01 GENERAL PRINCIPLES

31.01.1 Names of Championships. All NCAA championships (see Bylaw 18.3) have formal designations that identify their appropriate category and sport classification (see Bylaw 31.02.2). The name of each championship is the property of the Association (see Bylaw 31.6).

31.01.2 Postseason Championship Opportunities. NCAA championships are intended to provide national-championship competition among the best eligible student-athletes and teams at the conclusion of the respective sport seasons, with consideration for regional structures that may be approved for certain championships.

31.01.3 Size of Championship Fields. The size of all NCAA championships fields shall be established by the Championships/Sports Management Cabinet to provide for efficient management of the events, adequate NCAA championship opportunities relative to the nationwide quality of competition and sound economic administration of the financial resources of the Association and its championships. (See Bylaw 31.3.1 for the criteria to be considered in establishing the size of the championship field.) *(Revised: 11/1/07 effective 8/1/08)*

31.01.4 Economy of Operation. Every sports committee (see Bylaws 21.02.1 through 21.02.3) and games committee (Bylaw 31.1.2) shall exercise all possible economy in the conduct of an NCAA championship.

31.02 DEFINITIONS AND APPLICATIONS

31.02.1 Automatic Qualification. Automatic qualification is the automatic entry into a championship field by a team or individual student-athletes representing a member conference recommended by the appropriate sports committee and approved by the Championships/Sports Management Cabinet (see Bylaw 31.3.4). *(Revised: 11/1/07 effective 8/1/08)*

31.02.2 Championships Classification and Terminology.

31.02.2.1 Team Championships. Team championships are those conducted for the team sports (see Bylaw 17.02.12.1). The title of a team championship is always singular and is identified as a National Collegiate Championship or a division championship (e.g., National Collegiate Women's Water Polo Championship, Division I Men's Basketball Championship).

31.02.2.2 Individual-Team Championships. Individual-team championships are those conducted for the individual sports (see Bylaw 17.02.12.2). The title of an individual-team championship is always plural, reflecting the fact that both individual and team championships are determined (e.g., National Collegiate Men's Gymnastics Championships, Division I Women's Tennis Championships).

31.02.3 Misconduct. Misconduct in an NCAA championship is any act of dishonesty, unsportsmanlike conduct, unprofessional behavior or breach of law, occurring from the time the championship field is announced through the end of the championship, that discredits the event or intercollegiate athletics. *(Revised: 8/15/89, 8/13/92, 1/14/08 effective 8/1/08)*

31.1 ADMINISTRATION OF NCAA CHAMPIONSHIPS

31.1.1 Authority of Championships/Sports Management Cabinet, Leadership Council, Board of Directors and/or Executive Committee and Sports Committees. As specified in Bylaw 18.1, all NCAA championships shall be conducted in accordance with the general policies established by the Championships/Sports Management Cabinet, Leadership Council, Board of Directors and/or Executive Committee and shall be under the control, direction and supervision of the appropriate sports committees, subject

to the standards and conditions set forth in these executive regulations. Additional policies of an administrative nature are set forth in the respective championships handbooks and are to be followed in the administration of NCAA championships. *(Revised: 8/9/07, 11/1/07 effective 8/1/08)*

31.1.1.1 Waivers. The NCAA president shall be authorized to grant waivers of executive regulations governing the conduct of an NCAA championship when warranted by special and unusual circumstances.

31.1.1.2 Appeal of Decisions of Sports Committees. An appeal of a decision of a governing sports committee, or a subcommittee designated by it, concerning questions of individual or institutional eligibility or the conduct of a championship will not be considered by the Championships/Sports Management Cabinet at any time during the championship or 48 hours immediately preceding the beginning of the championship. During such period, the governing sports committee, or a subcommittee designated by it, shall be the final authority in acting upon appeals concerning the conduct of the championship, subject to the provisions of Bylaw 31.2 regarding institutional and individual eligibility questions. *(Revised: 11/1/07 effective 8/1/08)*

31.1.2 Games Committee. The governing sports committee shall appoint a games committee to supervise actively the conduct of each championship session. The games committee conducting any NCAA championship shall limit participation to eligible student-athletes and may limit the number of entries or reject any application for entry in any event in order that the competition shall best promote the welfare and interest of the sport involved.

31.1.3 Sites and Dates. The governing sports committees recommend to the Championships/Sports Management Cabinet the sites and dates for all NCAA championships. *(Revised: 11/1/07 effective 8/1/08)*

31.1.3.1 Championships/Sports Management Cabinet Approval. Championships/Sports Management Cabinet approval shall be obtained before final site commitments are made to the host institution or any other individual or organization associated with the management of an NCAA championship. However, in the sports of baseball, basketball, field hockey, football, ice hockey, lacrosse, soccer, softball and volleyball, the governing sports committees are authorized to select sites for preliminary rounds of competition without prior Championships/Sports Management Cabinet approval. *(Revised: 11/1/07 effective 8/1/08)*

31.1.3.2 Site Selection. The governing sports committees shall evaluate prospective sites for NCAA championships in terms of the specific criteria approved by the Championships/Sports Management Cabinet. The division championships committees may assign specific priorities to these criteria for their respective championships. These shall be specified in the appropriate championships handbooks. A governing sports committee that desires to use additional criteria shall obtain Championships/Sports Management Cabinet approval before doing so. *(Revised: 11/1/07 effective 8/1/08)*

31.1.3.2.1 Criteria for Site Determination. The following criteria are to be used in the evaluation of sites for all competition in NCAA championships:

(a) Quality and availability of the facility and other necessary accommodations;

(b) Revenue potential (e.g., a financial guarantee or guideline that ensures fiscal responsibility and is appropriate for the particular event, as recommended by the governing sports committee and approved by the Championships/Sports Management Cabinet); *(Revised: 11/1/07 effective 8/1/08)*

(c) Attendance history and potential;

(d) Geographical location; and

(e) Championships operating costs. *(Revised: 11/1/01)*

31.1.3.2.1.1 Site Bid Information. Sports committees shall submit information related to championships site bids in a format approved by the Championships/Sports Management Cabinet. (*Adopted: 11/1/01, Revised: 11/1/07 effective 8/1/08*)

31.1.3.2.2 Nonpredetermined Site. When a championship site is not predetermined, the governing sports committee may award the site to the higher-ranked team if the above criteria, and any priorities established by the respective division championships committee, are met.

31.1.3.2.3 On-Campus versus Off-Campus Sites. Preference shall be given to conducting competition on the grounds or in the buildings of educational institutions unless there are compelling reasons, based on evaluation of the criteria in Bylaw 31.1.3.2.1 (which shall be applied to both on-campus and off-campus sites), to conduct the competition in an off-campus facility. In those instances in which it is advisable to conduct the competition at off-campus sites, the host institution(s) shall have complete control, supervision and management of the facility being used. *(Revised: 12/3/90)*

31.1.3.2.4 Reconsideration of Host Institution. The Championships/Sports Management Cabinet may reconsider the designation of a host institution for an NCAA championship if that institution's team or individual student-athletes are not eligible to compete in the championship. *(Revised: 11/1/07 effective 8/1/08)*

31.1.3.2.5 Nonrevenue Championships Site Assignment. In championships that do not generate revenue, pairings shall be based primarily on the teams' geographical proximity to one another, regardless of their region, in order to avoid air travel in preliminary rounds whenever possible. Teams' seeding relative

to one another may be taken into consideration when establishing pairings if such a pairing does not result in air travel that otherwise could be avoided. The Championships/Sports Management Cabinet shall have the authority to modify its working principles related to the championship site assignment on a case-by-case basis. *(Revised: 8/4/94, 8/7/03, 11/1/07 effective 8/1/08)*

31.1.3.3 Concluding Dates. NCAA championships competition shall be concluded no later than May 31 each year unless later dates are approved by the Championships/Sports Management Cabinet. (Note: The Division I Baseball Championships, the Division I Men's Golf Championships, and the Division I Men's and Women's Outdoor Track and Field Championships have been granted waivers by the Championships/Sports Management Cabinet.) *(Revised: 11/1/07 effective 8/1/08)*

31.1.4 Day of Competition. NCAA championships competition may be scheduled or conducted on any day, provided the governing sports committee has received the prior approval of the Championships/Sports Management Cabinet and the following regulations are applied. *(Revised: 4/22/98, 8/11/98, 11/1/07 effective 8/1/08)*

31.1.4.1 Institutional Policy. If a participating institution has a written policy against competition on a particular day for religious reasons, it shall submit its written policy to the governing sports committee on or before September 1 of each academic year in order for it or one of its student-athletes to be excused from competing on that day. The championship schedule shall be adjusted to accommodate that institution, and such adjustment shall not require its team or an individual competitor to compete prior to the time originally scheduled. *(Adopted: 4/22/98, Revised: 8/11/98, 10/28/99)*

31.1.4.2 Individual Championships. In individual championships, an athlete must compete according to the institution's policy regarding Sunday competition (if the institution has no policy against Sunday competition, the athlete shall compete on Sunday if required by the schedule).

31.1.4.3 Rescheduling. If an emergency develops that causes postponement of an NCAA championship, or if the competitive situation dictates a more expeditious completion of the meet or tournament, Sunday competition may be permitted, provided the competing institutions are agreeable and advance approval is obtained from the Championships/Sports Management Cabinet. *(Revised: 11/1/07 effective 8/1/08)*

31.1.4.4 Noon Start Time. NCAA competition conducted on Sunday may not begin prior to noon, local time.

31.1.4.4.1 Exception. Sports committees may reschedule competition to begin prior to noon on Sunday if extenuating circumstances arise (e.g., weather) that would affect the health and safety of the participants or otherwise cause postponement of the championship. *(Adopted: 4/25/02; Revised: 10/30/03)*

31.1.4.4.2 Exception—Women's Rowing Championship. In instances where the final day of the women's rowing championship occurs on a Sunday, competition may begin prior to noon. *(Adopted: 10/31/02 effective 8/1/03)*

31.1.5 Squad Limits. In any championship where a squad limit has been established by the governing sports committee or by the bylaws, the number of eligible student-athletes in competitive uniform at the start of the competition shall not exceed the prescribed number. An institution that is advised that it is in violation of this regulation and that does not promptly conform to it automatically shall forfeit the competition. There shall be no inordinate delay of the competition to allow the institution to conform to the rule.

31.1.6 Playing Rules.

31.1.6.1 Non-NCAA Rules, Men's Sports. In those men's sports in which the Association does not publish rules, the NCAA championships shall be conducted according to the following, except where those rules are superseded by modifications made by the appropriate governing sports committee (see Bylaw 18.6):

(a) Fencing—U.S. Fencing Association Rules;

(b) Golf—U.S. Golf Association Rules;

(c) Gymnastics—International Gymnastics Federation Rules;

(d) Tennis—U.S. Tennis Association Rules; and

(e) Volleyball—U.S. Volleyball Association Rules.

31.1.6.2 Non-NCAA Rules, Women's Sports. In those women's sports in which the Association does not publish rules, the NCAA championships shall be conducted according to the following, except where those rules are superseded by modifications made by the appropriate governing sports committee (see Bylaw 18.6):

(a) Fencing—U.S. Fencing Association Rules;

(b) Field Hockey—International Field Hockey Rules;

(c) Golf—U.S. Golf Association Rules;

(d) Gymnastics—International Gymnastics Federation Women's Code of Points with the U.S. Gymnastics Federation Class I, Competition I-B rules and the USGF modifications;

(e) Rowing—U.S. Rowing Rules; and *(Adopted: 1/14/97)*

(f) Tennis—U.S. Tennis Association Rules.

31.1.7 Logo Restrictions—Bench Personnel. The logo restrictions on student-athletes' apparel set forth in Bylaw 12.5.4 shall apply during NCAA championships to all personnel (e.g., coaches, trainers, managers) who are on the team bench for practices and games or who participate in NCAA news conferences. *(Adopted: 8/11/98 effective 8/1/99)*

31.1.8 Logo Restrictions—Noncompeting Participants. The logo restriction on student-athletes' apparel set forth in Bylaw 12.5.4 shall apply to commercial logos on uniforms worn by band members, cheerleaders, dance team members and the institution's mascot during NCAA championship events. *(Adopted: 8/11/98 effective 8/1/99)*

31.1.9 Medical Disqualification. The student-athlete's team physician shall examine each athlete injured during NCAA competition and make a recommendation to the athlete, the coach and the chair of the governing sports committee, or the chair's designated representative, as to the advisability of continued participation or disqualification of the athlete. In the absence of said team physician, the NCAA tournament physician, as recommended by the host institution and approved by the governing sports committee, shall examine the injured athlete and make a recommendation as noted above. The chair of the governing sports committee, or the chair's designated representative, shall be responsible for enforcement of the medical recommendation if it involves disqualification.

31.1.10 Misconduct. Each games committee shall hold a pretournament meeting with the coaches of participating institutions to review and explain the policies related to misconduct (as defined in Bylaw 31.02.3).

31.1.10.1 Hearing Opportunity. An act of misconduct may be found upon an administrative hearing granted to the student-athlete or the institutional representative involved by the governing sports committee or the games committee authorized to act for it.

31.1.10.2 Misconduct Incident to Competition. If the act of misconduct occurs during the competition, under normal circumstances the individual shall be allowed to complete the competition in which he or she is participating at the time of the incident. An administrative hearing shall be held at the conclusion of the day's competition, during a break in the continuity of the championship (e.g., between rounds of a basketball tournament) when no competition is being conducted or at the conclusion of the championship. However, if the act of misconduct is so flagrant that it obviously violates the principles of fair play and sportsmanship, the games committee may immediately withdraw the student-athlete or institutional representative from the competition and conduct the hearing following this action. Other acts of misconduct may be dealt with at the governing sports committee's convenience. *(Revised: 8/13/92)*

31.1.10.3 Penalty for Misconduct. A governing sports committee (or the games committee authorized to act for it) may impose any one or a combination of the following penalties on an institution or any student-athlete or representative of an institution guilty of misconduct that occurs incident to, en route to, from or at the locale of the competition or practice:

(a) Public or private reprimand of the individual;

(b) Disqualification of the individual from further participation in the NCAA championship involved;

(c) Banishment of the individual from participation in one or more following championships of the sport involved;

(d) Cancellation of payment to the institution of the Association's travel guarantee for the individuals involved;

(e) Withholding of all or a portion of the institution's share of revenue distribution;

(f) Banishment of the institution from participation in one or more following championships in which its team in that sport otherwise would be eligible to participate;

(g) Disqualification of an institution for a period of time from serving as host institution for one or more NCAA championships; *(Revised: 8/13/92)*

(h) Cancellation of all or a portion of the honorarium for hosting an NCAA championship; and *(Revised: 8/13/92)*

(i) Financial or other penalties different from (a) through (h) above, but only if they have prior approval of the Championships/Sports Management Cabinet. *(Revised: 8/13/92, 11/1/07 effective 8/1/08)*

31.1.10.4 Ban from Following Championship. When a student-athlete or institutional representative is banned from participation in a following championship, such penalty shall be applied to the next tournament(s) in which the individual's team is involved and the individual otherwise is eligible to participate. In the case of an individual event, the penalty shall be applied to the next meet(s) or tournament(s) for which the individual qualifies and otherwise is eligible to participate.

31.1.10.5 Review of Action. Any action related to misconduct may be reviewed by the governing sports committee upon request of any institution participating in the championship.

31.1.11 Failure to Adhere to Policies and Procedures.

31.1.11.1 Financial Penalties. A governing sports committee may assess a financial penalty against an institution for failure of any of its representatives to adhere to the policies and procedures governing championships administration, subject to review by and appeal to the Championships/Sports Management Cabinet. The institution may be assessed: *(Revised: 11/1/07 effective 8/1/08)*

(a) One hundred dollars per team or $50 per individual, up to a $300 maximum penalty, for failure to adhere to published procedures for the submission of regular-season results, availability questionnaires and/or entry forms;

(b) One hundred dollars, cancellation of all or a portion of the Association's travel guarantee, or all or a portion of the institution's share of revenue distribution for failure to adhere to published managerial and administrative policies and procedures; *(Revised: 5/7/90)*

(c) Cancellation of all or a portion of the honorarium for hosting an NCAA championship for failure to submit the financial report within 60 days following the competition, as specified in Bylaw 31.4.1.1; or *(Revised: 5/7/90)*

(d) Financial or other penalties different from (a), (b) and (c) above, but only if they have prior approval of the Championships/Sports Management Cabinet. *(Revised: 5/7/90, 11/1/07 effective 8/1/08)*

31.1.11.2 Late-Entry Fines. Institutions shall not be charged entry fees for teams or student-athletes competing in NCAA championships, but governing sports committees may establish late-entry fines, subject to the approval of the Championships/Sports Management Cabinet. *(Revised: 11/1/07 effective 8/1/08)*

31.1.12 Awards. The Association has created standard participant and commemorative awards for individuals and teams that participate in NCAA championships. The number of such awards for each championship shall be determined by the governing sports committee, subject to the approval of the Championships/Sports Management Cabinet. These official NCAA awards shall be the only awards presented by the Association to teams and individuals for participation in NCAA championships competition and shall be the only awards presented at the site of an NCAA championship. "At the site" is intended to include the period from the time access to the site is available to spectators until all patrons have left the facility or area used for competition. (See Figure 16-1, Figure 16-2 and Figure 16-3 for additional limitations on awards.) *(Revised: 8/8/02, 11/1/07 effective 8/1/08)*

31.1.12.1 Additional Awards. Subject to the director of athletics' discretion, an institution may purchase standard participant or commemorative awards at the level in which the institution competed. The NCAA awards form shall be used to purchase additional awards. *(Adopted: 8/8/02, Revised: 10/28/04, 5/18/05)*

31.1.12.2 Other Permissible Awards. The above provision places no restriction on the presentation of awards at banquets or meetings held in conjunction with the championship or at sites other than that of the championships competition itself.

31.1.13 Admission and Tickets. Admission shall be charged at all NCAA championships unless a governing sports committee determines that charging admission is not feasible because of facility configuration or the expense relative to the event's attendance history. Ticket prices shall be determined by the respective games committees with the approval of the governing sports committee.

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

31.1.14.1 Advertising. Advertising policies of the Association are designed to exclude those advertisements that do not appear to be in the best interests of higher education. The NCAA president shall have the authority to rule in cases where doubt exists concerning acceptable advertisers and advertising copy of game programs, broadcasts and telecasts of NCAA championships; however, the following expressly are prohibited: *(Revised: 8/15/89)*

(a) Alcoholic beverages (except as specified below);

(b) Cigarettes and other tobacco products;

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

(d) Organizations promoting gambling.

31.1.14.1.1 Malt Beverages, Beer and Wine Advertisements. Advertising of malt beverages, beer and wine products that do not exceed six percent alcohol by volume may be used in game programs. Such advertisements, however, shall not compose more than 14 percent of the space in the program devoted to advertising or not more than 60 seconds per hour of any telecast or broadcast (either a single 60-second commercial or two 30-second commercials).

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

31.1.15 Availability of Alcoholic Beverages. Alcoholic beverages shall not be sold or otherwise made available for public consumption at any championship event sponsored by or administered by the Association, nor shall any such beverages be brought to the site during the championship (during the period from the time access to the site is available to spectators until all patrons have left the facility or area used for competition).

31.2 ELIGIBILITY FOR CHAMPIONSHIPS

31.2.1 Institutional Eligibility. To be eligible to enter teams or individual student-athletes in NCAA championships, an institution shall recognize the sport involved as a varsity intercollegiate sport (see Bylaw 17.02.12) and shall meet the institutional requirements set forth in Bylaw 18.4.2 applicable to the division in which the institution is a member or for which it is petitioning for eligibility in a sport. An institution that holds membership in a member conference may not enter teams or individuals in an NCAA championship unless they are eligible for such competition under the rules of that conference [see Bylaw 18.4.2.1-(a)].

31.2.1.1 Commitment to Participate. Eligible members in a sport who are not also members of the National Association of Intercollegiate Athletics will participate (if selected) in the NCAA championship or in no postseason competition in that sport. *(Revised: 8/12/91)*

31.2.1.2 Deadline. The institutional eligibility requirements for entry into NCAA championships (see Bylaw 18.4.2) must be met by the following dates [in addition to the deadline for the academic reporting form required for Division I set forth in Bylaw 18.4.2.2-(c)]:

(a) September 15 for fall championships;

(b) December 1 for winter championships; and

(c) March 1 for spring championships.

31.2.1.2.1 Compliance with Deadline. Any dues check or approved form required shall be received in the national office by the applicable date or must have been postmarked not later than seven days prior to the applicable date.

31.2.1.3 Deadline Waivers. Institutions that fail to meet a deadline for institutional eligibility in NCAA championships may appeal to the Championships/Sports Management Cabinet for a waiver. If the appeal is granted, the institution may be restored to eligibility for NCAA championships. *(Revised: 11/1/07 effective 8/1/08)*

31.2.1.3.1 Penalty for Additional Waiver. An institution that fails to meet a deadline again may be granted a waiver only on payment of a penalty of $150 for the second offense and $300 for each offense thereafter during the five-year period preceding the last offense. On approval of such waiver and receipt of the institution's check in the national office, the institution may compete in NCAA championships, provided it is otherwise eligible. *(Revised: 1/11/07 effective 8/1/08)*

31.2.1.4 Joint-Declaration Porgram. The NCAA and the National Association of Intercollegiate Athletics together administer a joint-declaration program in those men's and women's sports in which there is a date conflict between the national championships of the two organizations. In such championships, each institution that holds membership in both organizations must declare by mid-September each year whether it will participate (if selected) in the NAIA championship, in the NCAA championship or in no postseason competition in that sport. An institution that fails to submit the joint-declaration form by the established deadline shall be ineligible to compete in both associations' championships in the particular sport(s) that year. An appeal process exists for such institutions and such an appeal may be submitted to the Championships/Sports Management Cabinet. *(Revised: 11/1/07 effective 8/1/08)*

31.2.1.5 National Collegiate Championships. In team sports in which the NCAA offers only one national championship, all member institutions in good standing are eligible to compete in accordance with the requirements of division membership (see Bylaw 20.9) and institutional eligibility (per Bylaw 31.2.1).

31.2.1.6 Division Championships. In those sports in which national-championship competition is offered in more than one division, only those member institutions that meet the membership requirements of the respective divisions or requirements applicable to institutions competing outside their membership divisions are eligible to compete in such division championships (see Bylaw 20).

31.2.1.7 Eligibility Requirements. Institutional eligibility for all championships shall be limited to member institutions that meet institutional eligibility requirements (Bylaw 31.2.1) and any additional requirements specified in the applicable championships handbooks.

31.2.1.7.1 Eligibility of Participants. An institution shall advise the NCAA championships staff if a student-athlete who has participated in regular-season competition becomes ineligible before the date on which the governing sports committee selects championship participants, as indicated in the appropriate championships handbook.

31.2.1.7.1.1 Failure to Report Ineligible Student-Athlete Prior to Selection. If an institution fails to report an ineligible student-athlete prior to being selected to participate in the championship, the governing sports committee may declare the institution ineligible to participate in the tournament for one or two years.

31.2.1.7.1.2 Discovery of Ineligibility of Student-Athlete After Selection. If an institution fails to report an ineligible student-athlete and the omission is not discovered until after the institution is selected to participate in the championship, necessitating the institution's withdrawal from the championship, that withdrawal shall be considered as one of the years of ineligibility, provided another institution participates in the championship in place of the disqualified institution. If the discovery of the ineligible student-athlete occurs so near the beginning of the championship that the governing sports committee does not have a reasonable period of time to replace the disqualified institution in the bracket, that fact shall be taken into consideration in determining the number of years the disqualified institution shall be ineligible to participate.

31.2.1.7.1.3 Review of Violation of Terms of Availability Questionnaire. When an institution is alleged to have violated the terms of an availability questionnaire (e.g., failing to report an ineligible student-athlete), it may be represented at the meeting of the governing sports committee when the committee determines whether a violation occurred and, if so, whether the institution shall be ineligible to participate in the tournament for one or more years. The institution may submit a written statement or make an in-person presentation, or both. After the governing sports committee has ruled on the matter, its decision shall be final unless the institution appeals the decision to the Championships/Sports Management Cabinet. The Championships/Sports Management Cabinet shall hear the appeal at one of its regularly scheduled meetings unless there are compelling reasons to conduct a special meeting for such purpose. *(Revised: 11/1/07 effective 8/1/08)*

31.2.1.7.2 Protest Regarding Eligibility of Team. Any team that has been duly certified as eligible for an NCAA championship shall not be withheld from participation because of any protest made or filed during the progress of the competition or during a period 24 hours immediately before the championship. If there is a break in the continuity of the championship (e.g., between rounds of a basketball tournament) when no competition is being conducted, a team may be withheld from further competition in the championship, provided such protest is made or filed at least 24 hours before the next segment of the championship.

31.2.2 Individual Eligibility. All student-athletes, regardless of division, must meet the eligibility standards established for NCAA championships competition. The general and academic eligibility requirements are set forth in detail in Bylaw 14, in which there also is reference to other legislation regarding eligibility of the individual student-athlete. Other specific requirements for eligibility for NCAA championships (e.g., authority of the Academics Cabinet, Committee on Student-Athlete Reinstatement, amateur status certification and ineligibility for use of banned drugs) are set forth in Bylaws 10.3, 10.4 and 18.4.1. The Executive Committee may require the student-athletes to certify their eligibility for championships competition. *(Revised: 3/5/97, 11/1/07 effective 8/1/08)*

31.2.2.1 Eligibility Requirements. A member institution shall not enter a student-athlete, as an individual or as a member of a team, in an NCAA championship unless the student-athlete satisfies the relevant eligibility requirements of Bylaw 14. *(Revised: 8/15/89)*

31.2.2.2 Protest of Eligibility Status. Any student-athlete duly certified by the institution for an NCAA championship shall not be withheld from participation because of any protest made or filed during the championship or during the 24 hours immediately before the championship. If there is a break in the continuity of the championship (e.g., between rounds of a basketball tournament) when no competition is being conducted, the student may be withheld from further competition in the championship, provided the protest is made or filed at least 24 hours before the next segment of the championship.

31.2.2.3 Participation While Ineligible. When a student-athlete competing as an individual or representing the institution in a team championship is declared ineligible following the competition, or a penalty has been imposed or action taken as set forth in Bylaw 19.5.2.2-(e) or 19.7 of the NCAA enforcement program, the Committee on Infractions may require the following: *(Revised: 4/26/01)*

(a) **Individual Competition**. The individual's performance may be stricken from the championships records, the points the student has contributed to the team's total may be deleted, the team standings may be adjusted accordingly, and any awards involved may be returned to the Association. For those championships in which individual results are recorded by time, points or stroke totals (i.e., cross country, golf, gymnastics, indoor track and field, outdoor track and field, rifle, swimming and skiing), the placement of other competitors may be altered and awards presented accordingly. For those championships in which individual results are recorded by advancement through a bracket or head-to-head competition, the placement of other competitors shall not be altered. *(Revised: 8/15/89, 4/26/01)*

(b) **Team Competition**. The record of the team's performance may be deleted, the team's place in the final standings may be vacated, and the team's trophy and the ineligible student's award may be returned to the Association. *(Revised: 4/26/01)*

31.2.2.4 Institutional Penalty for Ineligible Participation. When an ineligible student-athlete participates in an NCAA championship and the student-athlete or the institution knew or had reason to know of the ineligibility, the NCAA Committee on Infractions may assess a financial penalty. *(Revised: 4/26/01 effective 8/1/01)*

31.2.3 Ineligibility for Use of Banned Drugs. Bylaw 18.4.1.5 provides that a student-athlete who as a result of a drug test administered by the NCAA is found to have used a substance on the list of banned drug classes, shall be declared ineligible for further participation in postseason and regular-season competition during the time period ending one calendar year after the collection of the student-athlete's positive drug-test specimen. The student-athlete shall be charged with the loss of a minimum of one season of competition in all sports if the season of competition has not yet begun or a minimum of the equivalent of one full season of competition in all sports if the student-athlete tests positive during his or her season of competition (the remainder of contests in the current season and contests in the following season up to the period of time in which the student-athlete was declared ineligible during the previous year). The student-athlete shall remain ineligible until the student-athlete tests negative (in accordance with the testing methods authorized by the Executive Committee) and the student-athlete's eligibility is restored by the Committee on Student-Athlete Reinstatement. If the student-athlete participates in any contests from the time of collection until the confirmation of the positive result, he or she must be withheld from an equal number of contests after the 365-day period of ineligibility. *(Revised: 1/16/93, 1/9/96 effective 8/1/96, 1/14/97 effective 8/1/97, 3/10/04, 4/28/05 effective 8/1/05, 11/1/07)*

31.2.3.1 Breach of NCAA Drug-Testing Program Protocol. A student-athlete who is in breach of the NCAA drug-testing program protocol (e.g., no-show, tampering with sample) shall be considered to have tested positive for the use of any drug other than a "street" drug. *(Revised: 4/28/05 effective 5/1/05)*

31.2.3.2 Testing Positive on More than One Occasion. If the student-athlete tests positive a second time for the use of any banned drug other than a "street drug," he or she shall lose all remaining regular-season and postseason eligibility in all sports. If the student-athlete tests positive for the use of a "street drug" after having tested positive for the use of any banned drug, he or she shall lose a minimum of one additional season of competition in all sports and also shall remain ineligible for regular-season and postseason competition during the time period ending one calendar year (365 days) after the period of ineligibility for any prior positive drug tests has expired. Bylaw 18.4.1.5.2 also provides that the Executive Committee shall adopt a list of banned drugs and authorize methods for drug testing of student-athletes on a year-round basis. *(Revised: 4/28/05 effective 8/1/05, 6/17/08)*

31.2.3.3 Appeals. An institution may appeal the duration of ineligibility to the Committee on Competitive Safeguards and Medical Aspects of Sports (or a designated subcommittee). In all sports, the committee may reduce the legislated penalty to withholding the student-athlete from the next 50 percent of the season of competition or provide complete relief from the legislated penalty. If the committee requires the student-athlete to fulfill the legislated penalty or be withheld from the next 50 percent of the season of competition in all sports, the student-athlete shall remain ineligible until the prescribed penalty is fulfilled, the student-athlete retests negative and the student-athlete's eligibility is restored by the Committee on Student-Athlete Reinstatement. *(Adopted: 4/28/05 effective 8/1/05)*

31.2.3.4 Banned Drugs. The following is the list of banned-drug classes. The Committee on Competitive Safeguards and Medical Aspects of Sports (or a designated subcommittee) has the authority to identify specific banned drugs and exceptions within each class. The institution and student-athlete shall be held accountable for all drugs within the banned-drug classes regardless of whether they have been specifically identified. The current list of specific banned drugs and exceptions is located on the NCAA Web site (ncaa.org) or may be obtained from the NCAA national office. *(Revised: 8/15/89, 7/10/90, 12/3/90, 5/4/92, 5/6/93, 10/29/97, 4/26/01, 2/10/06)*

(a) Stimulants; *(Revised: 2/10/06)*
(b) Anabolic agents; *(Revised: 2/10/06)*
(c) Alcohol and beta blockers (banned for rifle only); *(Revised: 2/10/06, 2/5/09)*
(d) Diuretics and other masking agents; *(Revised: 2/10/06, 5/29/07)*
(e) Street drugs; *(Revised: 2/10/06)*
(f) Peptide hormones and analogues; *(Revised: 2/10/06)*
(g) Anti-estrogens; and *(Adopted: 10/27/06 effective 8/1/07)*
(h) Beta-2 agonists. *(Adopted: 2/5/09)*

31.2.3.4.1 Drugs and Procedures Subject to Restrictions. The use of the following drugs and/or procedures is subject to certain restrictions and may or may not be permissible, depending on limitations expressed in these guidelines and/or quantities of these substances used: *(Revised: 8/15/89)*

(a) **Blood Doping**. The practice of blood doping (the intravenous injection of whole blood, packed red blood cells or blood substitutes) is prohibited, and any evidence confirming use will be cause for action consistent with that taken for a positive drug test. *(Revised: 8/15/89, 5/4/92)*
(b) **Local Anesthetics**. The Executive Committee will permit the limited use of local anesthetics under the following conditions:
    (1) That procaine, xylocaine, carbocaine or any other local anesthetic may be used, but not cocaine; *(Revised: 12/9/91, 5/6/93)*
    (2) That only local or topical injections can be used (intravenous injections are not permitted); and
    (3) That use is medically justified only when permitting the athlete to continue the competition without potential risk to his or her health.

(c) **Manipulation of Urine Samples**. The Executive Committee bans the use of substances and methods that alter the integrity and/or validity of urine samples provided during NCAA drug testing. Examples of banned methods are catheterization, urine substitution and/or tampering or modification of renal excretion by the use of diuretics, probenecid, bromantan or related compounds, and epitestosterone administration. *(Revised: 8/15/89, 6/17/92, 7/22/97)*

(d) **Beta-2 Agonists**. The use of beta-2 agonists is permitted by inhalation only. *(Adopted: 8/13/93)*

(e) **Additional Analysis**. Drug screening for select nonbanned substances may be conducted for nonpunitive purposes. *(Revised: 8/15/89)*

31.2.3.4.2 Positive Drug Test—Non-NCAA Athletics Organization. A student-athlete under a drug-testing suspension from a national or international sports governing body that has adopted the World Anti-Doping Agency (WADA) code shall not participate in NCAA intercollegiate competition for the duration of the suspension. *(Adopted: 1/14/97 effective 8/1/97, Revised: 4/28/05 effective 8/1/05)*

31.2.3.5 Medical Exceptions. Exceptions for the banned-drug classes of stimulants, anabolic agents, alchohol and beta blockers (for rifle only), diuretics and other masking agents, peptide hormones and analogues, anti-estrogens and beta-2 agonists may be made by the Executive Committee for those student-athletes with a documented medical history demonstrating the need for regular use of such a drug. *(Revised: 8/5/99, 9/26/06, 10/27/06 effective 8/1/07, 2/5/09)*

31.2.3.6 Methods for Drug Testing. The methods and any later modifications authorized by the Executive Committee for drug testing of student-athletes shall be summarized and posted on the NCAA Web site. Copies of the modifications shall be available to member institutions.

31.2.3.7 Events Identified for Drug Tests. The Executive Committee shall determine the regular-season and postseason competition for which drug tests shall be made and the procedures to be followed in disclosing its determinations.

31.2.3.8 Individual Eligibility—Team Sanctions. Executive regulations pertaining to team-eligibility sanctions for positive tests resulting from the NCAA drug-testing program shall apply only in the following situation: If a student-athlete is declared ineligible prior to an NCAA team championship or a licensed postseason football game and the institution knowingly allows him or her to participate, all team-ineligibility sanctions shall apply (the team shall be required to forfeit its awards and any revenue distribution it may have earned, and the team's and student-athlete's performances shall be deleted from NCAA records). In the case of licensed postseason football contests, the team's and student-athlete's performances shall be deleted from NCAA records. *(Revised: 1/10/90)*

31.3 SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION

A list of the institutions in good standing shall be supplied by the NCAA president to the chair of each governing sports committee and to the athletics director of the host institution. This list should be observed carefully to assure that no entries are accepted from or invitations extended to ineligible institutions.

31.3.1 Size of Championships Fields. The size of all NCAA championships fields shall be established by the Championships/Sports Management Cabinet to provide for efficient management of the events, adequate NCAA championship opportunities relative to the nationwide quality of competition and sound economic administration of the financial resources of the Association and its championships. *(Revised: 8/13/93, 1/14/97 effective 8/1/97, 11/1/07 effective 8/1/08)*

31.3.2 Selection Decisions of Sports Committees. The determination of sites, selection of teams or individuals, or their site assignment in championships competition made by a governing sports committee (or a designated subcommittee) may not be appealed.

31.3.3 Criteria for Selection of Participants—Divisions I and II. The following criteria shall be employed by a governing sports committee in selecting participants for NCAA championships competition, and a governing sports committee that wishes to use additional criteria must obtain Championships/Sports Management Cabinet approval before doing so: *(Revised: 11/1/07 effective 8/1/08)*

(a) Won-lost record;

(b) Strength of schedule; and

(c) Eligibility and availability of student-athletes for NCAA championships.

31.3.3.1 Countable Competition. For NCAA team-championship selection purposes, competition is countable only when the teams played are varsity intercollegiate teams of four-year, degree-granting institutions that conduct a majority of their competition in that team sport against varsity intercollegiate teams (see Constitution 3.2.4.5) of United States four-year, degree-granting institutions. Competition against service teams, professional teams, semiprofessional teams, amateur teams, two-year colleges and club teams shall be excluded.

31.3.3.2 Qualifying Standards. Individuals and teams required to meet performance standards to qualify for NCAA championships competition shall achieve such standards in meets held during the same academic year as the particular championship.

31.3.3.3 Ineligible Student-Athletes on Team. The presence on a varsity squad of one or more student-athletes who are ineligible, or unavailable due to injury, for NCAA championships competition does not necessarily disqualify that team from consideration. If such a student-athlete contributed materially to the team's success during the season, the committee may choose not to select that team, based on the conclusion that without the use of the ineligible or unavailable student-athlete, the team would not have been able to compile the record that brought it before the committee for consideration. It shall be the responsibility of the governing sports committee to apply the criterion "contributed materially" to each case as it arises.

31.3.3.4 Removal of Committee Member from Selection Process. If a team or individual athlete(s) of the institution of a member of the governing sports committee is under consideration for selection, that person shall withdraw from the committee deliberations while that team or individual(s) is being considered and shall not participate in any discussion or vote affecting that particular selection. The chair of the committee may appoint a replacement if it is deemed necessary. In the event the chair must withdraw, an individual shall be appointed by him or her to assume the responsibilities of the chair. The new chair may appoint a replacement to fill the vacancy if it is deemed necessary. In the event a replacement is appointed, geographical representation on the committee shall be maintained insofar as possible.

31.3.3.5 Exclusion of Institution Reclassifying from Division II to Division I. In all sports, any Division II institution that has forwarded to the national office written notice of its intention to change its membership classification to Division I per Bylaw 20.5.1 or that has petitioned to reclassify to Division I per Bylaw 20.5.2.1 no longer shall be eligible to participate in any following Division II NCAA championship. *(Adopted: 1/11/94 effective 8/1/94)*

31.3.4 Automatic Qualification. Each governing sport committee shall forward annually to the Championships/Sports Management Cabinet those conferences that should receive automatic qualification for their teams or individual student-athletes into NCAA championships. Prior to forwarding the list of conferences to receive automatic qualification, a governing sport committee shall ensure that the member conference meets the requirements specified in Bylaws 31.3.4.1 through 31.3.4.7. A member conference may appeal to the Championships/Sports Management Cabinet the automatic-qualification review of the sport committee and the committee's decision to find, or not find, a conference qualified for automatic-qualification status. The decision of the Championships/Sports Management Cabinet on such appeals will be final. *(Revised: 1/14/97 effective 8/1/97, 4/27/00, 11/1/07 effective 8/1/08)*

31.3.4.1 Requirements—Division Championship. To be eligible for automatic qualification in a Division Championship, a member conference must meet the following requirements: *(Revised: 1/9/06 effective 8/1/06)*

(a) Conference competition must be conducted in the applicable sport and the conference champion in that sport must be determined not later than the date on which participants are selected for the NCAA championship, either by regular in-season conference competition or a conference meet or tournament, as indicated at the time of application. If a conference's competition to determine its automatic qualifier is unexpectedly terminated (e.g., due to inclement weather), the conference may designate its qualifier, provided it has established objective criteria for making that designation and has communicated that information to the appropriate sports committee by a specified deadline. *(Revised: 8/13/93)*

(b) In the event of a tie for the conference championship, the conference shall have the responsibility of determining which team or individual shall represent the conference in NCAA competition. If a play-off is held, such competition shall be considered conference competition, not NCAA competition.

(c) In sports other than championship subdivision football, a conference may establish subdivisions and conduct competition within each subdivision to determine a conference champion, as long as each subdivision consists of at least four members. Conferences with subdivisions of four members must conduct double round-robin competition within each subdivision, plus a postseason tournament, to determine their champion. Conferences with subdivisions of five or more members may conduct either single or double round-robin competition within each subdivision, plus a postseason tournament to determine their champion. (Note: This regulation does not apply to Division I men's or women's basketball. In those sports, a conference may conduct either double round-robin, in-season competition, or a minimum of 14 conference games in order to determine its champion.) *(Revised: 12/9/91, 10/18/95, 10/27/98, 12/15/06)*

(d) In championship subdivision football, football-playing conferences that subdivide into five or more teams are required to conduct a single round-robin competition within each division and develop a formula for determination of the conference champion, which must be approved by the Football Championship Committee prior to the start of the season. A postseason championship game is not required. *(Adopted: 10/27/98, Revised: 12/15/06)*

(e) The conference must maintain and actively enforce compliance with eligibility rules at least as stringent as those in Bylaw 14 applicable to its members. The use of an ineligible student-athlete by a team in a conference that has been granted automatic qualification may result in the involved team being denied the right to be the automatic entry in the NCAA championship. The governing sports committee may

recommend loss of the automatic-qualification privilege for the conference during the season in which the violation occurred or for a future championship.

(f) All eligible member institutions must agree to participate in the appropriate NCAA championship. If a conference champion is ineligible to compete, declines to compete or cannot compete for any reason, automatic qualification shall be withdrawn for that year and the remaining conference members shall be considered at large. Automatic qualification for a conference shall not be withdrawn if a conference champion declines to compete in an NCAA championship for reasons related to written religious policies against competition on certain days. Under such circumstances, the conference's second-place team (as determined by the conference), shall receive the automatic bid to the NCAA championship. *(Revised: 4/20/99)*

(g) All institutions may hold membership in only that conference in the sport in which automatic qualification is sought and may participate in only that conference's process to determine the automatic qualifier. *(Adopted: 12/5/94)*

31.3.4.2 Requirements—National Collegiate Championship. [#] To be eligible for automatic qualification in National Collegiate Championship, a member conference must meet the following general requirements: *(Adopted: 1/9/06 effective 8/1/06)*

(a) Have at least six active members that sponsor the applicable sport in any division (note: a provisional member in the process of becoming an NCAA member cannot be used to meet the requisite number);

(b) The six active members must have conducted conference competition together for the preceding two years in the applicable sport;

(c) There shall be no waivers of the two-year waiting period; and

(d) Any new member added to a conference that is eligible for an automatic bid shall be immediately eligible to represent the conference as the automatic qualifer.

31.3.4.3 Notification—Automatic Qualification in Jeopardy. A governing sports committee must issue a written warning one year in advance to a conference that is in jeopardy of losing its automatic qualification. (Note: This regulation does not apply to the following championships in which a play-in system has been established: baseball, women's softball, women's volleyball and men's soccer.) *(Adopted: 10/3/06)*

31.3.4.4 Additional Requirements, Sports Other Than Men's Basketball.

31.3.4.4.1 Multi-Sport Conference. To be considered eligible for automatic qualification in a particular sport, a multi-sport conference must include six core institutions that satisfy continuity-of-membership. For the purposes of this legislation, core refers to an institution that has been an active member of Division I the eight preceding years. Further, the continuity-of-membership requirement shall be met only if a minimum of six core institutions have conducted conference competition together in Division I the preceding two years in the applicable sport. There shall be no exceptions to the two-year period. Any new member added to a conference that satisfies the continuity of membership requirements shall be immediately eligible to represent the conference as the automatic qualifier. *(Revised: 4/27/00, 10/00, 4/29/04 effective 8/1/04, 8/5/04)*

31.3.4.4.1.1 Exception. A multi-sport conference that adds a conference-sponsored sport may be considered for automatic qualification in that sport, provided the conference includes at least six active Division I institutions that have conducted conference competition together at the Division I level in the sport the preceding two years and the sport is sponsored by less than 50 percent of the Division I membership. *(Adopted: 4/27/06 effective 8/1/06)*

31.3.4.4.2 Single Sport Conference. To be considered for automatic qualification in a particular sport, a single sport member conference for a sport sponsored by less than 50 percent of the Division I membership must include six institutions that have conducted conference competition together the preceding two years in the sport in question at the Division I level. *(Adopted: 8/5/04, Revised: 4/27/06 effective 8/1/06)*

31.3.4.4.3 Grace Period. A conference shall remain eligible for automatic qualification for two years following the date of withdrawal of the institution(s) that causes the conference's membership to fall below six institutions, or below six members with continuity of membership, provided the conference maintains at least five Division I members. *(Adopted: 8/5/04)*

31.3.4.4.4 Exception—2002-03 Academic Year. After September 1, 2003, a member conference that met the requirements for automatic qualification during the 2002-03 academic year may continue to receive automatic qualification provided the conference composition does not change (unless the change results in the addition of a core member). *(Adopted: 4/24/03)*

31.3.4.5 Additional Requirements, Men's Basketball. The member conference must include seven core institutions. For the purposes of this legislation, core refers to an institution that has been an active member of Division I the eight preceding years. Further, the continuity-of-membership requirement shall be met only if a minimum of six core institutions have conducted conference competition together in Division I the preceding five years in men's basketball. There shall be no exception to the five-year waiting period. Any new member added to a member conference that satisfies these requirements shall be immediately eligible to represent the conference as the automatic qualifier. *(Revised: 8/14/90, 12/3/90, 4/27/00, 4/29/04 effective 8/1/04)*

31.3.4.5.1 Grace Period. A conference shall remain eligible for automatic qualification for two years following the date of withdrawal of the institution(s) that causes the conference's membership to fall below seven institutions, or below six members with continuity of membership, provided the conference maintains at least six Division I members. *(Adopted: 4/27/00, Revised: 4/29/04 effective 8/1/04)*

31.3.4.5.2 Exceptions.

(a) Prior to September 1, 2003, the eight-year core principle does not apply to an institution that was a Division I active member, provisional member or a member in the process of reclassifying to Division I as of April 27, 2000. Such an institution would be subject to the provisions in effect on April 27, 2000. The institution may continue to be considered a core institution after September 1, 2003, even if the institution has not been an active member of Division I the eight preceding years. *(Revised: 11/01/01)*

(b) Men's Basketball. After September 1, 2003, a member conference as of September 1, 1999, may continue to apply the automatic qualification requirements in effect September 1, 1999, until any change (e.g., adding or losing any member) in its men's basketball membership occurs. Thereafter, the automatic qualification regulations in effect September 1, 2003, shall be applicable.

31.3.4.6 Sports Groupings for Automatic Qualification. For purposes of evaluating criteria for automatic qualification, the various sports shall be grouped as follows:

(a) **Team sports**—baseball, basketball, field hockey, football, ice hockey, lacrosse, soccer, softball, volleyball and water polo. In this category, subject to the approval of the Championships/Sports Management Cabinet, a sport committee may grant exceptions to the six-team requirement for sports that are sponsored by less than 30 percent of the membership, provided the conference previously included six teams that sponsored the sport; *(Revised: 4/26/07 effective 8/1/07, 11/1/07 effective 8/1/08)*

(b) **Timed individual sports**—indoor track and field, outdoor track and field, and swimming; and

(c) **Other individual sports**—cross country, fencing, golf, gymnastics, rifle, skiing, tennis and wrestling. In this category, a sports committee may grant exceptions to the six-team requirement, subject to the approval of the Championships/Sports Management Cabinet. *(Revised: 11/1/07 effective 8/1/08)*

31.3.4.7 Limitations on Automatic-Qualifying Positions.

31.3.4.7.1 Team Sports Other Than Men's Basketball. In team sports, per Bylaw 31.3.4.6-(a), excluding the sport of football and any team sport in which automatic qualification is not offered, a sports committee must award, when a sufficient number of applications for automatic qualification exist, at least 50 percent of the championship field to conferences that meet automatic-qualification criteria and provide a play-in criteria. The remaining 50 percent of the championship field shall be reserved for at-large teams. It will be the responsibility of the Championships/Sports Management Cabinet to determine if conference play-ins to a championship field are to be administered by the NCAA championships staff or by the member conferences. *(Adopted: 4/20/99, Revised: 11/1/07 effective 8/1/08)*

31.3.4.7.2 Men's Basketball. In men's basketball, subject to the championships-access guarantee afforded to the subdivisions as set forth in Constitution 4.01.2.3.1 (e.g., all contests that are part of the championship shall be administered and funded by the NCAA and broadcast on television and any team that participates in the championship shall be awarded at least one financial unit), there shall be a limit minimum of 32 at-large selections and the remainder of the championship field automatic qualifying positions. All competition in the championship is to be administered by the NCAA championships staff. *(Adopted: 4/20/99, Revised: 12/15/06)*

31.3.5 Selection of Balance of Championship Field. Once the official representative(s) of each qualifying conference is determined, the governing sports committee responsible for selection of the balance of the championship field shall consider objectively and without prejudice the competitive records of all other eligible student-athletes and teams (including representatives of the other members of the conferences receiving automatic qualification). To the best of its ability, the committee shall select the most highly qualified individuals and teams to complete the championship field in accordance with the regional structure, if any, approved for the particular championship.

31.3.6 Institution Trademarks. Participation in a national collegiate championship constitutes acquiescence by the member institution that the Association may use the institution's name, mascot and other identifying marks in championship-related activities, including television, promotion, licensing and merchandising programs incident to the championship. Revenues derived from such activities, less expenses, will be remitted to the member institution. *(Revised: 11/3/93)*

31.4 FINANCIAL ADMINISTRATION OF CHAMPIONSHIPS

31.4.1 Host Institution's Responsibility. The host institution shall administer the finances of an NCAA championship in accordance with this bylaw and consistent with the institution's championship budget, as submitted to and approved by the governing sports committee and the Championships/Sports Management Cabinet. *(Revised: 11/1/07 effective 8/1/08)*

31.4.1.1 Institution's Financial Report. A financial report from each championship site shall be submitted to the NCAA president not later than 60 days following the conclusion of the competition and shall bear

certification of the athletics director of the host institution. The report shall be submitted on a form approved and provided by the NCAA president.

31.4.1.1.1 Exclusions. A host institution or sponsoring agency shall not include in its financial report or in its percentage of net receipts television rights fees or income from the sale of championships merchandise. Also, income from program advertising or sales shall not be included in the host institution's or sponsoring agency's financial report or percentage of net receipts if the program is produced and sold under contract between the NCAA and an outside agency.

31.4.2 Gross Receipts. Gross receipts shall be all revenues derived from the championship, including:

(a) Sale of tickets. All tickets shall be accounted for at face value and shall become a part of gross receipts. Working passes may be provided to bona fide working personnel, including media representatives; and participation passes may be provided to student-athletes competing in the championship and to their coaches, athletics trainers, managers and other members of the participating institution's official party as defined by the Association;

(b) Net revenue from marketing items sold at the site through or by an outside agency under contract with the NCAA;

(c) Program sales and advertising;

(d) Radio, television and movie rights; and

(e) Any other income derived from the operation of the championship.

31.4.2.1 Exclusions. Income from concessions and parking shall accrue to the host institution or sponsoring agency and is not included in gross receipts. Sales commissions received by a host institution for selling marketing items on behalf of an outside agency under contract with the NCAA shall accrue to the host institution.

31.4.2.2 Waiver. Any waiver of the policies for the gross receipts of championships shall be approved in advance by the Championships/Sports Management Cabinet. *(Revised: 11/1/07 effective 8/1/08)*

31.4.3 Game Expenses. Game expenses are the actual costs directly related to the administration and conduct of the championship, including specifically the costs for tickets (printing, selling and collecting), sales taxes, ushers, game officials, police, buildings and grounds expenses, printing of related materials, motion pictures of the competition (if authorized by the Championships/Sports Management Cabinet), reasonable entertainment, expenses of selection committees authorized by the governing sports committee and any other out-of-pocket expense directly related to the administration and conduct of the championship. *(Revised: 12/2/90, 11/1/07 effective 8/1/08)*

31.4.3.1 Exclusions. The following items shall not be included as game expenses:

(a) The cost of permanent equipment, local transportation of competing teams and on-campus facility rental charges; and

(b) A fee or honorarium for athletics department staff members of the host institution (e.g., athletics director, assistant athletics director, business manager, ticket manager, coach, sports information director or athletic trainer). (Note: Such a payment could be made from the host institution's share of net receipts.)

31.4.3.2 Waiver. Any waiver of the policies for game expenses shall be approved in advance by the Championships/Sports Management Cabinet. *(Revised: 11/1/07 effective 8/1/08)*

31.4.4 Institutional Allowance. The host institution may share in the balance remaining after game expenses are deducted from the gross receipts. Television rights fees and income from championships programs and merchandise produced and sold under contract between the NCAA and an outside agency shall not be included in determining the host institution's allowance.

31.4.4.1 Permissible Allowances. The amount of institutional allowance varies with the sport, the level of championships competition, whether there is a common site for men's and women's championships and whether an institution's facilities are used. The permissible institutional allowances (from balance of gross receipts after deduction of game expenses) are as follows: *(Revised: 5/1/89, 5/1/96)*

	TEAM [1,2,3]		INDIVIDUAL [1,2,3]	
	Preliminary	**Final**	**Preliminary**	**Final**
One day	$575	$1,150	$700	$1,725
Two days	$750	$1,450	$870	$2,000
Three or more days	$920	$1,725	$1,150	$2,300

[1] For championships conducted at institutional facilities, hosts may deduct the permissible allowance above or a maximum of 15 percent of gross receipts after deduction of game expenses (20 percent for the NCAA Division I Men's Basketball Championship), whichever is greater.

[2] For championships conducted at off-campus facilities, hosts may deduct the permissible allowance or a maximum of 10 percent of gross receipts after deduction of game expenses, upon the recommendation of the sports committee and approval of the Championships/Sports Management Cabinet. *(Revised: 11/1/07 effective 8/1/08)*

[3] Amount is doubled for common-site men's and women's championships.

31.4.4.2 Restrictions. The following restrictions apply to allowances to host institutions:

(a) If an institution's department of intercollegiate athletics must pay a rental fee for the use of an on-campus facility, such fee shall be deducted from the institution's share of the net receipts or allowance; and

(b) No other sum from the receipts of an NCAA championship, or from any other source, shall be paid to the college or university sponsoring or acting as host of the NCAA championship except to cover actual and necessary expenses directly incurred in the conduct of the championship as noted in Bylaw 31.4.3.

31.4.5 Administrative Expenses. After the institution's allowance has been deducted, the athletics director of the host institution shall forward the remaining receipts to the NCAA president, who then deducts administrative expenses and costs incurred by governing sports committees and their representatives in matters of championships administration.

31.4.6 Transportation and Per Diem Expenses. Subject to the availability of funds, the Association may pay transportation and per diem expenses incurred by teams and individual competitors in NCAA championships competition. Transportation expenses and per diem allowances for the official traveling parties of competing institutions in Division I and National Collegiate team championships and individual-team championships shall be determined and provided in accordance with policies and procedures established by the Championships/Sports Management Cabinet. On an annual basis, the Championships/Sports Management Cabinet shall determine and announce to the membership the percentage of transportation expense and the per diem allowance to be paid in each championship for the next academic year. *(Revised: 4/26/07, 11/1/07 effective 8/1/08)*

31.4.7 Net Receipts. After payment of game and administrative expenses for each championship, the NCAA president shall place the remaining money in the general operating fund of the Association to be used to cover other expenses of the Association and to be apportioned among member institutions, as directed by the Championships/Sports Management Cabinet. *(Revised: 8/14/90, 11/1/07 effective 8/1/08)*

31.4.8 Distribution of Forfeited Receipts. An institution may be obligated to return its share of the revenue distribution for permitting an ineligible student-athlete to participate in the championship (see Bylaw 31.2.2.4). If so, such funds shall be distributed among other member institutions according to a formula prescribed by the Championships/Sports Management Cabinet. *(Revised: 8/14/90, 11/1/07 effective 8/1/08)*

31.4.9 Publication of Championships Financial Summaries. A financial summary of each championship shall be published on the Association's Web site.

31.5 FINANCIAL ADMINISTRATION OF POSTSEASON FOOTBALL

Requirements that must be met in order for a postseason bowl game to be licensed are set forth in the NCAA postseason football handbook. *(Adopted: 11/1/00)*

31.6 RIGHTS TO NCAA PROPERTIES AND MARKETING RESTRICTIONS

31.6.1 Names and Marks. The NCAA owns or controls all rights and interests in its name, logo, seal, trademarks and service marks, whether registered or unregistered, including "National Collegiate Athletic Association," "NCAA," "National Collegiate Championships," "NCAAction," "College Sports USA," "The Final Four," "Women's Final Four," "College World Series," "Women's College World Series" and "Stagg Bowl." The NCAA will prosecute infringement of identical or confusingly similar marks. The NCAA shall maintain control over the nature and quality of the goods and services rendered under the marks; therefore, no use of the marks by others will be permitted in advertising, in association with commercial services or related to the sale of merchandise without the specific approval of the NCAA. *(Revised: 1/29/90)*

31.6.2 Concessions. The following conditions or restrictions apply to all concession items sold at any event sponsored or administered by the Association:

(a) Any merchandise or material bearing any name, logo, trademarks or service marks of the Association that is to be sold or distributed at an event sponsored or administered by the Association must have the prior approval of the NCAA president before being sold or distributed. No such merchandise or material shall be sold or distributed by anyone except as designated by the NCAA. The host institution may sell merchandise that features an institutional mark or logo at NCAA competition only if it has guaranteed a sellout of the NCAA merchandise at the site of the competition and has agreed to provide the NCAA championship 25 percent of gross sales (after sales taxes) of all non-NCAA championship merchandise. The quantity of NCAA merchandise sent to the site shall have the prior approval of the president and shall not be less than a comparable shipment to a comparable site of the previous year's championship. *(Revised: 12/4/89)*

(b) The NCAA owns the rights to all concession items other than food or drink sold at such events. Any merchandise or material to be sold at such events must have prior approval of the NCAA president, and any unapproved material shall be barred from the premises. If the championship facility has prior contractual commitments with outside vendors, the NCAA will endeavor to work with such vendors to advance the policies of the Association in the sale of concession items as herein stated.

(c) The NCAA may authorize others, including the host institution or the coaches organization for the sport involved in the particular event, to sell and distribute concession items.

(d) Income payable to the NCAA from the sale of concession items other than food and drink at such events shall be included in the gross receipts of the championship.

(e) No alcoholic beverages shall be sold or dispensed for public consumption at any event sponsored by or administered by the Association.

31.6.3 Programs. The Association reserves the right to publish and sell any program sold or distributed for an NCAA championship. It may award such rights for any championship to another party or agency, provided it retains the right to review and approve the content of all programs to be sold or distributed, and provided it shall receive a guaranteed amount or predetermined percentage of program receipts. All financial arrangements for official programs produced by the host institution or sponsoring agency shall be reflected in the proposed budget, and receipts and expenses shall be entered in the financial report of the championship. If the program is produced and sold under contract between the NCAA and an outside agency, income from program advertising or sales shall not be included in the host institution's or sponsoring agency's financial report or percentage of net receipts.

31.6.4 Championships Properties. The Association owns all rights to each and all of its championships as listed in Bylaw 18.3. These rights include, in addition to the rights with respect to participation and admission, rights to television (live and delayed), radio broadcasting, filming and commercial photography. In addition, the NCAA reserves the right to sell items developed through the NCAA marketing program at the site of a championship.

31.6.4.1 Awarding Media Rights. Television, radio and film rights shall be awarded in such a manner as to advance most fully the following interests:

(a) Gate attendance;

(b) Promotion of interest in the sport;

(c) Promotion of intercollegiate athletics as a part of collegiate education; and

(d) Promotion of the Association and its purposes and fundamental policy.

31.6.4.1.1 Procedures. Specific policy decisions under the foregoing are determined by the governing sports committee for the particular championship, subject to the approval of the Championships/Sports Management Cabinet. Negotiations with respect to the awarding of any such rights shall be conducted by the president, who shall have authority to determine the specific terms and conditions and to execute contracts for the awarding of such rights on behalf of the Association. Inquiries concerning all such rights should be directed to the NCAA president at the national office. In accordance with the policies stated herein, the NCAA president shall negotiate with any party interested in such rights when they are available. *(Revised: 11/1/07 effective 8/1/08)*

31.6.4.2 Marketing, Licensing, Promotional and Public Affairs Initiatives. The NCAA president shall be responsible for the oversight and administration of all marketing, licensing, promotions and public affairs initiatives. The NCAA president shall have the authority to appoint ad hoc advisory groups to provide assistance in developing policies to review any initiative and to provide assistance in addressing emerging issues. In addition, negotiations with respect to awarding merchandising, marketing and licensing rights (including corporate partner rights) shall be conducted by the NCAA president, who shall have the authority to determine the specific terms and conditions and to execute and enforce contracts for the awarding of such rights on behalf of the Association. The NCAA Executive Committee, at its discretion, may request a detailed accounting of any marketing, licensing, promotional and public affairs initiative that resulted in the awarding of a contract on behalf of the Association. The Board of Directors and the Leadership Council may request a report related to any matter handled by the NCAA president under the authority of this legislation. *(Adopted: 1/11/00, Revised: 11/1/07 effective 8/1/08)*

31.6.4.3 Photographs, Films and Videotapes. The Association reserves all rights to the use of still photographs, films and videotapes of its championships. All rights to photograph, film and videotape NCAA championships may be assigned to media representatives for news purposes but otherwise are to be controlled exclusively by NCAA Productions, a unit of the NCAA. NCAA Productions shall film or videotape certain NCAA championships, as recommended by the governing sports committees and approved by the Championships/Sports Management Cabinet. Its cost in filming or videotaping an NCAA championship and producing prints or video dubs for the NCAA library of films shall be entered as an item of game expenses for that championship. The filming or videotaping of NCAA championships by parties other than NCAA Productions (i.e., participating institutions or commercial film production companies) for any purpose other than news purposes may be permitted only with the advance written consent of the NCAA president. *(Revised: 11/1/07 effective 8/1/08)*

31.6.4.3.1 Exception. An institution is permitted to designate one videographer and one photographer to be present at NCAA championship events for the purpose of capturing video and still photographs of the institution's participation in the event for the sole use of the institution (i.e., not to be released for commercial purposes). *(Adopted: 1/9/06)*

31.6.4.4 Use of Action Footage on Television News Programs. The games committee of a particular NCAA championship for which exclusive rights have not been awarded may permit single television stations or television and/or cable networks to broadcast action footage of the championship (on a live or delayed basis) on their regular television news programs (see Bylaw 31.6.4.4.1). Unless otherwise approved by the NCAA, these broadcasts shall not exceed three minutes of action footage of the championship unless broadcast rights have been secured from the Association by payment of a rights fee. The NCAA president shall be authorized to interpret and apply these provisions as necessary.

31.6.4.4.1 News Program. A "news program" shall be a regularly scheduled program devoted exclusively to general news and/or sports news. Sports-entertainment programs do not qualify under this provision.

31.6.4.5 Live Microphone on Coach. The placement of microphones on a team coach or in team huddles and bench areas for television, radio or motion-picture purposes is prohibited in all NCAA championships.

31.6.4.6 Promotional Announcements for Professional Sports Contests. During the telecast of any NCAA championship, there shall be no more than two promotional announcements for telecasts of professional sports contests. Each such announcement shall not exceed 15 seconds in length. It may be of a billboard nature only and shall not include any action footage of any professional sports contest. If less than the complete championship segment is televised, only one such professional announcement shall be permitted. These restrictions shall not apply to licensed postseason bowl games. *(Revised: 8/15/89)*

31.7 GENERAL FINANCIAL MANAGEMENT

31.7.1 General Operating Budget. The Executive Committee shall adopt a budget for the ensuing fiscal year prior to the end of any current fiscal year. The budget, as approved, shall list all anticipated revenues and expenses for the coming fiscal year, including transfers to or withdrawals from reserve funds.

31.7.2 Committee and Delegate Finances.

31.7.2.1 Allowable Expenses, Committee Members. Any member of an NCAA committee who is entitled under the following regulations to reimbursement of expenses for attendance at a committee meeting shall not receive such payment if the member fails to remain in actual attendance at the meeting for its entire duration as announced in advance. However, in any special case where a committee member for valid reasons is granted permission by the chair for late arrival or early departure, the member shall receive reimbursement in full.

31.7.2.1.1 Transportation Allowances. A committee member may be reimbursed for the following transportation expenses:

(a) **Commercial Airline**. The member must travel by coach (or "super saver"); and *(Revised: 8/12/91, 1/13/98 effective 2/1/98, 1/12/99)*

(b) **Automobile**. The member may claim mileage for the round trip at the NCAA approved rate, based on the most direct route between the two points. *(Revised: 1/13/98 effective 2/1/98, 6/20/08)*

31.7.2.1.1.1 Travel to Competition Site. A committee member or designated representative who travels to the site of preliminary competition in an NCAA championship via either ground or coach-class air may claim mileage at the NCAA approved rate based on the most direct route between the two points. *(Revised: 1/13/98, 6/20/08)*

31.7.2.1.2 Per Diem Allowance. A per diem allowance of $75 may be claimed for each day or part thereof away from home, except that no more than one day's travel each way may be claimed. The Association shall pay single-room and tax charges for committee members attending scheduled committee meetings or on Association business. Incidental charges shall be the responsibility of the committee member. *(Revised: 8/3/95, 1/13/98)*

31.7.2.1.3 Actual Expenses. The Leadership Council or Executive Committee for Association-wide issues may authorize reimbursement of actual expenses if circumstances warrant. *(Revised: 11/1/07 effective 8/1/08)*

31.7.2.1.4 Meeting Frequency. Payment of expenses for attendance at meetings of an NCAA standing committee shall be limited to two meetings per year unless otherwise authorized by the Leadership Council or Executive Committee for Association-wide issues. *(Revised: 8/5/99, 11/1/07 effective 8/1/08)*

31.7.2.1.5 Meeting Site. Recommendations for sites of meetings of standing and special committees shall be submitted by the committee chair to the NCAA president and are subject to the following conditions:

(a) Committees that meet only once per year are required to meet in the Indianapolis metropolitan area in alternate years; *(Revised: 10/28/97, 1/12/99)*

(b) Committees that meet more than once per year are required to conduct at least one-half of the meetings in the Indianapolis metropolitan area (e.g., one of two or two of four); and *(Revised: 10/28/97, 1/12/99)*

(c) All meetings of NCAA committees shall be held within the 48 contiguous states.

31.7.2.1.6 Special Committees. The expense allowance for any special committees or for individuals engaged in official Association business shall be determined by the Leadership Council or Executive Committee for Association-wide issues. *(Revised: 11/1/07 effective 8/1/08)*

31.7.2.1.7 Sports Committees. Meetings of sports committees shall be held at places and times other than those authorized for the championships of their respective sports and shall be limited to two days (plus travel time) for purposes of the NCAA per diem expense allowance, unless other arrangements have been approved by the Leadership Council or Executive Committee for Association-wide issues. *(Revised: 11/1/07 effective 8/1/08)*

31.7.2.1.8 Expense Allowance for Conventions. An expense allowance shall not be granted for committee meetings held in connection with a Convention of the Association, except that standing committees that regularly meet before or after an Association Convention shall be entitled to one day's per diem for each day or part thereof on Association business, subject to the approval of the Leadership Council or Executive Committee for Association-wide issues. *(Revised: 11/1/07 effective 8/1/08)*

31.7.2.1.9 Approval of Payments. All expense payments shall be approved in writing by the committee chair or, in the case of the Leadership Council, Board of Directors and Executive Committee, by the secretary-treasurer or the NCAA president. *(Revised: 11/1/07 effective 8/1/08)*

31.7.2.1.10 Waivers. The NCAA president, subject to the approval of the Leadership Council or Executive Committee for Association-wide issues, may grant such waivers of the committee-expense regulations in particular cases as are deemed advisable to prevent hardship upon a committee or an individual committee member. *(Revised: 11/1/07 effective 8/1/08)*

31.7.2.2 Allowable Delegate Expenses.

31.7.2.2.1 Meetings of Other Organizations. Delegates of the Association attending meetings of other organizations (e.g., various sports federations) shall be entitled to the same expense allowances as those outlined in Bylaw 31.7.2.

31.7.2.2.2 Games Committees for International Competition. NCAA delegates to games committees appointed to supervise international competition may not receive expenses to more than one meeting during each academic year.

31.7.2.2.3 Governing Boards of Other Organizations. NCAA delegates to the governing boards of other organizations may claim an expense allowance for each regular or special meeting of the particular board.

31.7.2.3 Prohibition against Funding Olympics. Income from the Association's championships shall not be allocated to the Olympic fund.

31.7.3 Defense and Indemnification.

31.7.3.1 Conditions for Defense and Indemnification. The Association shall defend and indemnify any present or former employee, committee member, or agent of the Association who is or was a party to or is threatened to be made a party to, or who is to be subpoenaed to be deposed or to give evidence in any civil, criminal, administrative, or investigative action or proceeding, including those brought by the Association, provided all of the following conditions are met: *(Adopted: 11/1/01)*

(a) The individual requesting defense and indemnification is being named as a party or subpoenaed to be deposed or to give evidence by reason of the fact that the individual is or was an employee, committee member, or agent of the Association or is or was serving at the request of the Association as a director, officer, employee, or agent of another association, corporation, partnership, joint venture, trust, or other enterprise;

(b) The individual is determined to have been acting within the scope of the individual's duties to the Association;

(c) The individual is determined to have been acting in good faith and in a manner the individual reasonably believed to be in or not opposed to the best interest of the Association in the performance of the individual's duties to the Association. In respect to any alleged criminal action or proceeding, the individual also must be determined to have had no reasonable cause to believe the alleged conduct was unlawful;

(d) The individual promptly and timely notifies the Association's general counsel of the actual or threatened service of process, subpoena, notice of deposition, or other legal process before incurring attorney fees or other expenses;

(e) The individual accepts counsel provided or approved by the Association and agrees to accede to the legal strategies approved by the Association's general counsel, including any settlement determinations. In the event that the individual wishes to hire other counsel or not accede to the Association's legal strategies, the Association shall not be obligated to defend or indemnify the individual, except when it is determined that a conflict of interest exists with the Association such that retaining separate counsel is warranted; and

(f) The individual agrees to repay any expenses, including attorney fees, incurred in bringing or defending a civil or criminal action or proceeding paid by the Association in advance of the final disposition of such

action or proceeding, if it is ultimately determined that the individual is not entitled to be indemnified by the Association as authorized in this bylaw.

31.7.3.1.1 Determination Regarding Conditions for Defense and Indemnification. The determination as to whether indemnification is appropriate because the conditions of Bylaw 31.7.3.1 have been satisfied shall be made: *(Adopted: 11/1/01)*

(a) By the NCAA Executive Committee Administrative Subcommittee by a majority vote of a quorum consisting of members who are not parties to such action or proceeding. The vote may be taken by electronic mail, telephone, facsimile or in person; *(Revised: 1/12/09)*

(b) If such a quorum is not obtainable, or, even if obtainable, if a quorum of disinterested Executive Committee members so directs, by independent legal counsel in a written opinion; or

(c) By the NCAA president if so delegated by the Executive Committee.

31.7.3.1.2 Definition of Committee. For purposes of Bylaw 31.7.3, committee shall include all association committees, boards, cabinets, councils, subcommittees and panels. *(Adopted: 11/1/01)*

31.7.3.1.3 Termination of Action or Proceeding. The termination of any action or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself create a presumption in regard to these determinations. However, if an individual is adjudged to be liable for negligence or misconduct in the performance of the individual's duty to the Association, there shall be no indemnification unless and only to the extent that the court in which such action or suit was brought shall determine that, despite the adjudication of liability but in view of all circumstances of the case, such individual is fairly and reasonably entitled to indemnity for such expenses as the court shall deem proper. *(Adopted: 11/1/01)*

31.7.3.2 Insurance. The Association may purchase and maintain insurance on behalf of any individual who is or was an employee, committee member, or agent of the Association, or is or was serving at the request of the Association as a director, officer, employee, or agent of another association, corporation, partnership, joint venture, trust, or other enterprise against any liability asserted against the individual and incurred by the individual in any such capacity or arising out of the individual's status as such, whether or not the Association would have the power to indemnify the individual against such liability under the provisions of Bylaw 31.7.3. *(Adopted: 11/1/01)*

31.7.3.3 Definition of Indemnification. For purposes of this bylaw, indemnification shall consist of payment against expenses (including attorney's fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by the individual in connection with such action or proceeding. *(Adopted: 11/1/01)*

31.7.4 Insurance.

31.7.4.1 Primary Liability. Host institutions and sponsoring agencies of NCAA championships shall have in place primary comprehensive general public liability insurance coverage with combined single limits of at least $1 million per occurrence for bodily injury and property damage and shall provide the national office with the appropriate insurance certificates unless statutes of the state in which the host institution or sponsoring agency is located provide a lesser maximum recovery limit and documentation of that statute is on file at the NCAA national office. *(Revised: 12/2/90)*

31.7.4.2 Excess Liability. The Association maintains excess liability insurance coverage for the conduct of NCAA championships. The coverage includes bodily injury and property damage resulting from accidents.

31.7.4.3 Injury, Death and Dismemberment. Basic athletics-injury, catastrophic-injury, and accidental death and dismemberment insurance for participants in NCAA championships shall be provided by the Association.

31.8 PERSONNEL

31.8.1 Employment. In accordance with Constitution 4.1.2-(b), the NCAA president is authorized to employ such persons as may be necessary to conduct efficiently the business of the Association. The number of administrative personnel that may be employed shall be determined at the beginning of each fiscal year and may not be increased without the approval of the Executive Committee. The NCAA president may employ as many nonadministrative personnel as may be necessary.

31.8.1.1 Affirmative Action. In the selection of personnel for appointment, the policies and procedures of the Association's affirmative-action program, as approved by the Executive Committee, shall be followed.

31.8.2 Staff Operations. The national office staff operations shall be reviewed by the Executive Committee. Among the items to be reviewed are:

(a) Employee compensation;

(b) Employee benefits; and

(c) Allegations of improper conduct by any member of the national office staff as reported to the NCAA president.

31.8.2.1 Employee Compensation and Benefits. The Executive Committee shall review staff compensation and benefits at least once each year.

31.8.2.2 Pension Trust Plan. The policies for the retirement benefits of the staff are set forth in the NCAA Pension Trust Plan, which was adopted and may be revised by the Executive Committee.

31.9 NATIONAL STATISTICS PROGRAM

A national statistics program shall be maintained for active member institutions in the sports of football, men's and women's basketball, baseball, men's and women's ice hockey, men's and women's lacrosse, men's and women's soccer, softball and women's volleyball. The Championships/Sports Management Cabinet shall oversee the statistics program and approve its policies and procedures. The national statistics program policies and procedures shall be published on the NCAA Web site. *(Revised: 4/14/06, 11/1/07 effective 8/1/08, 10/30/08)*

ADMINISTRATIVE BYLAW, ARTICLE 32

Enforcement Policies and Procedures

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32.1 COMMITTEE ON INFRACTIONS—SPECIAL OPERATING RULES

32.1.1 Confidentiality. The Committee on Infractions, the Infractions Appeals Committee and the enforcement staff shall treat all cases before them as confidential until they have been announced in accordance with the prescribed procedures. In addition, an institution and any individual subject to NCAA rules involved in a case shall treat that case under inquiry by the enforcement staff as confidential until the case has been announced in accordance with prescribed procedures. *(Revised: 1/11/94, 4/24/03, 1/13/08)*

32.1.2 Public Announcements. The enforcement staff shall not confirm or deny the existence of an infractions case before complete resolution of the case through normal NCAA enforcement and hearing procedures. However, if the involved institution or any person involved in the case (e.g., involved individual, representative of the institution's athletics interests, interviewee) makes information concerning a case public, the involved institution, enforcement staff and the involved person may confirm, correct or deny the information made public. *(Revised: 4/24/03, 1/13/08)*

32.1.3 Conflict of Interest. Any member of the Committee on Infractions or the Infractions Appeals Committee shall neither appear at the hearing nor participate on the committee when the member is directly connected with an institution under investigation or has a personal, professional or institutional affiliation that reasonably would result in the appearance of prejudice. It is the responsibility of the committee member or members of the Infractions Appeals Committee per Bylaw 19.2 to remove himself or herself if a conflict exists. Objections to the participation of a committee member or the Infractions Appeals Committee member per Bylaw 19.2 should be raised as soon as recognized, but will not be considered unless raised at least one week in advance of the affected hearing. *(Revised: 1/16/93, 1/11/94, 4/24/03)*

32.1.4 Cooperative Principle. The cooperative principle imposes an affirmative obligation on each institution to assist the enforcement staff in developing full information to determine whether a possible violation of NCAA legislation has occurred and the details thereof. An important element of the cooperative principle requires that all individuals who are subject to NCAA rules protect the integrity of an investigation. A failure to do so may be a violation of the principles of ethical conduct. The enforcement staff will usually share information with the institution during an investigation; however, it is understood that the staff, to protect the integrity of the investigation, may not in all instances be able to share information with the institution. *(Adopted: 1/12/99)*

32.1.5 Definition of Involved Individual. Involved individuals are former or current student-athletes and former or current institutional staff members who have received notice of significant involvement in alleged violations through the notice of allegations or summary disposition process. *(Adopted: 4/24/03, Revised: 4/17/07)*

32.2 PRELIMINARY REVIEW OF INFORMATION

32.2.1 Enforcement Staff to Receive Complaints and Conduct Investigations. It is the responsibility of the enforcement staff to conduct investigations relative to an institution's failure to comply with NCAA legislation or to meet the conditions and obligations of membership. Information that an institution failed to meet these obligations shall be provided to the enforcement staff and, if received by the Committee on Infractions or NCAA president, will be channeled to the enforcement staff. *(Revised: 4/24/03)*

32.2.1.1 Staff Initiation of Investigation. The enforcement staff may initiate an investigation on its own motion when it receives information that an institution is, has been, or may have been in violation of NCAA legislation. *(Revised: 4/24/03, 4/10/06)*

32.2.1.2 Self-Disclosure by an Institution. Self-disclosure shall be considered in establishing penalties, and, if an institution uncovers a violation prior to its being reported to the NCAA and/or its conference, such disclosure shall be considered as a mitigating factor in determining the penalty. *(Revised: 10/12/94)*

32.2.2 Investigative Guidelines. The Committee on Infractions shall provide general guidance to the enforcement staff through approved and established investigative and procedural guidelines.

32.2.2.1 Initial Enforcement Staff Responsibilities. The enforcement staff is responsible for evaluating information reported to the NCAA staff to determine whether the possible violation should be handled by correspondence with the involved institution or its conference, or whether the enforcement staff should conduct its own in-person inquiries.

32.2.2.1.1 Basic Information Gathering. The enforcement staff has a responsibility to gather basic information regarding possible violations and, in doing so, may contact individuals to solicit information. If information indicating a potential NCAA violation believed to be reliable is developed, the procedures provided in Bylaw 32.5 (Notice of Inquiry) are undertaken. *(Revised: 4/24/03)*

32.2.2.1.2 Identification of Major/Secondary Violation. The enforcement staff shall identify information developed by it or self-reported by the institution as alleged major or secondary violations (as defined in Bylaw 19.02.2). The staff shall have the discretion to submit information to the Committee on Infractions, or a designated member of the Committee on Infractions, for an initial determination of how that information should be processed. *(Adopted: 4/24/03, Revised: 4/10/06)*

32.2.2.1.3 Matters Handled by Correspondence. Matters that clearly are secondary in nature should be handled promptly by correspondence with the involved institution. *(Revised: 4/24/03)*

32.3 INVESTIGATIVE PROCEDURES

32.3.1 Conformance with Procedures. Investigations by the enforcement staff shall be conducted in accordance with the operating policies, procedures and investigative guidelines established by the Committee on Infractions, the Board of Directors and membership in accordance with Bylaw 19. *(Revised: 11/1/07 effective 8/1/08)*

32.3.1.1 Consultation with Committee on Infractions. If questions arise concerning investigative procedures during the course of an investigation, the chair (or the full Committee on Infractions, if necessary) may be consulted by the enforcement staff. (*Adopted: 4/24/03*)

32.3.2 Timely Process. The enforcement staff shall make reasonable efforts to process infractions matters in a timely manner. *(Revised: 4/24/03)*

32.3.3 Conflict of Interest. Any enforcement staff member who has or had a personal relationship or institutional affiliation that reasonably would result in the appearance of prejudice should refrain from participating in any manner in the processing of the involved institution's or individual's infractions case. *(Adopted: 1/16/93)*

32.3.4 Interviews with Member Institution. The athletics director or other appropriate official of an institution shall be contacted by the enforcement staff in order to schedule interviews on the institution's campus with enrolled student-athletes, coaching staff members or other institutional staff members with athletically related responsibilities or oversight who are involved in possible violations at the institution. *(Revised: 4/24/03)*

32.3.4.1 Presence of Institutional Representative During Interview. If an interview with an enrolled student-athlete or athletics department staff member is conducted on the campus of an institution, an institutional representative(s) (as designated by the institution) will be permitted to be present during the interview, provided the subject matter to be discussed in the interview relates directly to the individual's institution or could affect the individual's eligibility or employment at the institution. If the investigator wishes to discuss information with a student-athlete or staff member that is related solely to institutions other than the one in which the student-athlete is enrolled or staff member is employed and would not reasonably affect the student's eligibility or the staff member's employment, the institutional representative shall not be present during that portion of the interview. In such a situation (after the institutional representative has departed), any information inadvertently reported by the student-athlete or the staff member that is related to his or her own institution shall not be used against the student-athlete, staff member or that institution. *(Revised: 4/24/03)*

32.3.4.2 Conflict with Academic Schedule. If possible, interviews should be conducted without disrupting the normally scheduled academic activities of the student-athlete. *(Revised: 4/24/03)*

32.3.5 Proper Identification of NCAA Staff Member. In no case shall an enforcement staff member misrepresent the staff member's identity or title.

32.3.6 Representation by Legal Counsel. When an enforcement staff member conducts an interview that may develop information detrimental to the interests of the individual being questioned, that individual may be represented by personal legal counsel throughout the interview.

32.3.7 Notice Requirements.

32.3.7.1 Disclosure of Purpose of Interview. When an enforcement representative requests information that could be detrimental to the interests of the student-athlete or institutional employee being interviewed, that individual shall be advised that the purpose of the interview is to determine whether the individual has

knowledge of or has been involved directly or indirectly in any violation of NCAA legislation. *(Revised: 4/24/03, 4/10/06)*

32.3.7.2 Responsibility to Cooperate. At the beginning of an interview arranged or initiated by the enforcement staff, a current or former student-athlete or institutional employee shall be advised that refusing to furnish information or providing false or misleading information to the NCAA, conference or institution may result in an allegation that the individual has violated NCAA ethical conduct legislation (see Bylaw 10.1).

32.3.8 Limited Immunity. At the request of the enforcement staff, the Committee on Infractions may grant limited immunity to a student-athlete who provides information when such individual otherwise might be declared ineligible for intercollegiate competition based on the information that he or she reports and an institutional employee with responsibilities related to athletics when such an individual otherwise would be subject to disciplinary action as described in Bylaws 19.5.1-(i) and 19.5.2.2-(k) based on the information that individual reports. Such immunity shall not apply to the individual's involvement in violations of NCAA legislation not reported or to future involvement in violations of NCAA legislation by the individual or to any actions that an institution imposes. In any case, such immunity shall not be granted unless the individual provides information not otherwise available to the enforcement staff. *(Revised: 10/12/94, 4/24/03)*

32.3.9 Interview Record.

32.3.9.1 Recordings. It is preferable that an interview conducted by the enforcement staff be recorded through the use of a mechanical device. If an interviewee objects to being recorded however, or the enforcement staff believes the use of a recording device would have an inhibiting effect on the interviewee, a summary of the information reported shall be prepared per Bylaw 32.3.9.2. *(Revised: 4/10/06, 6/11/07)*

32.3.9.1.1 Access to Recordings and Transcripts. Both the enforcement staff and the interviewee may record the interview or the interviewee may receive a copy of the recording and if prepared by the enforcement staff, the interview transcript, subject to the confidentiality provisions of Bylaws 32.3.9.1.4 and 32.3.9.2.1. Copies of recorded interview summaries and any report prepared by the enforcement staff are confidential and shall only be provided to interviewees (and their institutions) as set forth in Bylaws 32.3.9.2 and 32.6.4. *(Revised: 4/24/03, 4/10/06, 6/11/07, 8/7/08)*

32.3.9.1.2 Institutional Recording of an Interview—Access to Recordings and Transcripts. Interviews conducted in accordance with Bylaw 32.3.4.1 or jointly with the enforcement staff at any location, may be recorded by the institution under inquiry. If the institution is unable or chooses not to record such an interview, the institution may receive a copy of the enforcement staff's recording of the interview and/or a copy of the interview transcript, if prepared by the enforcement staff. Institutional recordings of NCAA interviews under any other circumstances must be approved by the Committee on Infractions. *(Adopted: 10/12/94)*

32.3.9.1.2.1 Access to Recordings and Transcripts by Conference. For interviews conducted in accordance with Bylaw 32.3.4.1 or jointly by the institution and enforcement staff, and on consent of the institution, a conference may receive a copy of the interview recording and/or transcript, if prepared by the enforcement staff or institution. *(Adopted: 6/11/07)*

32.3.9.1.3 Use of Court Reporters. Institutional representatives or individuals being interviewed may use a court reporter to transcribe and interview subject to the following conditions. The institution or individual shall:

(a) Pay the court reporter's fees;

(b) Provide a copy of the transcript to the enforcement staff at no charge; and

(c) Agree that the confidentiality standards of Bylaw 32.3.9.1.4 apply. An institutional representative or individual who chooses to use a court reporter shall submit a written notice of agreement with the required conditions to the enforcement staff prior to the interview. If the enforcement staff chooses to use a court reporter, the NCAA will pay all costs of the reporter. A copy of the transcript prepared by the court reporter for the enforcement staff shall be made available to the institution and the involved individuals. *(Adopted: 4/24/03, Revised: 5/22/09)*

32.3.9.1.4 Statement of Confidentiality. Individuals and institutional representatives shall be required to agree not to release recordings or interview transcripts to a third party. A statement of confidentiality shall be signed or recorded prior to an interview. Failure to enter into such an agreement would preclude the individual or institutional representative from recording or transcribing the interview. (*Adopted: 4/23/03, Revised: 4/10/06*)

32.3.9.2 Nonrecorded Interviews. When an interview is not recorded or if the recording device malfunctions, the enforcement staff shall prepare a written summary of the information and attempt to obtain a signed affirmation of its accuracy from the interviewee. The interviewee shall be permitted to make additions or corrections to the memorandum before affirming its accuracy. In order to obtain the interviewee's signature, the enforcement staff may provide a copy of the unsigned summary to the interviewee and his or her counsel. After the summary is signed, the interviewee and his or her counsel may receive a signed copy. Testimony as to the substance of an unrecorded interview for which a signed affirmation was not obtained may nevertheless be con-

sidered by the Committee on Infractions to the extent the Committee on Infractions determines the testimony to be reliable. *(Revised: 4/24/03, 4/10/06, 8/7/08)*

32.3.9.2.1 Confidentiality of Nonrecorded Interview Documents. Copies of nonrecorded interview summaries and any report prepared by the enforcement staff are confidential and shall not be provided to individuals (or their institutions) who may be involved in reporting information during the processing of an infractions case except as set forth in Bylaws 32.3.9.2, 32.3.10 and 32.6.4. *(Revised: 4/24/03, 8/7/08)*

32.3.9.3 Handwritten Notes. It shall be permissible for all individuals involved in interviews conducted by the enforcement staff to take handwritten notes of the proceedings. (*Adopted: 4/23/03*)

32.3.10 Enforcement Staff's Responsibility to Maintain Case Information.

32.3.10.1 Case File. The enforcement staff is responsible for maintaining evidentiary materials involved with an infractions case, including copies of recorded interviews, interview summaries and/or interview transcripts and other evidentiary information. Such materials shall be retained on file at the national office. *(Adopted: 1/13/08 for all cases heard by the Committee on Infractions, unless not feasible due to security, format or technology issues)*

32.3.10.2 Custodial File. The enforcement staff shall make available copies of recorded interviews, interview summaries and/or interview transcripts and other evidentiary information pertinent to an infractions case. The institution and involved individuals may review such information in the national office or through a secure Web-based custodial site in accordance with the provisions of Bylaw 32.6.4. *(Adopted: 1/13/08 for all cases heard by the Committee on Infractions, unless not feasible due to security, format or technology issues)*

32.3.11 Failure to Cooperate. In the event that a representative of an institution refuses to submit relevant information to the Committee on Infractions or the enforcement staff on request, a notice of inquiry may be filed with the institution alleging a violation of the cooperative principles of the NCAA bylaws and enforcement procedures. Institutional representatives and the involved individual may be requested to appear before the Committee on Infractions at the time the allegation is considered. *(Revised: 4/24/03)*

32.3.12 Meeting with Chancellor or President. The enforcement staff may meet personally with the chancellor or president or a designated representative of the involved institution to discuss the allegations investigated and information developed by the NCAA in a case that has been terminated. *(Revised: 4/24/03, 3/8/06)*

32.4 PROCESSING INFORMATION FOR SECONDARY VIOLATIONS

32.4.1 Authority of Conference Commissioners. Selected secondary violations that have been identified by the Committee on Infractions, and for which specific disciplinary or corrective actions have been prescribed by the Committee on Infractions, shall be processed by the institution's conference when such violations occur for the first time in a particular sport. Any violations processed and penalties imposed by the conference commissioner shall be reported to the NCAA enforcement staff on a quarterly basis. If an institution believes that a case warrants action that is less than the prescribed penalty, it may request further review by the vice president for enforcement services. *(Adopted: 10/21/97 effective 1/1/98, Revised: 4/24/03)*

32.4.2 Review of Institutional or Conference Actions or Penalties In Secondary Cases. If the Committee on Infractions or the enforcement staff, after review of institutional or conference action taken in connection with a rules infraction in a secondary case, concludes that the corrective or punitive measures taken by the institution or conference are sufficient, the Committee on Infractions or the enforcement staff may accept the self-imposed measures and take no further action. Failure to fully implement the self-imposed measures may subject the institution to further disciplinary action by the NCAA. *(Revised: 10/12/94, 4/24/03)*

32.4.2.1 Insufficient Actions. If the institutional or conference actions appear to be insufficient, the enforcement staff shall notify the institution of additional penalties in a secondary case. *(Revised: 10/12/94, 4/24/03)*

32.4.3 Action Taken by Enforcement Staff (Non-Institution or Non-Conference). If the enforcement staff, after reviewing the information that has been developed and after consulting with the institution involved, determines that a secondary violation has occurred, the enforcement staff may determine that no penalty is warranted or impose an appropriate penalty (see Bylaw 19.6.1). *(Revised: 4/24/03)*

32.4.4 Appeal of Secondary Cases. An institution may appeal penalties imposed by the enforcement staff for a secondary violation by submitting a written notice of appeal to the Committee on Infractions. The Committee on Infractions must receive the written notice of appeal and any supporting information within 30 days of the date the institution receives the enforcement staff's decision. An institution may request the opportunity to appear in person or through participation in a telephone conference call. If no such request is made, or if the request is denied, the Committee on Infractions will review the institution's appeal on the basis of the written record. *(Adopted: 1/12/99, Revised: 4/24/03)*

32.5 NOTICE OF INQUIRY

32.5.1 Notice to Institution. If the enforcement staff has developed reasonably reliable information indicating that an institution has been in violation of NCAA legislation that requires further investigation, the enforcement staff shall provide a notice of inquiry in writing to the chancellor or president unless the institution and

enforcement staff have agreed to pursue the summary disposition process as set forth in NCAA Bylaw 32.7. The notice of inquiry shall advise the chancellor or president that the enforcement staff will engage in an investigation, that the investigation will be conducted under the direction of the vice president for enforcement services and that members of the enforcement staff if requested, shall meet in person with the chancellor or president to discuss the nature and details of the investigation, and the type of charges that appear to be involved. The notice of inquiry shall state that if the investigation develops significant information of a possible major violation, a notice of allegations will be produced in accordance with the provisions of Bylaw 32.6, or, in the alternative, the institution will be notified that the matter has been concluded. To the extent possible, the notice of inquiry also shall contain the following information: *(Adopted: 4/24/03, Revised: 3/8/06, 4/17/07)*

(a) The involved sport;

(b) The approximate time period during which the alleged violations occurred;

(c) The identity of involved individuals;

(d) An approximate time frame for the investigation;

(e) A statement indicating that the institution and involved individuals may be represented by legal counsel at all stages of the proceedings;

(f) A statement requesting that the individuals associated with the institution not discuss the case prior to interviews by the enforcement staff and institution except for reasonable campus communications not intended to impede the investigation of the allegations and except for consultation with legal counsel;

(g) A statement indicating that other facts may be developed during the course of the investigation that may relate to additional violations; and

(h) A statement regarding the obligation of the institution to cooperate in the case.

32.5.1.1 Status Notification within Six Months. The enforcement staff shall inform the involved institution of the general status of the inquiry within six months of the date after the chancellor or president receives the notice of inquiry from the enforcement staff. *(Adopted: 4/24/03, Revised: 3/8/06)*

32.5.1.2 Review After One Year. If the inquiry has not been processed to conclusion within one year of the date that the chancellor or president receives the notice of inquiry from the enforcement staff, the staff shall review the status of the case with the Committee on Infractions. The Committee on Infractions shall determine whether further investigation is warranted, and its decision shall be forwarded to the involved institution in writing. If the investigation is continued, additional status reports shall be provided to the institution in writing at least every six months thereafter, until the matter is concluded. *(Adopted: 4/24/03, Revised: 3/8/06)*

32.5.2 Termination of Investigation. The enforcement staff shall terminate the investigation related to any notice of inquiry in which information is developed that does not appear to be of sufficient substance or reliability to warrant a notice of allegations, it being understood that the Committee on Infractions shall review each such decision. *(Adopted: 4/24/03)*

32.6 NOTICE OF ALLEGATIONS

32.6.1 Notice to Chancellor or President. When the enforcement staff determines that there is sufficient information to warrant, it shall issue a cover letter and notice of allegations to the chancellor or president of the institution involved (with copies to the faculty athletics representative and the athletics director and to the executive officer of the conference of which the institution is a member). *(Revised: 4/24/03, 3/8/06)*

32.6.1.1 Contents of the Notice of Allegations Cover Letter. The cover letter accompanying each notice of allegations shall: *(Adopted: 4/24/03)*

(a) Inform the president or chancellor of the matter under inquiry and request the cooperation of the institution in obtaining all the pertinent facts and provide specific information on how to investigate the allegation. *(Revised: 3/8/06)*

(b) Request the president or chancellor to respond to the allegations and to provide all relevant information which the institution has or may reasonably obtain, including information uncovered related to new violations. The responsibility to provide information continues until the case has been concluded. *(Revised: 3/8/06)*

(c) Request the president or chancellor and other institutional staff to appear before the Committee on Infractions at a time and place determined by the Committee on Infractions. *(Revised: 3/8/06)*

(d) Inform the president or chancellor that if the institution fails to appear after having been requested to do so, it may not appeal the committee's findings of fact and violations, or the resultant penalty. *(Revised: 3/8/06)*

(e) Direct the institution to provide any involved individual the opportunity to submit in writing any information the individual desires that is relevant to the allegation in question. *(Revised: 5/22/09)*

(f) Inform the president or chancellor that the enforcement staff's primary investigator in the case will be available to discuss the development of its response and assist in locating various individuals who have, or may have, important information regarding the allegations. *(Revised: 3/8/06)*

32.6.1.1.1 Enforcement Staff Basis for Allegation. The enforcement staff shall allege a violation when it believes there is sufficient information to conclude that the Committee on Infractions could make a finding. *(Adopted: 4/24/03)*

32.6.1.2 Contents of Notice of Allegations. The notice shall list the NCAA legislation alleged to have been violated, as well as the details of each allegation. *(Adopted: 4/24/03)*

32.6.2 Notice to Involved Individuals. The enforcement staff shall notify involved individuals (as defined in Bylaw 32.1.5) of the allegations in a notice of allegations in which they are named. A copy of the notification shall also be forwarded to the chancellor or president of the current institution of the involved individual. All involved individuals shall submit responses to the Committee on Infractions, and the institution under inquiry shall provide a copy of pertinent portions of its response to each involved individual in the case. Involved individuals who have submitted a response must also share their response with the involved institutions or other involved individuals as necessary. Failure to submit a response may be viewed by the Committee on Infractions as an admission that the alleged violations occurred. The enforcement staff shall notify those involved individuals named in the notice of allegations who may be subject to the show-cause requirements as outlined in Bylaw 19.5.2.2 if violations are found in which they are named. *(Adopted: 4/24/03, Revised: 3/8/06, 4/10/06, 6/11/07, 1/17/09)*

32.6.3 Statute of Limitations. Allegations included in a notice of allegations shall be limited to possible violations occurring not earlier than four years before the date the notice of inquiry is forwarded to the institution or the date the institution notifies (or, if earlier, should have notified) the enforcement staff of its inquiries into the matter. However, the following shall not be subject to the four-year limitation: *(Revised: 10/12/94, 4/24/03)*

(a) Allegations involving violations affecting the eligibility of a current student-athlete;

(b) Allegations in a case in which information is developed to indicate a pattern of willful violations on the part of the institution or individual involved, which began before but continued into the four-year period; and

(c) Allegations that indicate a blatant disregard for the Association's fundamental recruiting, extra-benefit, academic or ethical-conduct regulations or that involve an effort to conceal the occurrence of the violation. In such cases, the enforcement staff shall have a one-year period after the date information concerning the matter becomes available to the NCAA to investigate and submit to the institution a notice of allegations concerning the matter.

32.6.4 Access to Information in Custodial File. The institution and involved individuals shall have reasonable access to all pertinent evidentiary materials as described in Bylaw 32.3.10.2. Such information shall be made available within 30 days from the date the notice of allegations is sent by the enforcement staff to the institution and involved individuals. *(Adopted: 1/16/93, Revised: 10/12/94, 4/24/03, 1/13/08 for all cases heard by the Committee on Infractions, unless not feasible due to security, format or technology issues)*

32.6.4.1 Additions to Custodial File. Additions made to a custodial file more than 30 days after the notice of allegations is sent to the institution and involved individuals shall be limited to exculpatory information and/or new information that could not be reasonably ascertained prior to the date the notice of allegations was sent. The enforcement staff shall notify the institution and involved individuals of the availability of the additional information. *(Adopted: 1/13/08 for all cases heard by the Committee on Infractions, unless not feasible due to security, format or technology issues)*

32.6.5 Deadline for Responses. Any response to the notice of allegations shall be on file with the Committee on Infractions, the institution, all involved individuals and the enforcement staff not later than 90 days from the date of the notice of allegations, unless the Committee on Infractions grants an extension. The enforcement staff may establish a deadline for the submission of responses to any reasonable time within the 90-day period, provided the institution and all involved individuals consent to the expedited deadline. An institution or involved individual may not submit additional documentary evidence (in addition to its initial response) without prior authorization from the Committee on Infractions (see Bylaw 32.6.8 for additional instructions regarding information submitted to the Committee on Infractions). *(Revised: 1/16/93, 4/24/03, 4/10/06, 1/13/08)*

32.6.6 Prehearing Conference. Within 30 days of an institution's submission of its written response to notice of allegations, in a case involving an alleged major violation, the enforcement staff shall consult with institutional representatives and other involved individuals who will attend the hearing in order to clarify the issues to be discussed in the case during the hearing, make suggestions regarding additional investigation or interviews that should be conducted by the institution to supplement its response and identify allegations that the staff intends to withdraw. The enforcement staff shall conduct independent prehearings with the institution and/or any involved individuals, unless mutually agreed by all parties to do otherwise. *(Revised: 1/16/93, 10/12/94, 4/24/03)*

32.6.6.1 Extension. The Committee on Infractions may approve additional time for representatives of the involved individuals and institution and the enforcement staff to conduct such prehearing conferences. *(Adopted: 1/16/93)*

32.6.7 NCAA Enforcement Staff Case Summary. The enforcement staff shall prepare a summary of the case that indicates the status of each allegation and identifies the individuals on whom and the information on which the staff will rely in presenting the case. Within 14 days prior to the hearing, the case summary shall be provided to the members of the Committee on Infractions and to representatives of the institution. Involved individuals will be provided those portions of the summary in which they are identified as at risk. The Committee on Infractions may waive this 14-day period for good cause shown. *(Adopted: 10/12/94, 4/24/03)*

32.6.8 Deadline for Submission of Written Material. Unless specifically approved by the Committee on Infractions for good cause shown, all written material to be considered by the Committee on Infractions at the infractions hearing must be received by the Committee on Infractions, enforcement staff, institution and any involved individuals attending the hearing not later than 10 days prior to the date of the hearing. Evidence may be submitted at the hearing; but subject to the limitations set forth in Bylaw 32.8.7.4. *(Revised: 4/24/03)*

32.6.9 Prehearing Procedural Issues. The chair of the Committee on Infractions (or his or her designee) has the authority to resolve procedural matters that arise prior to an infractions hearing. *(Adopted: 1/13/08)*

32.7 SUMMARY DISPOSITION AND EXPEDITED HEARING

32.7.1 Summary Disposition Election. In major infractions cases, institutions, involved individuals and the enforcement staff may elect to process the case through the summary disposition procedures specified below. The enforcement staff, involved individuals, if participating, and the institution must agree to use the summary disposition process. If the institution is subject to the repeat-violator legislation as indicated in Bylaw 19.5.2.3, the summary disposition process shall not be used. *(Adopted: 1/16/93, Revised: 4/22/98, 6/11/07)*

32.7.1.1 Thorough Investigation. The Committee on Infractions shall determine that a thorough investigation of possible violations of NCAA legislation has been conducted. The investigation may be conducted by the enforcement staff and/or the institution, but the enforcement staff must agree that a complete and thorough investigation has been conducted and that the institution fully cooperated in the process. *(Adopted: 1/16/93)*

32.7.1.2 Written Report. The institution, involved individuals and the enforcement staff shall submit a written report setting forth: *(Adopted: 1/16/93)*

(a) The proposed findings of fact;

(b) A summary of information on which the findings are based;

(c) A stipulation that the proposed findings are substantially correct;

(d) The findings that are violations of NCAA legislation; and

(e) A statement of unresolved issues that are not considered substantial enough to affect the outcome of the case.

32.7.1.3 Proposed Penalties. The institution and involved individuals shall submit proposed penalties within the guidelines set forth in the penalty structure for major violations specified in Bylaw 19.5.2. The institution and involved individuals also may submit a statement regarding mitigating factors. *(Adopted: 1/16/93)*

32.7.1.4 Committee on Infractions Review. The Committee on Infractions shall consider the case during its next scheduled meeting. *(Adopted: 1/16/93)*

32.7.1.4.1 Approval of Findings and Penalties. If the agreed-on findings and proposed penalties are approved, the Committee on Infractions shall prepare a written report, forward it to the institution and involved individuals and publicly announce the resolution of the case under the provisions of Bylaw 32.9. *(Adopted: 1/16/93)*

32.7.1.4.2 Findings Not Approved. If the Committee on Infractions does not approve the findings, the hearing process set forth in Bylaws 32.8 and 32.9 shall be followed. *(Adopted: 1/16/93, Revised: 6/11/07)*

32.7.1.4.3 Penalties Not Approved. If the Committee on Infractions accepts the agreed-on findings but proposes penalties in addition to those set forth in the summary disposition report, the institution and/or involved individuals may request an expedited hearing on penalties before the Committee on Infractions. The committee shall only consider information relevant to the imposition of penalties during the expedited hearing. At the conclusion of the expedited hearing, the committee shall prepare a written report and provide notification of the committee's actions consistent with Bylaw 32.9. The institution and/or any involved individuals may appeal the additional penalties to the Infractions Appeals Committee in accordance with Bylaws 32.10 and 32.11. *(Adopted: 1/16/93, Revised: 6/11/07, 8/7/08)*

32.7.1.4.4 Additional Information or Clarification. The Committee on Infractions may contact jointly the institution, enforcement staff and involved individuals for additional information or clarification prior to accepting or rejecting the proposed findings. *(Revised: 6/11/07)*

32.7.1.4.5 Authority to Amend Findings. The Committee on Infractions has the authority to make editorial or nonsubstantive changes in the proposed findings as long as these changes do not affect the substance of the findings.

32.8 COMMITTEE ON INFRACTIONS HEARINGS

32.8.1 Committee Authority. The Committee on Infractions shall hold a hearing to determine the existence of the alleged violation of NCAA regulations and to impose any appropriate penalties. (*Adopted: 4/24/03*)

32.8.2 Determination of Meeting Date. The Committee on Infractions shall set the dates and times for all hearings before the committee. The committee shall notify all relevant parties of the hearing date and site. *(Adopted: 4/24/03)*

32.8.3 Limitations on Presentation of Staff Evidence. In major cases requiring an institutional hearing before the Committee on Infractions or when processing a case through means of a summary disposition, specific information and evidence developed by the staff related to alleged violations of NCAA legislation shall not be presented to the committee prior to the institution's appearance, except as provided in these procedures. *(Adopted: 4/24/03)*

32.8.4 Obligation to Provide Full Information. At any appearance before the Committee on Infractions, the involved institution and the enforcement staff, to the extent reasonably possible, have the obligation to ensure that the Committee on Infractions has benefit of full information concerning each allegation, whether such information corroborates or refutes an allegation. *(Adopted: 4/24/03)*

32.8.5 Notification of Hearing Procedures. An institution and involved individuals shall be advised in writing prior to an appearance before the committee of the general procedures to be followed during the hearing. Such notification shall contain a specific reference to Bylaw 32.8 and shall indicate that, as a general rule, the discussion during the hearing will follow the numbering of the allegations in the notice of allegations. *(Adopted: 4/24/03)*

32.8.6 Appearance of Individuals at Hearings.

32.8.6.1 Request for Specific Individuals. Institutional officials, staff members or enrolled student-athletes who are specifically requested to appear before the Committee on Infractions at an institutional hearing are expected to appear in person and may be accompanied by personal legal counsel. The Committee on Infractions also may request that former institutional staff members appear at a hearing. Such individuals also are expected to appear in person and may be accompanied by personal legal counsel. Failure to attend may result in a violation of this bylaw in a show-cause action by the Committee on Infractions.

32.8.6.2 Attendance at Hearings. At the time the institution appears before the Committee on Infractions, its representatives should include the institution's chancellor or president, the head coach of the sport in question, the institution's director of athletics, legal counsel, enrolled student-athletes whose eligibility could be affected by information presented at the hearing and any other representatives whose attendance has been requested by the Committee on Infractions. Additional individuals may be included among the institution's party only if specifically approved to be present by the Committee on Infractions. An individual who appears before the Committee on Infractions may appear with personal legal counsel. *(Revised: 4/24/03, 3/8/06)*

32.8.6.3 Exclusion of Individuals from Hearings.

32.8.6.3.1 Exclusions Requested by the Institution. At the request of the institution, the Committee on Infractions may exclude an individual from certain portions of the hearing when the matters to be discussed are not those in which the individual is at risk. When an individual is excluded from the hearing room for a period of time, it shall be with the understanding that matters discussed in the hearing during that time will not relate to that individual. *(Revised: 4/24/03)*

32.8.6.3.2 Limited Attendance of Student-Athletes. Any student-athlete (and personal legal counsel) included among the institution's representatives may attend the hearing only during the discussion of the allegations in which the student-athlete is involved.

32.8.6.4 Representation of Member Conference. The executive officer or other representative of a conference's executive office may attend an institutional hearing involving a conference member. *(Revised: 4/24/03)*

32.8.6.5 Prohibited Attendee. A member of the Committee on Infractions or the Infractions Appeals Committee who is prohibited under the provisions of Bylaw 32.1.3 from participating in any NCAA proceedings may not attend a Committee on Infractions hearing involving the committee member's institution unless specifically requested by the Committee on Infractions to be present as a witness.

32.8.6.6 Designation of Presentation Coordinators. The chair shall request each institution appearing before the Committee on Infractions to select one person to coordinate institutional responses during the hearing. In addition, one individual from the enforcement staff will be responsible for coordinating the presentation of the enforcement staff.

32.8.7 Hearing Procedures. The exact procedure to be followed in the conduct of the hearing will be determined by the Committee on Infractions.

32.8.7.1 Opening and Closing Statements. At the outset of the hearing, a representative of the institution shall make an opening statement, followed by an opening statement from any involved individual and by a representative of the enforcement staff. The contents of such a statement should not relate to the substance of the specific items contained in the notice of allegations. Statements concerning the nature or theory of the case are encouraged. An institutional representative and involved individuals also may make a closing statement at the

conclusion of the hearing, followed by a closing statement by a representative of the enforcement staff. *(Revised: 4/24/03)*

32.8.7.2 Staff Presentation. During the hearing, the enforcement staff first shall present the information that its investigation has developed.

32.8.7.3 Institutional or Involved Individual's Presentation. The institution and involved individual then will present their explanation of the alleged violations and any other arguments or information deemed appropriate in the Committee on Infractions' consideration of the case. *(Revised: 4/24/03)*

32.8.7.4 Type of Information. Any oral or documentary information may be received, but the Committee on Infractions may exclude information that it determines to be irrelevant, immaterial or unduly repetitious.

32.8.7.4.1 Information from Confidential Sources. In presenting information and evidence for consideration by the Committee on Infractions during an infractions hearing, the enforcement staff shall present only information that can be attributed to individuals who are willing to be identified. Information obtained from individuals not wishing to be identified shall not be relied on by the Committee on Infractions in making findings of violations. Such confidential sources shall not be identified to either the Committee on Infractions or the institution.

32.8.7.4.2 Information Concerning Mitigating Factors. Institutional, conference and enforcement staff representatives and any involved individuals are encouraged to present all relevant information concerning mitigating or other factors that should be considered in arriving at appropriate penalties. *(Revised: 4/24/03)*

32.8.7.5 Scope of Inquiry. If an institution appears before the Committee on Infractions to discuss its response to the notice of allegations, the hearing shall be directed toward the allegations set forth in the notice of allegations but shall not preclude the committee from finding any violation resulting from information developed or discussed during the hearing. *(Revised: 4/24/03)*

32.8.7.6 Committee on Infractions Questioning. The Committee on Infractions, at the discretion of any of its members, shall question representatives of the institution or the enforcement staff, as well as any involved individuals or other persons appearing before it, in order to determine the facts of the case. Further, under the direction of the Committee on Infractions, questions and information may be exchanged between and among all parties participating in the hearing. *(Revised: 5/22/09)*

32.8.7.7 Recording of Proceedings. The proceedings of infractions hearings shall be recorded by a court reporter (unless otherwise agreed) and shall be recorded by the Committee on Infractions. No additional verbatim recording of these proceedings will be permitted by the Committee on Infractions. The Committee on Infractions shall maintain custody of the recordings and any transcriptions. In the event of an appeal, a transcript of the hearing proceedings shall be reproduced and submitted to the Infractions Appeals Committee and made available for review at the NCAA national office or at custodial sites reasonably near the institution and involved individuals. [Note: Involved individuals will receive only those portions of the hearing transcripts in which they were in attendance at the hearing.] *(Revised: 1/16/93, 4/24/03, 4/10/06)*

32.8.8 Posthearing Committee Deliberations. After all presentations have been made and the hearing has been concluded, the Committee on Infractions shall excuse all others from the hearing, and the Committee on Infractions shall make its determinations of fact and violation in private.

32.8.8.1 Request for New Information. In arriving at its determinations, the Committee on Infractions may request additional information from any source, including the institution, the enforcement staff or an involved individual. In the event that new information is requested from the institution, the enforcement staff or an involved individual to assist the Committee on Infractions, all parties will be afforded an opportunity to respond at the time such information is provided to the Committee on Infractions. *(Revised: 6/11/07)*

32.8.8.2 Basis of Findings. The Committee on Infractions shall base its findings on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs.

32.8.8.3 Imposition of Penalty. If the Committee on Infractions determines that there has been a violation, it shall impose an appropriate penalty (see Bylaw 19.5); or it may recommend to the Board of Directors suspension or termination of membership in an appropriate case. *(Revised: 4/24/03)*

32.8.8.4 Voting Requirements. The finding of a violation or the imposition of a penalty or recommended action shall be by majority vote of the members of the Committee on Infractions present and voting. If fewer than eight members are present, any Committee on Infractions action requires a favorable vote of at least four committee members. *(Revised: 10/12/94)*

32.9 NOTIFICATION OF COMMITTEE ON INFRACTIONS ACTION

32.9.1 Infractions Report. The Committee on Infractions, without prior public announcement, shall be obligated to submit promptly an infractions report, to the chancellor or president of the institution (with copies to those individuals receiving copies of the notice of allegations) and to all involved individuals, as defined in Bylaw 32.1.5. The following procedures shall apply to the infractions report: *(Revised: 4/24/03, 3/8/06, 1/13/08)*

(a) After an institutional hearing, the Committee on Infractions shall prepare and approve the final infractions report; *(Revised: 10/12/94)*

(b) The infractions report(s) of the Committee on Infractions and the Infractions Appeals Committee shall contain a consolidated statement of all findings and penalties, corrective actions, requirements, and other conditions and obligations of membership imposed on an institution found in violation of NCAA legislation. The statement of such actions shall include, but not be limited to, the penalties imposed on the institution, eligibility rules to be applied, applicable executive regulations, the adjustment of individual and team standings in NCAA championship events, and the request for the return of any awards and net receipts received for participation in an NCAA championship; and *(Revised: 10/12/94, 4/24/03, 1/13/08)*

(c) The committee's infractions report shall be sent to the chancellor or president of the involved institution and any involved individuals under the chair's signature or under the signature of a committee member selected to act for the chair. In addition, the committee will notify all involved individuals directly of the appeal opportunities outlined in Bylaws 32.9 and 32.10. The report shall be sent by overnight mail service, and the committee's administrator shall confirm receipt by the institution and involved individuals in order that the 15-day appeal period applicable to this report may be established. *(Revised: 10/12/94, 3/8/06, 1/13/08)*

32.9.2 Release to Media. Once the infractions report has been received by the institution and involved individuals, the report, with names of individuals deleted, shall be made available to the national wire services and other media outlets. *(Revised: 1/13/08)*

32.9.2.1 Public Comment Prior to Release. The Committee on Infractions' public announcement related to an infractions case shall be made available to the national wire services and other media outlets. In this regard, the involved institution and/or any involved individuals shall be advised of the text of the announcement prior to its release and shall be requested not to comment publicly concerning the case prior to the time the NCAA's public announcement is released. *(Revised: 4/24/03)*

32.9.2.2 Public Announcement and Comment at Release. The chair or a member of the Committee on Infractions shall make the committee's public announcement related to major infractions when the committee determines that an announcement is warranted in addition to distribution of the written report. *(Adopted: 1/16/93)*

32.9.3 Report to Infractions Appeals Committee. The Committee on Infractions shall forward a copy of the report, with names of individuals deleted, to the Infractions Appeals Committee at the time of the public announcement. *(Adopted: 1/13/08)*

32.10 APPEAL PROCEDURE

32.10.1 Notice of Intent to Appeal. A notice of intent to appeal must be presented in writing to the Infractions Appeals Committee not later than 15 calendar days from the date of the public release of the Committee on Infractions' public infractions report. The notice of intent to appeal shall contain a statement identifying the date of the public release of the committee's report and a statement indicating whether the appealing party desires to submit its appeal in writing only or requests an in-person hearing before the Infractions Appeals Committee. *(Revised: 1/16/93, 1/10/95, 4/26/95, 4/24/03, 1/13/08)*

32.10.1.1 Appeal by Institution. The institution may appeal the Committee on Infractions' findings and penalties, corrective actions, requirements and/or other conditions and obligations of membership imposed for violations of NCAA legislation. An institution may not request an in-person hearing before the Infractions Appeals Committee unless the institution has made an in-person appearance before the Committee on Infractions. *(Adopted: 1/13/08)*

32.10.1.2 Appeal by Involved Individual. An involved individual may appeal the Committee on Infractions' findings and/or show cause order imposed for violations of NCAA legislation in which he or she is named. An involved individual may not request an in-person hearing before the Infractions Appeals Committee unless the involved individual has made an in-person appearance before the Committee on Infractions. *(Adopted: 1/13/08)*

32.10.2 Committee on Infractions' Response to an Appeal. The Committee on Infractions shall submit a response to the Infractions Appeals Committee on each case that has been appealed. This response shall include: *(Revised: 1/16/93, 10/12/94, 1/10/98, 4/11/01, 4/24/03, 1/13/08)*

(a) A statement of the origin of the case;

(b) The violations of the NCAA Constitution and bylaws, as determined by the Committee on Infracations; *(Revised: 10/12/94)*

(c) Disciplinary or corrective actions taken by the institution or conference or any other agency involved in the particular incident;

(d) A statement of the Committee on Infractions' penalties, corrective actions, requirements and other conditions and obligations of membership imposed for violations of NCAA legislation; *(Revised: 1/13/08)*

(e) The issues raised in the appeal;

(f) The Committee on Infractions' responses to the issues raised in the appeal; and

(g) A transcript of any hearing conducted by the Committee on Infractions (submitted as an attachment to the response). *(Adopted: 10/12/94, Revised: 1/13/08)*

32.10.3 Enforcement Staff Information. The enforcement staff may provide written information to the Infractions Appeals Committee regarding perceived new information, errors, misstatements and omissions relating to the written appeal, Committee on Infractions' response and/or rebuttal documents, as long as any such written information is received by the Infractions Appeals Committee not later than 10 calendar days from notification from the Infractions Appeals Committee of whether rebuttal materials have been submitted as established under the policies and procedures of the Infractions Appeals Committee. *(Adopted: 1/13/08, Revised: 1/13/09)*

32.10.4 Basis for Granting an Appeal.

32.10.4.1 Penalties. A penalty determined by the Committee on Infractions shall not be set aside on appeal except on a showing by the appealing party that the penalty is excessive such that it constitutes an abuse of discretion. *(Adopted: 1/13/08)*

32.10.4.2 Findings. Findings of violations made by the Committee on Infractions shall not be set aside on appeal, except on a showing by the appealing party that: *(Adopted: 1/13/08)*

(a) A finding is clearly contrary to the evidence presented to the Committee on Infractions;

(b) The facts found by the Committee on Infractions do not constitute a violation of the Association's rules; or

(c) There was a procedural error and but for the error, the Committee on Infractions would not have made the finding of violation.

32.10.5 New Evidence. In making a determination pursuant to Bylaw 32.10.4, the Infractions Appeals Committee shall consider only the information contained in the record(s) of proceedings before the Committee on Infractions and the record on appeal. If an institution or involved individual seeks to introduce information during the appeals process that was not presented to the Committee on Infractions for its consideration, the Infractions Appeals Committee shall: *(Adopted: 1/6/96)*

(a) Determine whether the information is "new evidence" per Bylaw 19.02.3. If the Infractions Appeals Committee determines that the information meets the definition of "new evidence" per Bylaw 19.02.3, the Infractions Appeals Committee, after input from a Committee on Infractions' designee, shall determine whether the "new evidence" could have materially affected any decision made by the Committee on Infractions, and if so the case shall be referred back to the Committee on Infractions for its review. If the information does not meet the definition of "new evidence" per Bylaw 19.02.3 or if the "new evidence" would not have materially affected a decision made by the Committee on Infractions, the information shall not be included in the record on appeal and shall not be considered by the Infractions Appeal Committee; and *(Revised: 1/13/08)*

(b) Enter findings in the record on appeal regarding all decisions made pursuant to Bylaw 32.10.5-(a). *(Adopted: 1/13/08)*

32.10.6 Determination of Appeal Procedures. The specific procedures to be followed during the written appeals process will be determined by the Infractions Appeals Committee. *(Adopted: 1/13/08)*

32.11 APPEAL HEARINGS

32.11.1 Hearing Procedures. An institution or involved individual may appeal the Committee on Infractions' findings of violations and penalties, corrective actions, requirements, and other conditions and obligations of membership imposed by the Committee on Infractions for violations of NCAA legislation. Should one or more of the parties request a hearing, the hearing will be conducted according to the following procedures: *(Revised: 1/16/93, 1/10/95, 4/24/03, 1/13/08)*

(a) Consistent with the requirements of Bylaw 32.10.1, if the institution and/or involved individual elects to be represented in person before the Infractions Appeals Committee, the institution and/or involved individual shall be permitted a reasonable time to make its oral presentation to supplement the written appeal. The coordinator of appeals or another member of the Committee on Infractions then shall be permitted a reasonable time to make its oral presentation. The period of time for the presentation by the institution, involved individual and the Committee on Infractions shall be left to the discretion of the chair of the Infractions Appeals Committee; *(Revised: 1/10/95, 4/24/03, 1/13/08)*

(b) The enforcement staff may elect to be represented in person by a maximum of three persons, and may participate during the hearing. Any participation by the enforcement staff shall be limited to the opportunity to provide information regarding perceived new information, errors, misstatements and omissions. *(Adopted: 1/13/08)*

(c) If an institution or involved individual appeared before the Committee on Infractions but waived the right to appeal, the institution or involved individual may elect to be present in person and/or by counsel, by a maximum of three persons, as a silent observer during the hearing before the Infractions Appeals Committee. *(Adopted: 1/14/08)*

(d) If the institution or involved individual elects to appeal in writing only, the Committee on Infractions' written response specific to that written appeal shall be considered without an in-person appearance by a Committee on Infractions representative; and *(Revised: 1/13/08)*

(e) Consistent with Bylaw 32.10.2, the Infractions Appeals Committee then shall act on the institution's and/or involved individual's appeal, by majority vote of the members of the Infractions Appeals Committee present and voting, and may affirm, reverse or vacate and remand the Committee on Infractions' findings of violations, penalties, corrective actions, requirements, and/or other conditions and obligations of membership imposed for violations of NCAA legislation. *(Revised: 8/2/91, 1/10/95,1/6/96, 4/24/03, 1/13/08)*

32.11.2 Consideration by Infractions Appeals Committee. The Infractions Appeals Committee shall consider the statements and evidence presented and, at the discretion of any of its members, may question representatives of the institution, the Committee on Infractions or enforcement staff, as well as any other persons appearing before it, in order to determine the issues related to the appeal. Further, under the direction of the Infractions Appeals Committee, questions and information may be exchanged between and among those individuals present and participating in the hearing. *(Revised: 1/16/93, 1/10/95, 4/24/03, 1/13/08)*

32.11.3 Infractions Appeals Committee—Determination of Hearing Procedures. The procedure to be followed in the conduct of the hearing will be determined by the Infractions Appeals Committee but shall be consistent with the operating policies and procedures that apply to hearings conducted by the Committee on Infractions. *(Revised: 1/16/93, 1/10/95, 4/24/03, 1/13/08, 11/1/07 effective 8/1/08)*

32.11.4 Decision Final. Any decision in an infractions case by the Infractions Appeals Committee shall be considered final. *(Revised: 1/16/93, 1/10/95, 4/24/03)*

32.11.5 Further Review. Determinations of fact and violations arrived at in the foregoing manner by the Committee on Infractions or by the Infractions Appeals Committee, on appeal, shall be final, binding and conclusive and shall not be subject to further review by the Leadership Council or any other authority. *(Revised: 1/16/93, 1/10/95, 4/24/03, 11/1/07 effective 8/1/08)*

FIGURE 32-1
Processing of a Typical NCAA Infractions Case

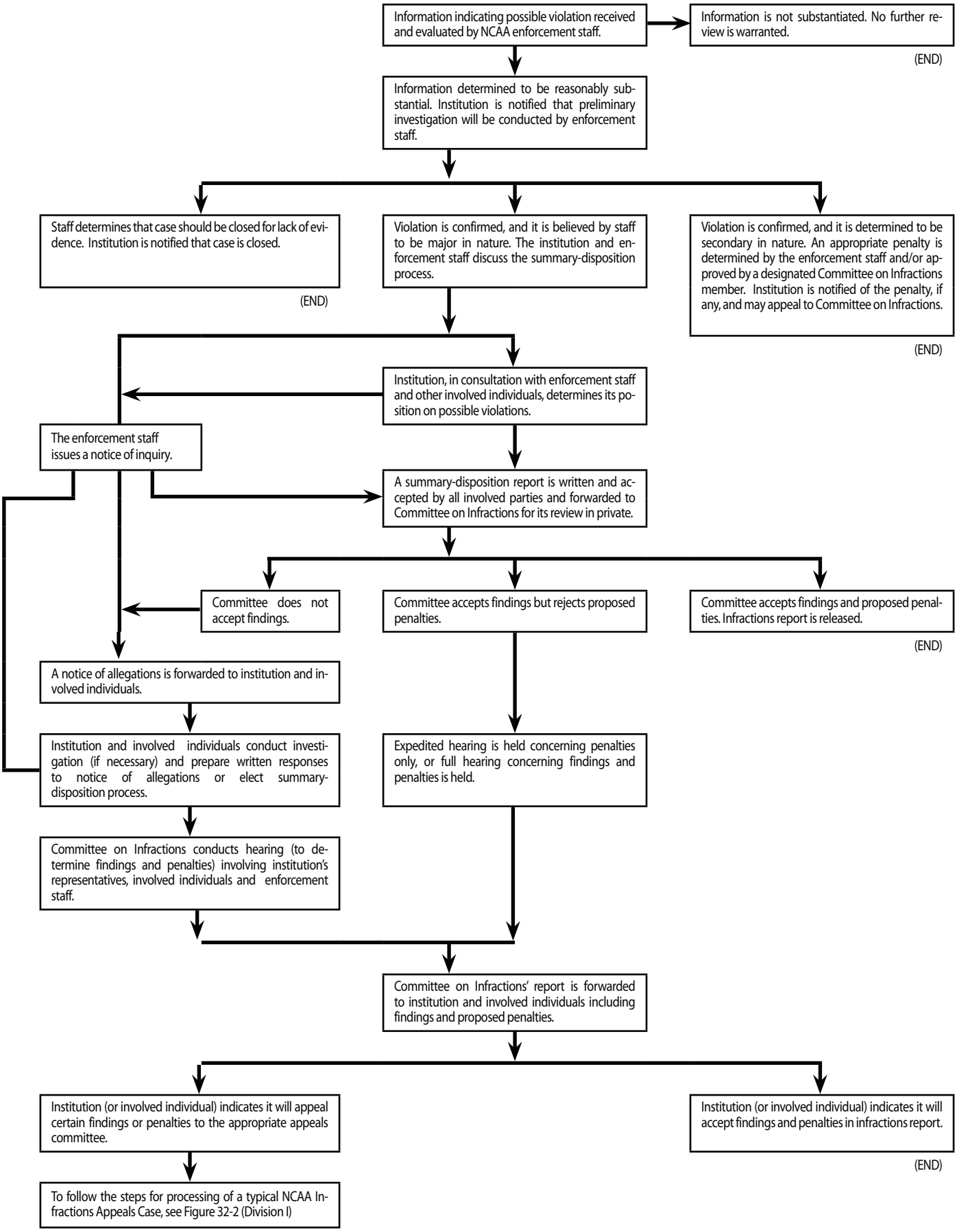
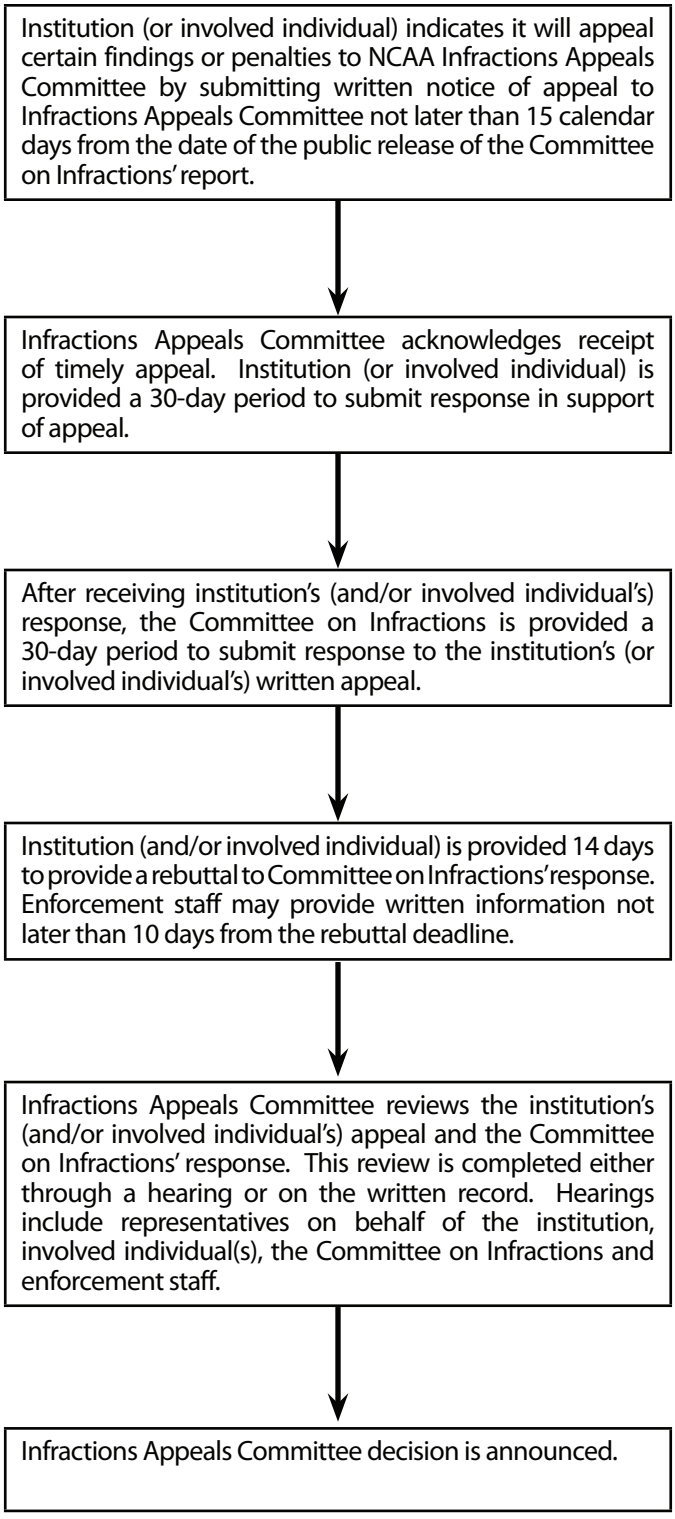


FIGURE 32-2
Processing of a Typical NCAA Infractions Appeals Case



ADMINISTRATIVE BYLAW, ARTICLE 33

Athletics Certification Policies and Procedures

33.1 Self-Study and External Peer Review 401
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33.1 SELF-STUDY AND EXTERNAL PEER REVIEW

The requirements and procedures set forth in this bylaw apply to the institutional self-study and athletics certification process specified in Constitution 3 and 6 and Bylaw 22. *(Adopted: 1/16/93 effective 1/1/94)*

33.2 EXTERNAL PEER-REVIEW TEAMS

33.2.1 Function. External peer-review teams shall be responsible for reviewing the institution's self-study report, conducting campus visits and offering comments to the review team's chair. The peer-review team shall approach the institution's self-study report and the campus visit with two objectives: *(Adopted: 1/16/93 effective 1/1/94)*

(a) To verify that the self-study process involved campus-wide participation, and that the self-study report reflects accurately the operation of the institution's athletics program; and

(b) To evaluate the institution's performance in relation to the fundamental operating principles specified in Bylaw 22.2.

33.2.2 Composition. External peer-review teams shall be established to ensure that participating member institutions are evaluated by broadly representative teams composed of experienced educational and athletics personnel with substantial campus experience. Peer-review teams shall consist of two to four peer reviewers. Peer-review team members shall be appointed by the Committee on Athletics Certification and represent institutions in Division I. One NCAA staff member shall accompany and support each team on evaluation site visits. Any NCAA staff member with a personal relationship or institutional affiliation that reasonably would result in the appearance of prejudice shall refrain from participating in any manner in the involved institution's activities related to athletics certification. *(Adopted: 1/16/93 effective 1/1/94, Revised: 8/10/94)*

33.2.3 Selection and Assignment of Peer-Review Teams.

33.2.3.1 Opportunity of Institution to Review List of Potential Peer Reviewers. Prior to the establishment of a peer-review team and the appointment of its chair, an institution shall be given the opportunity to review a list of potential peer reviewers and chairs for purposes of suggesting removal of those who seem inappropriate or unacceptable to the institution. The authority for establishing the composition of peer-review teams shall rest with the Committee on Athletics Certification. *(Adopted: 1/16/93 effective 1/1/94)*

33.2.3.2 Establishment of Team. As a general rule, peer-review teams shall be established according to the needs, size and subdivision of the institution to be reviewed, and the coverage of topic areas, without regard to the specific constituent groups with which individual peer reviewers are identified. *(Adopted: 1/16/93 effective 1/1/94)*

33.2.3.2.1 Pool of Peer Reviewers.

33.2.3.2.1.1 Basic Qualifications. To be included in the pool of peer reviewers, an individual shall be from a Division I institution or conference and shall have a general knowledge of intercollegiate athletics (as evidenced by positions held, committee service, etc.), and *(Adopted: 1/16/93 effective 1/1/94)*

(a) Hold the position of president or chancellor, faculty athletics representative, director of athletics or senior woman administrator at a member institution (although recent retirees may be included in the pool under special circumstances); or *(Revised: 3/8/06)*

(b) Have recognized expertise, skills or experience in particular areas addressed in the certification program (e.g., senior compliance administrator, business manager, admissions officer, registrar, financial aid administrator, vice president for fiscal or academic affairs, vice president overseeing athletics).

33.2.3.2.1.2 Women and Ethnic Minorities. The pool of peer reviewers shall include sufficient numbers of women and members of ethnic groups to ensure their frequent assignment to peer-review teams. *(Adopted: 1/16/93 effective 1/1/94)*

33.2.3.3 Modification of Composition of Team by Chair of Team. The chair of the peer-review team, in consultation with the NCAA staff and the institution, shall have the authority to modify the composition of the team on the basis of the preliminary analysis of the self-study report. *(Adopted: 1/16/93 effective 1/1/94)*

33.2.3.4 Conflict of Interest. Former and current employees, consultants or alumni shall not be assigned as peer reviewers to an institution with which they are so affiliated. Further, an individual shall not be allowed to serve as a peer reviewer of an institution that is in the same conference as the individual's conference. *(Adopted: 1/16/93 effective 1/1/94)*

33.2.3.5 Peer-Review Team Chair. The review team's chair shall be one of the peer reviewers. The chair shall be responsible for preparing the team's written recommendation(s) regarding certification. The recommendation(s) shall be based upon the breadth of institutional participation and the depth of discussion at the institutional level, and adherence to the program's broad operating principles. The review team's chair also shall represent the team before the Committee on Athletics Certification and during appeals hearings. *(Adopted: 1/16/93 effective 1/1/94)*

33.2.4 Techniques and Documentation Used by Peer-Review Team. The review team shall employ traditional evaluative techniques (e.g., review existing records, conduct in-person interviews of key personnel) to determine whether the institution's stated policies and procedures are engaged and functioning. Three documents also shall be of primary importance in this process: *(Adopted: 1/16/93 effective 1/1/94)*

(a) The self-study instrument itself, which shall be completed by the institution for review by the external peer-review team;

(b) A user's guide, which shall assist the institution through the self-study process, with specific attention to appropriate campus involvement and particular topics on which the institution shall focus; and

(c) Instructions for peer-review teams, to orient team members in their work, including the review of written documents and appropriate topics for discussion in campus interviews.

33.3 CERTIFICATION SCHEDULE OF PARTICIPATING INSTITUTIONS

33.3.1 Determination of Schedule. The Committee on Athletics Certification shall determine the certification schedule, which shall be based on the following principles, insofar as is practicable: *(Adopted: 1/16/93 effective 1/1/94)*

(a) Institutions from the same conference should be evenly scheduled throughout the certification cycle so as to reduce the burden on the conference office.

(b) Conferences may suggest a schedule for their member institutions.

(c) Certification should be scheduled in conjunction with the institution's regional accreditation insofar as is possible for those institutions that so desire.

(d) When the above principles are not operative, procedures of random selection will be used.

33.3.1.1 Certification Schedule for New Division I Members. New Division I members shall be scheduled as soon as practicable after the effective date of their active membership. *(Adopted: 1/16/93 effective 1/1/94)*

33.3.1.2 Modification of Schedule. An institution may apply to the Committee on Athletics Certification for modification of its place in the schedule upon a showing of special need. The committee shall, at its discretion, revise the schedule if practicable, provided the modification does not extend beyond the 10-year self-study period. *(Adopted: 1/16/93 effective 1/1/94, Revised: 10/12/95, 1/14/97 effective 8/1/97)*

33.3.1.3 Postponement of Certification for Restricted Members or Those Involved in NCAA Investigations. The Committee on Athletics Certification may, at its discretion, delay or postpone the participation of an institution classified in a restricted-membership status or of an institution that is subject to the discontinuation of a sport(s) program(s) as a result of NCAA repeat-violator penalties, when the committee determines it is in the best interests of the Association to do so. *(Adopted: 1/16/93 effective 1/1/94)*

33.4 SELF-STUDY PROCESS AND REPORT PROCEDURES

33.4.1 Time Period for Beginning and Completing Self-Study. Institutions shall be permitted eight to ten months to complete their certification self-studies and shall be permitted to begin their self-studies at any time. *(Adopted: 1/16/93 effective 1/1/94, Revised: 10/14/05)*

33.4.2 Use of Outside Consultants. Institutions shall not be prohibited from using outside consultants in conducting self-studies (e.g., organizing or facilitating an institution's self-study process). However, the institution's own personnel shall be responsible for generating the substance of the self-study report. Peer-review teams shall evaluate institutions on their role in the development of the content of self-study reports. *(Adopted: 1/16/93 effective 1/1/94)*

33.4.3 Submission of Self-Study Report. Institutions shall be required to submit self-study reports and any supporting documentation to the NCAA staff sufficiently in advance of the evaluation visit. The Committee on Athletics Certification shall perform a preliminary analysis of the report based upon directives or criteria established by the Committee on Athletics Certification. Any decisions to delay the processing of a report shall be made only after consulting with NCAA staff members and with the chair of the Committee on Athletics Certification. *(Adopted: 1/16/93 effective 1/1/94)*

33.4.4 Confidentiality of Report. Institutional self-study reports shall be treated as confidential by the NCAA, peer-review teams and the Committee on Athletics Certification. Institutions, however, shall be permitted to distribute reports and supporting documentation at their discretion. *(Adopted: 1/16/93 effective 1/1/94)*

33.5 ORIENTATION

33.5.1 Timing and Purpose of Orientation. An NCAA staff member shall conduct an orientation for each institution at least one year in advance of the institution's initial-scheduled evaluation site visit. The primary purpose of the orientation visit shall be to discuss with institutional and conference personnel the purpose, process, implications and expectations of the certification program. *(Adopted: 1/16/93 effective 1/1/94)*

33.5.2 Conference Role. Conference staff representatives may participate during an orientation at the conference's expense. *(Adopted: 1/16/93 effective 1/1/94)*

33.6 PEER-REVIEW EVALUATION VISIT

33.6.1 Purpose of Visit. The primary purpose of the evaluation visit shall be to verify and evaluate the institution's self-study report and self-study process. *(Adopted: 1/16/93 effective 1/1/94)*

33.6.2 Notice of Visit. An institution shall receive notice at least one year in advance of its evaluation visit. *(Adopted: 1/16/93 effective 1/1/94)*

33.6.3 Duties of Chair of Peer-Review Team. The chair of the peer-review team shall be responsible for at least the following duties in conjunction with evaluation visits: *(Adopted: 1/16/93 effective 1/1/94)*

(a) Consulting with NCAA staff on arrangements and preparations for evaluation visits;

(b) Delegating tasks to be performed during the visit among team members and staff, in accordance with their areas of expertise;

(c) Conducting meetings of the visiting team at the end of each day of the visit to summarize findings and to identify remaining tasks to be performed;

(d) Meeting with an institution's president or chancellor to discuss informally the nature of the information to be presented in the exit interview; *(Revised: 3/8/06)*

(e) Coordinating and leading the exit interview at the completion of the visit;

(f) Ensuring that the peer-review team's report is reflective of the visit's findings; *(Revised: 10/14/05)*

(g) Communicating with the Committee on Athletics Certification regarding the evaluation visit and peer-review team report, including appearing in person, if necessary, before the committee regarding an institution's certification status;

(h) Evaluating the performance of the peer reviewers serving on the teams; and

(i) Otherwise ensuring that the team fulfills its responsibilities and the objectives specified for evaluation visits.

33.6.4 Conference Role. Conference staff representatives may accompany peer-review teams on evaluation visits at the conference's expense. The role of the conference during the visit shall be determined on a case-by-case basis by the chair of the peer-review team in consultation with the conference. *(Adopted: 1/16/93 effective 1/1/94)*

33.6.5 Exit Interviews. The entire peer-review team shall participate in an exit interview with the president or chancellor and other individuals invited by the president or chancellor. *(Adopted: 1/16/93 effective 1/1/94, Revised: 3/8/06)*

33.6.6 Rules Violations Discovered during Evaluation Visit. Possible violations of NCAA rules discovered during evaluation visits that relate to specific operating principles (per Bylaw 22.2) shall be communicated to the committee, the institution and the conference in the peer-review team's report. The institution shall be reminded of its obligation to self-report violations per Constitution 2.8.1. The institution's response to these findings shall be a factor in the certification decision. *(Adopted: 1/16/93 effective 1/1/94, Revised: 10/12/95)*

33.6.7 Release of Information Regarding Evaluation Visit. Until the Committee on Athletics Certification renders its decision, information released regarding evaluation visits shall be limited to statements of the visit's status (whether the visit has not been made, is in progress or has been completed) and the identities of peer-review team members assigned to the institution. Before the formal assessment, the NCAA, peer-review team and the institution shall not publicize information regarding the visit and shall respond only to inquiries with the public information just described. Following release of the committee's decision, the institution is at liberty to release any information regarding the visit. *(Adopted: 1/16/93 effective 1/1/94)*

33.7 REPORT OF PEER-REVIEW TEAM

33.7.1 Submission of Report. Following the evaluation visit, a draft of the peer-review team's report shall be provided to the president or chancellor of the institution. The president or chancellor shall have two weeks from the date that the draft is received to correct any factual errors contained in the team's report. A copy of the report then will be submitted to the Committee on Athletics Certification as soon as practicable following the president or chancellor's review. A copy of the report also will be provided to the president or chancellor and to the institution's conference. *(Adopted: 1/16/93 effective 1/1/94, Revised: 8/10/94, 3/8/06)*

33.7.2 Content of Report. The peer-review team's report shall include the following: *(Adopted: 1/16/93 effective 1/1/94)*

(a) An evaluation of the institution's self-study process as to openness, thoroughness and breadth of participation; and *(Revised: 10/14/05)*

(b) An evaluation of the institution's adherence to the certification program's operating principles.

33.7.3 Institutional Reaction to Report. The institution may submit a written reaction to the peer-review report. It shall be sent to the Committee on Athletics Certification and shall be limited to correction of factual errors; the presentation of new, relevant information not considered by the team, and proposed corrective actions for remedying deficiencies. *(Adopted: 1/16/93 effective 1/1/94)*

33.8 CERTIFICATION DECISION

33.8.1 Basis of Certification Decision. The certification decisions of the Committee on Athletics Certification shall be based upon the criteria set forth in Bylaw 22.3. *(Adopted: 1/16/93 effective 1/1/94)*

33.8.2 Conflict of Interest—Committee Members. Committee members shall recuse themselves from certification decisions in which they may have potential conflicts of interest. Former and current employees, consultants or alumni shall not take part in certification decisions regarding an institution with which they are so affiliated. Further, an individual shall not take part in decisions regarding an institution that is in the same conference as the individual's conference. *(Adopted: 8/10/94)*

33.8.3 Appearance by Institutional Representatives. At the request of the committee, institutional representatives may be asked to appear in person to clarify factual discrepancies and other matters at the time the committee is rendering its certification decision. *(Adopted: 1/16/93 effective 1/1/94)*

33.8.4 Request for Hearing. The committee shall be obligated to honor an institution's request for a hearing related to a decision by the committee regarding the institution's certification status. *(Adopted: 1/16/93 effective 1/1/94, Revised: 10/12/95)*

33.8.5 Announcement of Certification Decision. The committee, after notifying the institution of its certification decision (and before final appeals are heard), will publicize the institution's name and the committee's decision regarding the institution's certification status through a standard press-release-type report. While other information related to the peer-review team's report or the Committee on Athletics Certification's actions shall be considered confidential between the institution and the NCAA, the institution may release information regarding the committee's decision at its own discretion. *(Adopted: 1/16/93 effective 1/1/94)*

Instructions for Online Manual (Bylaw) Search

The legislation included in this Manual is available online via the NCAA Legislative Services Database for the Internet (LSDBi) at **www.ncaa.org**. The LSDBi Manual is updated throughout the year to reflect any adopted legislation, modifications of wording, incorporations of interpretations or editorial revisions. Therefore, the LSDBi Manual includes the most up-to-date legislation available and a mechanism for quickly searching and locating legislation through a variety of user-friendly methods.

In order to access LSDBi from the NCAA homepage, run the mouse over "Legislation and Governance" and click "LSDBi." On the top menu bar, select "Search," then select "Legislation." The information included below provides directions related to using the Manual (Bylaw) search function.

For more information, contact the NCAA academic membership affairs staff at 317/917-6222.

Manual (Bylaw) Search

The Manual (Bylaw) Search screen is provided to allow the LSDBi user to search the NCAA Division I Manual. To perform a search, enter data into the fields and click on the "**Go Search**" button. This will list all bylaws that match the search criteria. The following information will describe each search criteria field and explain its use in detail.

That Reference — This field allows the user to select which manual to search (Division I, II, or III).

— Click on the reminder Icon to set the Division default.

Article # — This field allows the user to select and search any one article or all articles. All matching occurrences of the search terms within the selected article are returned. The default for this field is "all." Unless the user is searching for a specific bylaw, it is recommended that the default setting be used.

Specified Legislative Cite — This allows the user to input any specific bylaw number. All matching occurrences of the search terms with the selected bylaw and "sub bylaws" are retrieved. For example, if "13.2" is entered, Bylaws 13.2, 13.2.1, 13.2.3, 13.2.3.1 and so forth will be searched and/or returned depending on any additional search criteria.

Select the radio button before "**Article #**" or "**Specified Legislative Cite**" to identify which of the two criteria will be used in the search.

Include adopted — Select this check box to include bylaws that are adopted but not yet effective. The box is checked by default. Deselect the box to exclude bylaws that are adopted but not yet effective.

Word List Search Fields — The word list search field allows the user to search for specific words or phrases in the legislation in a similar manner as one would look for specific words or phrases in a printed index. If no words or phrases are included in a blank word list, it will not be used in the search.

The following information provides an explanation of the fields in the search rows:

Word List Usage — The first pull-down list (from the left) has three possible entries:

- **At Least One of the Words** — If any one of the words in the word list is in the bylaw text or title (as specified by the location field explained below), the bylaw will be returned. A space between words in the word list serves as an "or."
- **All of the Words** — All of the words in the word list must be in the bylaw text or title (as specified by the location field explained below) for the bylaw to be returned. A space between words in the word list serves as an "and."
- **The Phrase** — The entire word list must match, verbatim, text in either the bylaw or bylaw title (as specified by the location field explained below) for the bylaw to be returned.

Word List Field — The text entry field allows the user to enter words to be searched. Multiple words may be entered separated by a space or spaces.

Location — The location pull-down list allows the user to select where the words in keywords field will be searched.

- **Text** — The word list item(s) must appear in the bylaw text. The title is not searched.
- **Title** — The word list item(s) must appear in the bylaw title. The text is not searched.
- **Both** — The word list item(s) must appear in both the bylaw text and bylaw title.
- **Either** — The word list item(s) may appear in either the bylaw text or bylaw title.

Multiple Word Lists — Multiple word lists can be specified by selecting the "Advanced Search" link in the upper right corner of the "Legislation Search" title bar. Use the word list operators to combine word lists.

Word List Operator — This field allows the user to specify how the word list usage items will be combined to conduct a search.

- **And** — Both the word list in the same row and the word list in the row below it must be present for the bylaw to be returned.
- **Or** — Either the word list in the current row or the word list in the row below it must be present for the bylaw to be returned.

Other Buttons

Use Last Search Values — This button will redisplay the search input page with all of the search criteria from the last search. The user may then make changes and perform another search by clicking on the "Go Search" button.

Reset For New Search — This button will clear all search fields and return the search page to its default settings.

Additional Search Features and Help

For LSDBi help and to view LSDBi tools and tips, click the "Resources" links at the top of the search page.

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Exhibit B

MEETING OF THE KNIGHT COMMISSION

Commercialism in Sports and Athletics' Rights in the 21st Century (Part 1)

Monday, October 27, 2008

Holeman Lounge, National Press Club

529 14th St., NW, 13th Floor

Washington, D.C.

[START RECORDING]

MALE VOICE 1: This is a podcast from the October 27, 2008 meeting of the Knight Commission on Intercollegiate Athletics. The podcast features discussions relating to commercialism and economic health in intercollegiate athletics. The sessions are the first in a yearlong series of planned discussions on the economics and finance of college sports that will culminate in a major report on the realities facing universities and athletic programs in late 2009. For more information on the Knight Commission on Intercollegiate Athletics visit knightcommission.org. The first session related to commercialism in sports and athletes' right in the 21st Century; how the new media landscape and fan interactivity is impacting traditional amateurism principles. Longstanding NCAA amateurism principles prohibit the commercial use of college players' names and images and likenesses. However, these principles are challenged by emerging online media and the desire to enhance revenue by allowing the use of athletes' names and images by commercial

partners. The current debate over whether names and statistics of college athletes should be allowed to be used in commercial fantasy football and basketball games without the institutions or athletes' consent was one issue discussed in the broader examination of college athletes and their publicity rights. The podcast begins with an introduction from Knight Commission on Intercollegiate Athletics Co-Chairman William "Brit" Kirwan, Chancellor of the University System of Maryland.

CHANCELLOR WILLIAM E. "BRIT" KIRWAN: This issue has risen to the floor, of course it's been developing over time but it's risen to the floor recently because of the impact of new digital platforms and the demand for the commercial use of players, names and likenesses in these digital platforms. These demands and uses are in direct conflict with the NCA's amateurism principles. The commercial interests have been emboldened by a recent ruling, court ruling involving major league baseball which allows the use of professional baseball players' images in fantasy league games. This is a very important and complex matter and we have a

outstanding panel to help us understand the issues involved in this new media and it's challenges to longstanding principles with the NCA. Let me introduce the members of the panel and then we'll ask them to go in the order of introduction. On our far left there we have Wally Renfro who's the Vice President and Senior Advisor to the President of the NCA. Wally has worked for more than four decades in communications and public relations including more than 35 years at the NCA. Next to Wally is Jeffrey Mishkin who is a partner at Skadden Arps law firm in New York. His practice includes all aspects of sport law such as antitrust, intellectual property, labor and wide range of trial and appellate business litigation. He served as counsel for the Amicus group of players associations and the fantasy sports league case involving CBC distribution and marketing and the major league baseball advanced media. Next we have Clay Walker who is the Executive Vice President and General Manager of Fantasy Sports Ventures and is the Founder and former Chairman of the Fantasy Sports Association. Next to him we have Robert Corn-

Revere who is a Partner at Davis Wright Tremaine law firms here in Washington, D.C. He's a leading authority in first amendment law and media law. He's written extensively on first amendment issues and one of his most recent books is Freedom of Speech and content regulation on the internet, internet law and regulation. And then on the far right is Glenn Wong who's been a Professor of Sports Management at the Isenberg School of Management at the University of Massachusetts Amherst since 1979. He's an attorney and he authored the essentials of sports law. So gentlemen we thank you very much for giving us your time and expertise today and Wally we'll start with your comments.

MR. WALLACE RENFRO: Good morning President Kerwin and President Turner, Commissioners and staff. I want to thank you for the opportunity to and in the invitation to come this morning and discuss these issues with you. As I understand what you have presented to the panel there are two parts for consideration. Commercialism and athletes' rights and there is a focus on how these are impacted by new media and fan interactivity. These are interesting

but very complex topics even though at first glance they appear to be relatively straightforward. We all believe we have a pretty good idea what commercialism means. At least, we're pretty sure we know it when we see it and we have a general sense that the less we see of commercialism connected with intercollegiate athletics the better. But let's understand the commercial activity when it is conducted appropriately, is not incompatible with not for not for profits such as higher education and intercollegiate athletics. Indeed it is part of the mission of any not for profit to generate as much revenue as possible, permissible under tax legislation to advance the purpose for which it qualifies for not for profit status. In the case of colleges and universities that purpose is education and the entertaining qualities of their various programs including theater music and intercollegiate athletics does not diminish the educational value of those programs. With regard to college sports we have come to accept that selling tickets to attend athletics events while clearly a form of commercialism is acceptable. We are

okay with a limited display in many venues although not all through signage of a corporate entity sponsorship of college sports. We understand that the broad interest by the public in certain sports at certain institutions makes those sports attractive to television and other media and that advertisers will underwrite that interest. All of these are examples of commercialism but we have developed a level of acceptance if not universal comfort with such practices. Increasingly; however, there are examples of commercialism associated with college sports that many consider intrusive. That especially seems to be the case where commercial interests seek a better defined link or relationship to the student athlete himself or herself. That relationship it is commonly held confronts the concept of amateurism and the propriety of higher education. Athletes' rights in this regard in generally are perhaps a little less well understood. For example, courts have held that merely being an athlete doesn't include the right to participate. That the court's say is a privilege. Athletes have the same rights as other citizens of course but

those are not exclusive. Some who follow college sports, maybe even most believe student athletes have the right to be protected from exploitation by commercial and professional interests. In fact, that is less of a right of the student athletes than a responsibility described in the NCAAbylaws assigned to the association and distributed to its member institutions to ensure at a local level. We have come to understand that exploitation like commercialism; however, is a confrontation to amateurism and as one observer of intercollegiate athletics noted recently all that goes with it. Not specifically identified by the commission for this panel but often included directly in broad discussions or lingering as a subtext is the impact of professionalism on college sports. The emulation by individual institutions and intercollegiate athletics as an enterprise of the business based approaches. Expansive stadiums and arenas, private suites, high dollar compensation packages for coaches, product endorsement by athletics personnel, expensive marketing and promotional efforts all associated

with professional sports is troublesome to many when undertaken by intercollegiate athletics.

Allow me for a moment then to bring some context to these concepts. Commercialism, professionalism and amateurism and to explore the ambivalence that has developed as these concepts apply to intercollegiate athletics. Commercialism associated with college sports is as old as intercollegiate athletics itself. Indeed, the very first recorded intercollegiate athletics event, a rowing Regatta between Harvard and Yale in 1852 came about at the urging of James Elkins, Superintendent of the Boston Concorde and Montreal Railroad who wanted to sell tickets to the fans who would travel and watch the event. Rowing Regattas became a regular event among Ivy League teams and soon stands were being erected for fans to watch from if they bought a ticket. Local business were advertising their services to the fans and boosters and communities were building stadiums for the new game of football by the turn of the 20th Century. Athletics teams, mostly student run at the time helped offset the cost of equipment and travel with dollars from

commercial entities or commercial activities. If we fast forward more than a century and athletics departments today are just as eager and just as in need of revenue from commercial entities and activities to offset not only the cost of the sport generating such revenue but all the other teams sponsored by the institution. Radio and television have added both to the exposure of college sports and considerably to its revenue streams and new media platforms are creating opportunities more quickly than we can comprehend either their potential or impact. So commercialism is as old as college sports as embedded in the financial structure of intercollegiate athletics as philanthropy is in all of higher education and as critical to the continued sponsorship of athletics as ensuring the education value of participation in college sports is to its very existence on campus. In short, commercialism is here to stay.

Elements of professionalism. Paid coaches, structured infrastructures with compensation personnel, marketing and promotion are also nearly as old as professional athletics. It

wasn't long after the first Harvard/Yale rowing Regatta that both teams hired former rowing alumni to coach them and as new sports were added to intercollegiate athletics there was a clear need for organization and professional personnel to coordinate the efforts. These are relatively acceptable elements of professionalism but what bothers us more are the marketing, promotional and game environment attributes in college sports that are often indiscernible from the professional model of sports. What this tells us, it seems to me is that our ambivalence is not associated solely with commercialism and professionalism per se but rather with a scale and scope of specific practices that impinge on what we hold as the inviolate attributes of amateurism. Being a little commercial is okay but being really good at it begins to make us uncomfortable. As a society however, we are not necessarily of one mind about what amateurism means. It is a term that we inherited from Europe where it had as much or more to do with class distinctions as it did with athletics classification. It was a way to ensure that the

upper class, the wealthy did not have to compete alongside commoners who could not afford to participate in sports without financial support. For the students in 19th Century colleges and universities and the organizers of intercollegiate athletics that followed. Amateurism never insinuated class divisions. When the NCAAwas established shortly after the turn of the 20th Century the principle of amateurism was memorialized in the associations bylaws and directed that "participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation is an avocation." But in the minds of many, both cynics and devoted followers it is difficult to align participation as an avocation with the commercial and professional practices associated with what we loosely term big time college sports. The critical point that I wish to make this morning is that these concepts are not mutually exclusive of one another. Rather, we appear to be forever engaged in a process of testing the scale at which two of these concepts, commercialism and professionalism are

practiced and therefore impact the third concept amateurism. In an economic environment where traditional resources for the support of higher education and it's various components including intercollegiate athletics are at best becoming more restricted and in many cases drying up. Commercialism will and should not only be tolerated but encouraged. For decades, higher education has explored and exploited ways in which it can monetize it's asset including its intellectual property and colleges and universities have encouraged intercollegiate athletics to seek outside sources of revenue as a means of diminishing institutional subsidization. Adopting the practices of professional sports that enhance exposure in rich affinity and heightened commercial interests. While not wholly aligned with efforts elsewhere in higher education to achieve similar results does not automatically diminish the principle that student athletes should be primarily motivated to participate in sports as an avocation. The heart and soul of amateurism, it seems to me is the concept that college and university athletes are students rather than

employees who participate for remuneration. That is the essence of the collegiate model, those who participate are students not employees. The problem is that we mistakenly extend the concept of amateurism to the enterprise itself. To be clear student athletes are amateurs. Intercollegiate athletics is not. What does all that mean? For the topic before us today especially with regard to the impact of new media and fan interactivity. For those of us who grew up and worked most of our careers before the creation of cable and the internet the well ordered world of newspapers and three television networks has been turned on its head. As a result, we have more information on intercollegiate athletics and on student athletes than ever before but we need to understand that such information does not equate to commercial product, it is simply information. The rate and development for new platforms for delivery and application of information however, challenges our capacity to view it for what it is. From the days when we understood that we had to wait for the game of the week or when telephones, even cell phones did not have

screens or when computers were number crunchers and not personal handheld communication devices we now progress through the technology of - - at a rate of speed that overwhelms our processes for trying to govern such new applications. Indeed, if there is one thing we have learned in this rapidly changing environment we cannot rely on rules and regulations to harness the potential of new technologies and applications. Rules are likely to be undone by the newest technology before they are even printed and distributed. Instead, we must learn to depend on commonly held principles that guide rational application at national conference in campus levels. To that end, the NCAAhas a task force of presidents, athletics directors and commissioners working to develop principles that should guide intercollegiate athletics in terms of commercial activity. What will undoubtedly emerge from this exercise in part will be reaffirmation of the principle that a student athlete cannot use his or her name, likeness or athletics reputation for pay. The name or likeness of student athletes cannot be used to directly

endorse commercial products. That the NCA, a conference or an institution cannot grant the use of name or likeness to endorse a product and that student athletes and their institutions must agree to the use of game performance video indirectly associated with commercial activities. The - - player of the week is a longstanding example. The status of the college athlete as a student will be paramount in the task force work product. Beyond that, it will be difficult for the task force to set rules and regulations that universally apply to the entire spectrum of NCAAmember institutions. Rather, principles will have to be developed by the institutions and conferences themselves but should comport with the values held common within higher education. What should and hopefully will emerge also is an understanding that the relationship between intercollegiate athletics and commercial entities should be a reciprocal one. It would be naïve to suggest that commercial interests are not attracted to college sports because of their popularity but those commercial entities also understand and do not want to disturb the central reason for that

popularity, the emotional and intellectual connection between the college or university and the student athlete. We should do all we can to encourage that connection for if it is broken, if college athletes simply become paid employees and intercollegiate athletics devolves to nothing more than a campus base entertainment business interest will wane and college sports as an educational component of the campus will be undone. The popularity of college sports is not based on the quality of the competition. It is based on the quality of the relationship between the student athlete and higher education. So what is clear? Is it principles aligned with higher education as a host for intercollegiate athletics should guide commercial behavior rather than our floundering in search of ham handed new rules and regulations with the advance of each new media platform. Before I conclude I want to touch specifically on the fantasy league phenomenon. The NCAAshares the Knight Commission's concern that fantasy leagues and the use of their names push student athletes further along the continuum toward the status given professional

athletes. We would prefer that the names are not used and we believe such use violates NCAAregulations. Indeed, we have informed any and all producers we could identify of our position. In at least one jurisdiction however, a federal court has held that the right of an athlete determine, to determine when and how his or her name, likeness and statistics will be used is outweighed by the right of the first, of free speech. This undoubtedly is a debate not yet concluded including its applicability to student athletes. We have discovered that in at least one instance the producer of a specific fantasy league claims it has been using student athletes' names for the last dozen years. If the claim is true, we should note that the amateur status of student athletes has not been altered by the practice. We don't like it but as NCAAPresident Myles Brand has written the use of names in this instance does not appear to be a tipping point toward excessive commercialism. It is an issue we will continue to monitor. In the meantime, we have worked with CBS and the fantasy league industry leader and we are prepared to work with others to manage how names

are used and to discourage them from using student athlete images. I want to again thank the Commission for the invitation to present this morning and for indulging my effort to put the practices of commercialism, professionalism and amateurism into context. Thank you.

CHANCELLOR KIRWIN: Wally, we thank you and especially for the fact that you cut short a trip in China to be with us today and there are only 24 hours from Beijing I think.

MR. RENFRO: I'm almost awake.

CHANCELLOR KIRWIN: Let me ask if I could that the panelists limit their comments to about eight minutes because we want to have plenty, each eight minutes so that we have plenty of time for discussion before this session ends. Jeffrey, we're ready for your comments.

MR. JEFFREY MISHKIN: Thank you, thank you Mr. Chairman. Thank you members of the foundation for the invitation. I'm very, very pleased to be here and speak with you this morning. I want to talk this morning specifically about the decision of the Eighth Circuit Court of Appeals in the CBC case which I think most of you know held that the

unauthorized use of the names and statistics of professional baseball players by fantasy leagues was a violation of the players' right of publicity but was nevertheless protected and permitted by the First Amendment and the question that I want to speak to today is whether the CBC decision would necessarily also apply to the unauthorized use by fantasy leagues of the names of collegiate athletes. My own view, for what it's worth is that the CBC case does not acquire the same result for collegiate athletes as it did for professional athletes. In my view, the unauthorized use of the names of collegiate athletes for commercial purposes such as the publication of a fantasy league game would not be protected by the First Amendment and would be an unlawful violation of the student athletes' right of publicity and in order to explain why I think that I need to summarize just a little bit what the court said in the CBC case. In that case the Federal Court of Appeals in St. Louis recognized that the use of a professional athletes name in a fantasy league game without the athlete's consent was a violation of the athlete's right of publicity

but the court went on to say that in a right of publicity case you have to balance the unauthorized use of someone's name or likeness against the principles of the First Amendment and make a determination is each case whether the right of publicity on the one hand or the principles of free speech on the other should predominate on that particular case. In the CBC case the court concluded that with respect to professional athletes the First Amendment should predominate because in the court's view the use of a professional players name in a fantasy league game without that player's consent was not a very serious invasion of the right of publicity for several reasons. First, the players' names and statistics were already in the public domain because that information appeared in newspapers every day. Second, the use of a player's name in a fantasy league game did not, to any significant degree deprive a professional player of his ability to earn a living. The players would still be able to earn multimillion dollar contracts and to secure endorsement and sponsorship income. In other words, the professional players just wouldn't be

hurt very much economically if they lost the ability to charge fantasy league publishers for the right to use their names. On the other side of the equation the First Amendment side, the CBC court found that a fantasy league game is entitled to substantial First Amendment protection because it provides entertainment and at least in the view of that court a fantasy league game helps to educate and inform people about a player's performance and statistics and for that reason, the First Amendment trumped the right of publicity. I have a strong disagreement with the court over that conclusion. My own view was that a fantasy league game is a commercial product, pure and simple. It is not really intended to educate or inform, it is not in any way a substitute for a newspaper that does provide news and information and a fantasy league game is a commercial product based almost entirely on the unauthorized use of the commercial value of players' names. But my purpose today again is not - - to criticize the CBC decision although I could and I have as the Chairman mentioned and in the interest of full disclosure I filed a

friend of the court brief in the CBC case on behalf of the National Football League, the National Hockey League, the NBA, the WNBA, the PGA Tour and Nascar all arguing that the First Amendment did not trump the players' right of publicity. But again, my purpose today is not to reargue the CBC case but rather to ask the following question. Assuming, for the sake of discussion, that the CBC decision is correct with respect to professional athletes is it also correct with respect to collegiate athletes and I believe those would be two very different cases. The right of publicity is based on the inherent right of every human being to control the commercial use of one's own identity. In many cases, perhaps in most cases a well known person whose identify has commercial values wants to exploit that commercial value for his or her own economic benefit and for that reason is very likely to object when someone else tries to make money by using that person's identify for a commercial purpose without consent and without paying for it. That was the basis for the professional players' argument in the CBC case. They wanted to maximize the financial

benefits available to them through the commercial use of their own identities For the professional player it was entirely an economic issue. But the right of publicity also and equally protects those who do not want their identities commercially exploited. The right of publicity exists not merely to ensure that famous person can reap the greatest possible financial rewards from the commercial use of his or her name but also to protect anyone who opposes commercialization of his or her identity from being subject to the involuntary commercial exploitation of that identity by third parties and to me, that is the great difference between the case of a professional athlete whose goal is to maximize economic return and the case of a collegiate student athlete who is prohibited by longstanding and deeply rooted principles of amateurism from making any commercial use of his or her name or identity. The star difference in these two cases can be seen very clearly, I think, by considering the following. In the CBC case if the fantasy league publisher had offered to pay a license fee to the professional players for the use of their names, the players would

have happily accepted and the case would have been over but if a fantasy league publisher wanted to use the name of student athletes and offered to pay a license fee, the student athlete could not accept the fee. That case would have to continue and so the legal balance to be drawn between the right of publicity and the First Amendment in my view, is going to be very different for a student athlete than it would be a professional athlete. In the CBC case the professional athlete's interest in the right of publicity was found to be weak because allowing fantasy leagues to use the player's name was not going to impair that player's earning capacity by very much but in the case of a student athlete where the question has nothing to do with earning capacity allowing third parties to commercialize the player's name destroys the underpinnings of that portion of the right of publicity that protects the wishes of anyone who does not want to have his or her identity commercialized at all and therefore, again in my view, the interest of the student athlete and the protection of his or her right of publicity is very strong. So while the free

speech aspects of a fantasy league game may be sufficient to outweigh the modest impact on a professional athlete's desire to earn as much money as possible I do not believe that the First Amendment interest in protecting fantasy league games would or should outweigh the basic right of student athletes, their universities and the NCAA to uphold and preserve the traditions of amateurism and that is the issue on which the case of a student athlete against a fantasy league return. There are of course, no guarantees in litigation but in my view the student athletes and their universities would have the far better of that argument should they choose to bring such a case. That is all I want to say at the moment and look forward to any questions when we get to that portion of the - - .

CHANCELLOR KIRWIN: Thank you very much, Clay?

MR. CLAY WALKER: Thank you, I also appreciate the invitation from Amy and from the Commission and from the members, thank you. I also appreciate Wally's setting the context for this discussion. I certainly won't go eight

minutes although I do teach at George Washington University I don't have any prepared remarks as the other gentlemen have. You may be surprised to hear that as the founder and former chairman of the Fantasy Sports Association I actually don't have a very different opinion about the commercialization of these rights as these other two gentlemen do. In fact, I worked at the NFL Players Association for 13 years and was the first person and first, we became the first organization to license the players' names, likenesses and images in a fantasy sports context. I also will add in that in 2003 we had our own lawsuit against CBC, that was in the Second Circuit. We settled that. I was involved in the case, in fact, was the one who settled that case with CBC. I think that, and I really do believe the NCAA should be looking at this issue, the Knight Commission should be looking at this issue. We at the Fantasy Sports Association, which our members include Yahoo, ESPN, Fox, the NBA, the NFL, all of the major media companies that product fantasy sports are not taking a position that this is not commercial. We're not taking a position that

this is permissible. We are neutral and as these organizations have stood behind that principle since the very beginning of our trade association our goal is to promote the industry. If the courts rule that you do not need to have a license from professional sports leagues we will abide by that. If they rule that you do not we'll abide by that as well. So, from our perspective we are waiting to see what the final decision is from the NCAA, from the courts as Jeffrey mentioned, the CBC case is settled but there is another case that is just has been filed and that is the NFL Players Association and CBS. CBS filed that case in Minnesota which is the same circuit as the CBC case. There is some debate about whether or not that case will be able to go forward in Minnesota because CBS actually filed the lawsuit against the NFL Players Association rather than NFL Players, Inc. Players, Inc. has countersued in Florida when I was at the NFL Players Association we actually had a case in Florida that we won. It was against a company called Gridiron.com. That company asked permission of approximately, and this was when Chris was in the league,

approximately 155 players to use their name and likeness for essentially a, I guess a precursor to Facebook where you had an athlete blog. The athlete could write about himself and post pictures. Well they also used 300 or 400 other professional athletes from the NFL in a fantasy sports game, they did not ask their permission. Ultimately the judge said that's a commercial activity. You have asked a certain set of these players if you can use their image but you have asked another set of these players if you can use their image. We think the Second Circuit, excuse me Eleventh Circuit in Florida believes that is a commercial activity. So the NFL PA won that case that's on the books which is in conflict with the decision in the CBC case. So it will be interesting to see over the next months and perhaps even years how that case will turn out but it will have an impact because as Jeffrey has pointed out, the current case thrown this into conflict with the principles of amateurism in Florida they have already on the books a different decision which will be more in line with the NCAA position's of amateurism because it states that fantasy sports is

commercial. Thank you.

CHANCELLOR KIRWIN: Thank you.

MR. ROBERT CORN-REVERE: Good morning. I'd like to thank you for inviting me to speak today. Thanks Amy for the invitation and I too will not have a prepared statement and will just start with a few reflections that hopefully will become part of the conversation. I should start with a disclaimer. I am not here speaking on behalf of any client. I have not been involved in any of the cases that we've been talking about this morning and in fact, just to be clear, since CBS is a client in other cases I am not representing CBS in any of these matters. I've been invited purely to talk about some of the general First Amendment considerations that go into these types of cases and hopefully through that advance the overall dialogue on the issue. Starting with first principles, the First Amendment protects widely the dissemination of information in society. This includes not just political information, as we're in the middle of an election year and news it also protects the dissemination of information involving entertainment and art.

It's a distinction that previously had been drawn by courts and some scholars still draw a distinction between the types of protections under the First Amendment for purely political speech or information or news versus art or information you might read in the style or the sports section compared to the front page of the newspaper. There simply isn't that distinction. As a matter of fact in 1948 the United States Supreme Court went on to say that the line between those issues is too elusive for the court to try and distinguish the levels of protection that are provided for those different levels of types of information. Another issue that has been critical in the development of First Amendment Juris Prudence has been advent of technology. From the beginning of the adoption of the First Amendment new technology was the key to the protections under the First Amendment. The printing press itself was the new technology of its time. The only method of mass dissemination of information and the only private business, private institution that was mentioned in the Constitution and it's expressly adopted as an essential component of our

political system. Since case law is more fully defined the extent of our First Amendment rights technology has played a key role and as a result many of our thorniest questions under the First Amendment have involved what is the medium of communication. The internet and the advent of more interactive forms of communication have made those problems even more difficult. Initially as the Supreme Court was faced with its first decision where it had to establish whether or not the internet was protected to the same degree as traditional media, it for the first time, reached the conclusion that in fact the internet is fully protected and in the words of the Supreme Court in 1996, 1997, I'm sorry went on to say that the internet is a never ending worldwide conversation and talked about the attributes of a global medium. As a result, the court reached the conclusion that despite the fact that we face greater challenges as a result of speech that's made available by new media of communication that the First Amendment applies fully. Let me shift gears a little bit and talk somewhat about the rights of publicity that have been at the center of some of the

recent controversies. The right of publicity is something that didn't exist in American law until the 1950s began to develop as a matter of common law and that's been adopted by a number of states in statute and also common law protections about half the states and protections for rights publicity. From the beginning, courts have recognized that there is inherent tension between those protect First Amendment interests and to the dissemination of information and the right of publicity and the Supreme Court for the first time in 1977 drew that distinction in a case called Zucchini versus Scripshoward Broadcasting. That case involved a news clip in which a news program presented the entire act of the human cannonball and as a result Mr. Zucchini sued and argued that this was a violation of his right of publicity. The court noted in particular that this was an expropriation of his entire act and held that while there was an inherent interest in the information in his act to take the entire act went too far and presented and so it concluded at the time that there was a balance that had to be drawn between the protection of

the First Amendment interest in disseminating information versus the right of the individual to protect that commercial interest. That law has developed over the last 50 to 60 years to the point that we've seen for example, parody trading cards depicting Major League baseball players protected as parody under the First Amendment despite the fact that the players sometimes object to having their characters placed on trading cards and we see it most recently in the CBC distribution and marketing case in which the fantasy baseball leagues were held out of First Amendment right to present that information. The Supreme Court considered whether or not to review the Eighth Circuit decision and declined to take the case. I'm not here to really present a position on that. I would say that the Eighth Circuit decision is consistent with the level of First Amendment protection that has evolved in this area and I would take issue somewhat with Jeffrey's characterization of this being a commercial product pure and simple only to the point that many speech and expression related products are protected by the First Amendment. If you really

want to characterize it that way a newspaper is a commercial entity and that fact does not deprive it of First Amendment protection. There are numerous decisions that talk about the fact that the commercial nature of a speech activity does not alter the level of First Amendment protection. To the extent that it's based on the commercial use of players' names that is very reason the courts so far have indicated that there is a strong interest and a strong First Amendment interest. The fact that names and the statistics involved in the games is the reason why there has been a strong interest in disseminating the information. The question that he asks though is a very good one whether or not the same principles that were reached by the Eighth Circuit in the CBC distribution and marketing case would extend necessarily to a case involving student athletes. I don't know that you can look to a case and find an answer to that question right away but the fascinating part of that question is that in the CBC distribution case the question was about who benefits from the exploitation of publicity rights but here the question being discussed

today is whether anybody should benefit from the exploitation of publicity rights and so that fundamentally alters some of the questions that a court would have to ask. Some states for example don't grant publicity rights if someone hasn't exploited them on their own so it raises initially a question under the applicable publicity law of a given jurisdiction before you even get to the constitutional question but again, I think that it's going to be something we'll see resolved over a series of cases as we move forward in the future. I don't have a prediction for you. I'm not as confident as Jeffrey on a particular outcome but it is one that is going to go the heart of the balancing act that the Supreme Court recognized in the Zucchini case.

MR. KERRY KENNY: Good morning. Thank you very much for inviting me to participate in this section, in this session on commercialism in sports and athletes' rights in the 21st Century. I have been asked to discuss this topic from a broader view point. In the first part of my remarks I will discuss the college sports landscape. In the second part, I've been asked

to present some different business models for the Knight Commission members to consider if rules are liberalized to prevent more commercial use of athletes' names and likenesses. I have many different experiences with college athletics. All of which have helped shape my comments today. I was a student athlete in college and in my career I have been a faculty member studying sports law issues as well as college athletics. During this time, I have also spent time as an administrator, NCAA committee member and faculty athletics' representative to the NCAA. Today my comments are from the perspective of another role I have had as an arbitrator for Olympics and professional sports cases. As an outside third party who's charged with providing a fair and unbiased opinion. Let me first start with commercialism. Some say that it is already here and that there is already too much commercialism in college athletics. Others say that it is not a problem. Reviewing a definition of commercialism does not solve the problem. It is defined as the practices, methods, aims and spirit of commerce or business and added to the

emphasize is tangible profit or success. In my opinion, there's a lot of room for subjective judgment with the definition of commercialism especially with the words profit or success. Further complicating this issue is that the NCAA, it's conferences and member institutions do not control all areas of commercialism even if there might be an agreement on defining commercialism. Let's look at what I refer to as a college sports industry. At the core of the school's conferences and NCAA, it includes schools that differ significantly in size, mission, sports offering, philosophy and finances. There is also a great deal of commercial interest in some sports and there is none whatsoever in other sports. The rest of what comprises a college sports industries are many other parties who have varying interests in this industry. Some for profit, others non-profit. Some of these parties are partially or total beyond the control of the NCAA, its schools and conferences. These includes bowl championship series, basketball tournament organizers, corporate sponsors and advertisers, fantasy game providers, television media and new

media, video game manufacturers, student athletes from countries outside the United States, agents, attorneys, advisors representing student athletes, sporting goods manufacturers and the Olympic movement. The big picture bottom line is this, there is not one organization that controls the college sports industry with rule making and decision making authority. Therefore, drawing a straight consistent line between amateurism and commercialism is very difficult with these vast differences in interest. This is, in short, a complicated problem with many different parties. I do believe there's a single easy solution. Here are some of the different business models for the Knight Commission members to consider. In light of the trends towards more commercial uses of athletes names and likenesses. I will start with the two extremes. The first is all out which means a roll back of all the current vestiges of commercialism. This may mean, again subject to debate and interpretation of commercialism reducing seasons, schedules, salaries, television appearances and sponsorships. The advantage of the all out

model is that it would preserve amateurism. The major disadvantages are the financial and logistical problems of significant reductions in athletic budgets. There will also be potential legal problems such as contracts, anti-trusts and Title IX considerations. Federal legislation may be required to accomplish a roll back. At the other end of the spectrum is all in or the semi-professional model which means selecting certain sports such as football, men's basketball, women's basketball and hockey into four profit businesses unrelated to the educational mission. It would allow athletes to be paid, sign endorsement contracts, be represented by agents and make attending school optional. The advantage of all in is a proponent say this model better represents the current and future direction of big time college athletics. Some disadvantages of the all in model are the tax implications for these four profit teams and income taxes for athletes, workers' compensation and insurance issues, employment contracts and the potential unionization of athletes. Another business model for your consideration is what I refer to

as a trust fund arrangement which would establish a trust fund system for certain athletes who have a potential professional career. This model would allow student athletes to enter into certain marketing and sponsorship contracts and/or participate in certain events. The monies generated from these activities would then be put in a trust fund that would go to student athlete after his/her eligibility expired. There is also the option that the student athlete could draw upon the funds while he or she is a student athlete for certain activities such as training expenses, living expenses and insurance. The concept of a trust fund is not a new one. It was used in the 1980s in the United States Track and Field. The advantage of the trust fund arrangement is that it would maintain amateurism while allowing student athletes to benefit from their commercialbility [phonetic] on a limited basis while still in college. The disadvantage is that it would be the start of a slippery slope towards professionalism and opponents point to U.S. Track and Field where the trust fund was replaced by allowing professional athletes to

compete. The final concept is what I call the exceptional student athlete fund. Under this model a portion of the new revenues including potential revenues from liberalizing rules and media, new media and/or television revenues would be put into a fund. The student athletes would be able to access the funds for specific purposes. The concept is not an entirely new one. The NCAA already has two funds set up under a similar format, the special assistance fund and the student athlete opportunity fund. How under this money athletes would be eligible for monies in the exceptional student athlete fund for various specific targeted purposes many of which would reward student athletes who generated the revenues. Here are some ideas for the uses of these funds. 1. Payment of graduate school education, 2. Provision and payment for career advice, 3. Professional sports preparation courses and/or seminars which would provide information on contracts, agent selection, finances and the legal and business aspects of professional sports, 4. Exceptional student athlete disability insurance for potential professional athletes currently

available for purchase by the student athletes but would in this proposal would be paid for this in this fund. Internships, the payment of - - for internships after graduation since oftentimes student athletes do not have summers available to work this will give them an opportunity to build their resumes and last the NCAA job core. Will be a payment of - - to former student athletes to work in certain jobs in the non-profit sector. So for example, a former student athlete could work for a boys or girls club or a local public school. I'm sure there's other models that can be proposed. However, I believe there's value in the Knight Commission looking at the alternative business models because if the alternatives are not better then it may focus the parties on the task at hand. In other words, modernizing the current system to make it work better. Hopefully these thoughts will be helpful in your deliberations and I'd like to thank you again for the opportunity to present my viewpoints before the Knight Commission. I'd be glad to answer any questions.

CHANCELLOR KIRWIN: Thank you very much and

let me thank all of the panelists for excellent presentations. I think you've framed this issue for us exceedingly well and I'd now like the throw the floor open to my colleagues for further discussion and question. Who has the first?

JERRY: Jeffrey, you mentioned that in your view the model, the decision that occurred wouldn't have a great deal, may not have a great deal of applicability to intercollegiate athletics and gave some of the reasons that you felt that was the case and then suggested you had a couple other things you might add on that you cut off in the interest of time. Is there something else you'd want to add to that point?

MR. MISHKIN: No, Jerry, not beyond the point that and I don't really disagree so much with Robert that this would, I'm not predicting exactly how this would come out. Lawyers, you know are very reluctant to do that. I was simply pointing out what I think are some very great differences between the case that CBC decided and what the interest of the professional athlete was. There is a deeper issue here that affects this group's

consideration and professional sport's consideration too. It isn't just fantasy leagues. It's this never ending tension between the First Amendment and the exploitation of intellectual property and I think that Robert and I would probably not be very far apart on many issues. I tend to think we would each come down, it would be close but I think we'd each tend to come down on the other side simply because Robert has devoted his time to studying the First Amendment, I've devoted my time to efforts to protect the ability of sports leagues and their athletes to make commercial use of their intellectual property and we have to recognize how difficult those questions are. You know, I sort of view it as a continuum. If someone wanted to write an authorized biography of a college quarterback Robert and I together would argue that that's absolutely protected by the First Amendment. Nothing we could do about that or should do about that no matter how much the athlete or the university did not like what was written. That's a core First Amendment matter. On the other hand, if someone just decided to put the names of collegiate athletes

on coffee cups I would view that as a commercial activity principally. Does it have any expressive value that the First Amendment might protect, I suppose it has very little but in that case I think the interest in protecting the right of publicity would be very strong but those are the two extremes and as we get closer to the middle it's going to become difficult but I do think focusing on fantasy leagues and as I view what a fantasy league game is I would say again that it is much more a commercial endeavor than it is an expressive endeavor entitled to great First Amendment deference and consideration and that is really built simply on using the commercial value of the names of athletes and given the differing interest that a professional athlete would have, the economic interest and the interest that a student athlete would have in simply trying to protect assuming the athlete is interested in protecting it. The amateurism principle which was not considered at all by the court in CBC would be a very strong value on the other side of the First Amendment and my own view is that in that case that value would be stronger than the simple, what I regard

as the simple commercialization of the name in a fantasy league.

CHANCELLOR KIRWIN: Henry?

HENRY: Well this has been a very interesting discussion and I'm not a lawyer and I can't opine on First Amendment rights versus other interests or even on the applicability of the case which was just handed down recently to intercollegiate athletics but I suspect from the point of view of the university presidents the interest in this case and what might happen in fantasy leagues really has not that much to do with those issues First Amendment versus other rights and interests as it has to do with this commercialization of athletics and where it would go and where it winds up and I was interested in Glenn's different models for trying to deal with a vexing set of issues and in a way kind of satisfying some of those issues with regard to how to deal with student athletes if not paying them outright, creating trust funds, blah, blah, blah. I just want to speak from the point of view of the major private university. Maybe I don't speak for my board but I said something to - - last night. The day

we go down this pike whether it's trust funds or payment of athletes is the day that the private, I believe, the private universities who play big time sports, I wouldn't speak for Notre Dame here either but I have a guess that the presidents and the boards will - - on the whole thing. That there simply will not be private universities. I can't say what I think about the publics that will be interested in any kind of payment to student athletes and going down this road of commercialization. If that nexus thing you discussed of the break between student athletes and the professionalization I don't know exactly where that break would be but I would suspect any of the models that Glenn discussed would be tipping points for me at least and then you'll have a withdrawal from big time athletics of the, I think, the major private universities. That's just a guess but I think it's an informed guess from talking to lots of people. So this has, from our point of view, the slippery path down the commercialization is not so much this case but where it might head us, unionization, student athletes protecting what they see to

increasingly be their rights the kinds of points you discussed last night, Nick and I think that's in a way where we're having heated conversations about this. Not so much the case itself which has its interest as to where it could conceivably go.

CHANCELLOR KIRWIN: Yes.

FEMALE VOICE 1: - - athletes in protecting their own right to their personality I think has, I mean that case could break a lot of things open which goes to the court and the question whether the NCAA and the practice of - - really amateurism really makes sense in today's world and we talked yesterday about the challenge of the NCAA of taking a position given the fact that the NCAA publicizes the information or encourages the schools to do it in such a way that it's very easily accessible and it's out there and it's in the public domain already but it seems to me that this is one of those cases where unless something is done it has all sorts of potential for, use the word mischief, not because it would be bad for athletes to have these rights, I think they should have their rights back but it's a way to

have things fall apart unnecessarily, I wondered.

MALE VOICE 2: I think this case, and I agree it isn't this case alone or the complicated legal issues that it raises but it's the much more fundamental question. The assault on the ability to maintain amateurism if that remains an important and I think it does in many places here and others but if the principles of amateurism a case like this has to create great concern because the forces of commercialization are ever vigilant in - - opportunities and so what this case portends probably, almost certainly is beyond fantasy leagues. It's just, it's the same issue whether it's right of publicity in a fantasy league game or an electric video game or in more of the typical kinds of commercialization. Athletes names, famous peoples' names are out in the public domain. They're out there and if being out in the public domain is somehow enough to mean that anybody can commercialize it then there isn't much left of the right of publicity or the ability to preserve amateurism.

MALE VOICE 3: Can I add to that answer and

the question as well. As Wally pointed out the NCAA has been involved commercialized activities but not to the extent of commercializing the athletes name and specifically one of the things it has not done is to put the current student athletes' names on jerseys. Certainly at Georgetown you could sell a lot of jerseys of basketball players. Instead they sell them without the players' name on them. It's a lot of money that is not being made and that protects the amateur principle there. The same is true with video games as well in terms of electronic arts makes the NCAA football games but does include the player name and images. What I, and I'm not a lawyer as well, I certainly feel free to make suggestions as you have as well. What Robert pointed out is that the rights of publicity, they're not in every single state and even if they are in the state they're all different. So each state could potentially reach a different conclusion and my point about the Florida case with the NFL players' association is that there is a different decision in the instance of rights of publicity. Perhaps what the NCAA or maybe

someone like Tim Tebow would consider is if his name is being used without his authorization in Florida then he would sue the company or companies that are using his particular name because that case is different the case or the outcome in that case different than the CBC case in Missouri.

CHANCELLOR KIRWIN: Yes, - -.

MALE VOICE 4: You know this is a really fascinating conversation and thank you all for being a part of it. It's pretty clear when you have an institutional issue that is in large step with the athletes' issues. But what happens when they are divergent. I mean who represents the student athlete? You talked about Tebow. Who would represent him? Obviously he could do it himself but there is the question about the financial wherewithal to do that. I mean who is the voice, the advocate if you will for student athletes?

MALE VOICE 5: Obviously in a number of instances the NCAA has been the voice for example. In instances when individual uses by commercial entities of student athletes likeness more often than name frankly are discovered the

requirement is that the institution will, on behalf of the student athlete, send a letter to that commercial entity indicating that it should cease and desist from the use of that image. In the case of the fantasy leagues the national office itself assumed that role for each of the institutions. Each of the institutions could have done that but it seemed to be more practical for the association to do so. Understand that throughout all of that what has happened is a letter informing that commercial entity that it had violated the use of a student athletes' name or likeness and directed it to cease or desist. That is not, there is no particular authority behind that and so the degree to which that is enforceable has in the past generally been a question that never came up because those were local, commercial entities that wanted to continue a relationship with that university and did indeed cease and desist. Probably didn't even realize they were doing something they shouldn't have. In this instance it's quite a different issue.

MALE VOICE 4: And I think while this is an important issue because I am not clear who will

serve as the advocate for our student athletes now and the water has become so murky it's fundamentally unclear to me.

MALE VOICE 5: In this particular instance I think that is an incredibly important question. Who actually owns the right of publicity for those students. Clearly the students do, there's no question about that but then to whom would those students be prepared and willing or interested in assigning the right for them for some sort of case.

CHANCELLOR KIRWIN: Lenny and then - -.

LENNY: First of all, I'd like to address Clay's as he enumerated the different ways that people try to avoid this reference to players. I mean that sounds well and good but obviously that's a veil that gets pierced very easily. My 15 year old can recognize any one of the athletes who is on there based upon make up, based upon style of play and everything else. I think that while on paper that sounds good but the reality is it is definitely referring to the individual players. But more than anything going to - - point. We talk about who is the voice for student athletes as I looked at the

CBC case obviously what stands out is that this is application of Missouri law that has conferred this right of publicity. What, as far as an advocate for student athletes, as an advocate for I guess minors, unsophisticated, supposedly unsophisticated student athletes who are working in their own interest as well as the university's interest, what I the possibility of legislation that would confirm. We know we have common law application but we also have statutory application of right publicity. If every state took a look at their state university and states have done it. I know Nebraska and others have done it in ways that have tried to apply certain principles to help student athletes going beyond what we would normally see. What would be the problem with states protecting their student athletes through conferring some sort of right of publicity on the basis that we're talking here because as I said, it seems that as - - said there has to be a voice somewhere and this is not essentially carving out anything different it may be just essentially fine tuning what the right of publicity is and in states where it's just

common law to be able to establish something that gives people clear direction and I know a lot of people are against government interference, etc. but in this case government certainly can use it's police powers to protect those who can't protect themselves so I'm just curious if you guys think that there is a possibility of that?

MALE VOICE 6: I don't know, on a practical level whether you could interest how many state legislatures in doing it but it really is certainly another way of doing it and you're right. The right of publicity is simply a creature of state law and only about 26 or 27 states recognize it and in many of those states it is a matter of legislation and one of the things that the CBC corp talked about, they were talking about the law of, was it Missouri or, Missouri but it was a more general discussion about the interest that a right of publicity is intended to serve and I think that given the fact that most of the cases under the right of publicity are brought by famous people who are concerned about themselves making as much money as they can and there have been some by people

who are not interested in commercialization. Carey Grant had a famous case and Kareem Abdul Jabar had a famous case where both of those famous people did not want to be commercialized at all and they were commercialized but I think that certainly state legislatures could carve out for student athletes how they wanted the right of publicity to apply. They couldn't, Robert will tell me immediately they couldn't change the First Amendment balance there but they could explain the importance in that state of protecting amateurism and giving student athletes the right because they cannot themselves and would not and remain student athletes the right to commercialize their names and that is a very important value that the state is trying to protect with the right of publicity. If that was clear by legislation it would make the argument a lot easier than it was in the CBC case.

LENNY: Let me follow up by saying I wouldn't expect it to be done in say North Dakota or someplace like that but where there are clear interests to be protected in states like Florida, Texas where sports is obviously

very important and university sports is extremely important and I don't mean to leave out Michigan or any other states but in the end I think there is an interest there that certainly where exploitation will occur there should be an interest and there should be almost a responsibility to be able to protect those again, who not even at most of the young people aren't even the age of majority.

MALE VOICE 7: I must agree with Jeffrey that if a state were to enact legislation of this kind it would frame the debate that went forward in whatever litigation followed but it wouldn't alter the limits imposed by the First Amendment it would simply identify the factors that would be litigated in the balancing act.

CHANCELLOR KIRWIN: - - and then Andrea.

MALE VOICE 8: It's really interesting to me that in every other aspect of life involving a student athlete the university claims to be the spokesman, the protector, the definer of the rules, the outliner of the parameters in which activities can take place. Right now what I hear a lot about is, well actually this thing because it's not locally connected and because

the NCAA has in effect said this doesn't seem to be a play pin right now that's going to be used for us to play in, everybody's doing this on this issue because everybody says it but it seems to me here, the beginning place, before you ever get to a legislature is for the various universities who's after all uniforms if not the discernible outlines of the players are being used would be the ones who would consistently, persistently, obnoxiously raise the issue again and again and again until there was some visibility about the issue beyond a court in one circuit determining one narrow interpretation of what the rules ought to be. It would be nice in fact if the universities would in this case be quite as persistent in the student athlete's rights as they are in some others which are more to the benefit of the university than the student athlete themselves. I say that to my fellow commissioners here are university presidents. It just seems to me this is one that you don't let up on.

CHANCELLOR KIRWIN: Andrea?

ANDREA: I'm going to take a sort of contrary position but first I want to remind

Glenn about the University of North Dakota Hockey Team. That's fairly. It just seems to me that the horse is really already out of the barn. Once the NCAA decided not to take a strong stand it seemed to me that we're well down the road of heading into this fantasy sports league and maybe I'm reading it wrong but once the NCAA didn't take a strong stand it seemed to me it was over and 50 states with 50 different laws would be like having every airline regulated differently in every state and that's absurd. You don't want to head in that direction. You're already in the court, it's going to be decided in the courts and I guess from my perspective I think all the ideas are interesting but at the end of the day this is a legal issue now am I correct and that's where this discussion is going?

MALE VOICE 8: I suggest Tim Tebow - - because you have a decision there that I think they would uphold.

ANDREA: And the only other thing I wanted to ask because I haven't heard anyone address it is what rights do student athletes have once they sign a contract, once they sign a contract,

once they accept a scholarship what do those, what rights does that give them?

MALE VOICE 9: The right in connection with bringing a lawsuit you mean?

ANDREA: No, the rights in connection with publicity. You accept a scholarship. You don't have rights is my point.

MALE VOICE 9: Well I think student athletes have right and this is a complication here that was only touched on in the CBC case and in this new CBS interactive case and that is who, even on the professional side is holding on to the rights because there are lots of contracts floating around and I certainly have not looked closely enough at the contract signed by student athletes with their universities. They may differ to some extent but you start with the proposition that a right of publicity is a personal right, it belongs to the student athlete. Now perhaps the student athlete has given enough of it in a contract to the university so that the university would have the ability to bring the lawsuit. I'm not at all sure that that's true and it would be yet another legal complication on the college side

but the one thing I'm very clear, the right starts out being owned by the athlete himself or herself and who else might be able to advocate for it in a legal, in a strictly legal sense as a party to case is going to be another difficult question to figure out.

CHANCELLOR KIRWIN: Glenn wanted to add a point I think.

MR. WONG: Something to that, if this case were to go forward I believe the plaintiffs with the best possibility of being successful in the case would be the student athletes. The NCAA I think has a problem in terms of standing and they would have some problems in terms of making the right of publicity argument if they were the lead plaintiffs, if they were to file this particular case. They could come up with some other legal theories but the right of publicity would not be as strong from them. In terms of the colleges and universities, all student athletes are required to sign a number of forms before they are deemed eligible to play and a lot of the forms are exactly the same in terms of amateurism and some things like that. In terms of the right of publicity there is not a

NCAA form so what it comes down to then is what each school does individually in terms of their contract, usually their sports information or media relations department in terms of what permissions that department has to talk about things that the student athlete has done. That would be the contract that would be looked at to see if the student athlete has you know, given or assigned that right of publicity to the institution. So certain institutions may have a better shot at being successful in litigation arguing on behalf of the student athletes. Yet, I still come back to the point where I think the student athlete would have the best case and some student athletes would file a case and possibly that turn that into a class action. I'm not advocating the litigation rule but that would, I think that is my analysis of the three potential parties that could bring this litigation.

CHANCELLOR KIRWIN: Wally, you wanted to add?

MR. RENFRO: I simply want to, I guess, clarify a point. I don't think that it is either completely accurate or completely fair to

suggest that the NCAA just did nothing on this. We have and continue to examine this closely on a continuous basis. In the absence of direct legal action we worked with producers to try to mitigate the impact on the basis of the only court decision that we have available to use now to work with. As I said in my comments I do not think this is a debate that is yet complete including its applicability to student athletes. It is a position of the NCAAs that we probably do not have standing to bring suit. Clearly student athletes do and the question of whether institutions do may vary from institution to institution or even jurisdiction to jurisdiction. I suspect, I don't know this, I'm not an attorney but I wonder if there aren't maybe also issues around FERPA that would be involved in this as well. I know, for example, that we've had to be careful with, with even the kind of publicity we use with regard to information about student athletes to the degree that it is considered educational record.

CHANCELLOR KIRWIN: It's - -, oh excuse me.

ANDREA: I just wanted to say that it seemed

to some of us watching the NCAA action or lack thereof, in lack of strong statements thereof in regards to this that, that has led down a slippery slope and maybe the NCAA is still thinking about it but some of the colleges and universities felt very strongly when it happened and there seemed to be, maybe the elephant in the room is some sort of a conflict with the NCAA taking on CBS.

MR. RENFRO: It would probably be a mistake to suggest that what you regarded as a lack of action represented a lack of passion.

CHANCELLOR KIRWIN: We have Val and then Lenny and then Jack.

VAL: Actually sort of preface my question which was for Wally which spoke to the relevancy of the CBS connection to this game and the connection of your media partner to the game, whether that lent itself to a particular type of solution, a contractual solution, a looking forward and whether the analysis would've been different if it was an independent group that had done the fantasy game instead of CBS.

MR. RENFRO: CBS was the first producer that I'm aware of to receive this cease and desist

letter which is exactly the action that we would take in every other instance in which this type of commercial activity or intrusion on the student athlete would take place. We understand and have always understood that is a limited, very limited and very limiting action but we've never understood that we had the authority to go much further than that letter. CBS was the first one to get that. In some ways there was a benefit that CBS was also viewed probably by most as the industry leader in fantasy leagues and the place where we could have the greatest impact trying to mitigate the impact.

CHANCELLOR KIRWIN: Okay, Lenny.

LENNY: I'm going to make it very quick. I certainly want to disagree with the idea that it's absurd to have 50 different laws. Every time there's a lawsuit as we continue to talk they have to apply state law and if there was some clarity with state law, we're talking about lawsuits in each state, if there was some clarity as it pertains to student athletes, maybe we won't have as much litigation as talk, or the litigation where we primarily focus. That's all I'm saying. We already have 26, did

you say 26 different, yeah I mean statutory applications or conferring the right of publicity. If states who had an interest actually had something that provided clarity I think it would be a little bit easier question right now with regard to who protects the student athletes. So I don't think it's absurd for each state to have it because every time you sue, since there's no federal right you have to apply, you probably will apply state law or state interpretation of it.

ANDREA: But how, how do you deal with one school going to another state to play a game and then having publicity come out of that state which might have different laws in the state the school is in and I have not looked at all. I understand, I'm just suggesting if you were going to have a statute of some sort that governed it might be, and not that I support something like that because I actually don't but you would probably want a federal statute, treat everybody equally.

LENNY: But you probably wouldn't and that's the point that I was making and because of the -- of the right of publicity there's a framework

there, the laws can't be that much different. I mean even in each different state they can't be that different.

MALE VOICE 11: They're essentially the same. We were talking about perhaps a specific legislation to deal with the specifics of collegiate athletes but the litigations here are not going to proliferate in 50 states because ultimately there's going to be a First Amendment component to everyone of these. These are going to be federal cases, there are only so many circuits and if there is enough diversity in the circuits as to how these cases come out then the Supreme Court may be more interested and I think ultimately there could be a more national resolution of it but it would not hurt in the case of collegiate athletes to have their rights spelled out. Given the problem of exactly who's speaking, the student athletes and who's right of publicity it is, it's the students but the universities have an interest and the NCAA has an interest. Legislation would be a nice way to sort of make it simpler but at the end of the day.

[crosstalk]

MALE VOICE 11: You've got federal questions here and it'll be decided by United States Circuit Court of Appeals and perhaps ultimately the Supreme Court.

MALE VOICE 12: Something hangs here which I don't quite understand. Do we in fact have a circuit shopping possibility here as you've outlined it? Okay, so in fact what Mike outlined to us last night is not a single definitive decision in this area, is that right?

MALE VOICE 11: Absolutely not.

MALE VOICE 12: So in fact, rather than going to 50 states or saying we don't have a chance in court because they've already lost that's wrong. In one court we've won, in one court we've lost. So circuit shopping would be obviously the way you go right in this thing and it seems to me at this point, if anybody cares, you go circuit shopping, God forbid that I would say anything good comes out of a federal decision arising from Florida but if it is possible, if it is possible I would sure as hell take the case down there and at least give a run at it and stop doing this until you do it.

MALE VOICE 11: The case wouldn't involve

counting votes, it would just.

CHANCELLOR KIRWIN: We have Jack and then Jerry and - -.

JACK: - - just have identified one of the criteria that I was looking for but I wanted to ask Glenn, Jeffrey and Robert for your thoughts. If there are three potential institutions or individuals who could bring forward a case, you have the NCAA which I think we've identified perhaps as the weakest position, you have the student who perhaps has the strongest position but if we're looking for a university to do this it may be a university in a particular circuit but are there other criteria that you believe are ideal in terms of the characteristics of a university that would bring forward a case in this matter?

MALE VOICE 13: I think, in my opinion I think a public university is in a better position than a private university.

MALE VOICE 14: That question I think is not susceptible as sort of a quick answer because it's going to like affect other things between university and the students that you all are going to want think about and it's, the easiest

way to look at it as we said before the student athlete owns his or her own right of publicity. It can be assigned and in the Major League baseball case it was assigned to Major League baseball advanced media. In the football case it was assigned to the, well somewhere between the players' union and this corporation that the players have, Players, Inc. that exploits the players' rights so there are ways of assigning that right but if you start assigning rights solely for the purpose of bringing a litigation you have other questions. So it's a very important question but not one that I think can be answered quickly.

MR. CORN-REVERE: It's a complicated question from a litigation standpoint but I think it's also a very complicated question from the standpoint of the NCAA rules that you're talking about, about amateurism. Once you start talking about assigning rights to the university you have essentially bought into the notion that this is a commercial enterprise that the students are assigning away the right to be commercially exploited whereas right now the rules.

MALE VOICE 13: Depending on what we chose to do.

MR. CORN-REVERE: Depending on what you chose to do but again if you're talking about trying to create a legal relationship so that the universities would definitely have standing to represent a student athlete in a case like this it just seems like this balances in a lot of different ways.

MR. WONG: I would take these considerations to mind. One is I agree with Clay, it will be a public institution, second I would look for a state, one of those 26 states that recognize the right of publicity, third I would check the contract between the university and the student athlete to be working with a good contract. I would probably look for an institution that has had some student athletes who have been well recognized yet I would also look for an institution which does not have a lot of "commercialism" so for example I think a lot of the institutions are on the fantasy gigs and have, are taking money for being on the fantasy game giving up the right of the institution and their images and that sort of thing. If you

would find one that is not involved with having given up that right I think that helps the case.

JERRY: Let's assume a scenario in which the lawsuits have been filed and the judgment is that the student has the right to their own identity, their own name, their own likeness. So now we have all the student athletes that have that right. Invariably some of them will or inevitably some of them will say, yes it's okay for a fantasy league to use my name and likeness and others will say no. What do you see might be the ensuing consequences of that reality then with the pressures for, you know, my name is being used now very specifically and if I were a pro athlete blah, blah, blah but the NCAA says you accept money you can't compete. Where might we go legally after that, what might be the outcomes in your views?

MR. WALKER: If the court were to say that the student had the right to say no and that a fantasy league could not use a student athlete's name without consent then I think that it would become an NCAA issue again and the NCAA having now the legal basis to say well you can say no.

JERRY: Right, but some of them say yes.

MR. WALKER: Well, if they say yes I would assume they'd lose their eligibility as they would now if they try to commercialize.

JERRY: If they're not getting paid.

MR. WALKER: If they're not getting paid, that's above my pay grade, I turn that to the NCAA.

MALE VOICE 14: I think that's a violation of NCAA rules even if they don't get paid.

JERRY: So they can't say yes.

MALE VOICE 14: They cannot say yes without losing their eligibility. So the choices are for the NCAA to change its rules.

JERRY: So from the student athlete's point of view it's just kind of a moot point.

MALE VOICE 14: That's why I put some of these business models out there, there may be some ways to put that money aside for the student athletes who generate that money if the NCAA agrees to that. To some extent, the southeast conferences has done something with its recent media contract, it's put $2 million aside from its future television revenues into academics. So under the same model I would say

that you give, if there are increased monies coming into the NCAA and there's a recognition that there are certain student athletes, the high profile potential professional student athletes who are generating this money then put some money aside for them that they could draw upon that would benefit them.

CHANCELLOR KIRWIN: Cliff and Carol and then I'm afraid we're going to have to bring this session to a close.

MALE VOICE 15: I haven't decided whether I have a comment or not. I would point out that after the last contract, as Glenn noted, the association set aside an amount of money that student athletes could in fact draw from, for in some instances it was for those who were Pell qualified. In other instances there was no such qualification. There in some instances were areas in which that could be used an in others there were not. So I think that sort of situation has existed and does exist and I suspect will continue to exist. I can't, I certainly wouldn't try to speak for what the membership would do but I think you've heard from at least one president this morning who has

said that the trust fund route is not one of interest to a particular, he suspects, to a particular category of institutions and I think that if the public spoke, public institutions spoke they would probably say the same sort of thing. That doesn't mean it may not eventually happen but I would say that at this moment in time, intercollegiate athletics is operating neither all in or all out but somewhere in between.

CLIFF: Thank you. My question and comment, I think is directed to Wally. Wally, I was struck by your historical perspective and presentation with regard to commercialism and I think you began with the case of crew races in Cambridge along the river and the building of the stands and it set me to thinking about the comment that you made subsequently and your remarks about maintaining a separation between the commercialization of the business of intercollegiate athletics and the protection of maintenance on amateurism on the part of the student athletes and it made me wonder if you have any views on what might be prediction which falls into the category of how long can you

tread water? It relates to the fact that if one goes back to that crew race and the level of money that was moving around in that process to the huge amounts of money that are sloshing around today. There's an order of magnitude of difference which I think is very, very significant and I think that there's an additional level of tension goes far beyond the issue of freedom of speech and the right of publicity in this context and that is that much of the discussion with regard to fantasy tends to concentrate on those current college athletes who are perceived as high prospects for drafts and going into the professional teams. But there's a huge number of other current student athletes who are unlikely to ever get into that. There may be some marginal ones that might go into leagues overseas but what concerns me is that the size of the disparity between the amount of money perceived in actual that is floating around in this system compared to the lack of any real significance with regard to the student athletes is such that one almost comes away with the image of, I hate to say it, Mike Douglas in the Gladiators, who is it that's

going to break out of this among those student athletes. We keep talking about they are student athletes, they're student athletes but their perception is rightly or wrongly they are part of the process of generating those revenues and the amount that is involved is enormous and so I guess my question is, this is the issue of the fantasies to me is just one little element. There's a much broader issue of the growth in this disparity and I guess it comes back to my question, how long can we tread water?

MR. RENFRO: I think that's a great question. I think it's a very complex question and we could spend the rest of the day, I'm sure, debating it. I think I did elude to many aspects of that in my opening comments. I do believe that the issue we have is with scale and scope. It isn't with the concepts of commercialism per se. Institutions are engaged in a number of different ways. It's scale and scope and it's our perception of scale and scope. I have argued for a long time that so called big time college sports generally are consistent with those institutions that we could consider big time academic universities. An

example I've used because it's generally public information is Ohio State has probably the largest athletics budget in the country exceeding by little bit $100 million a year and yet that would keep the doors of the Ohio State University open 10 1/2 days. Relatively speaking, it's a pretty small portion of what's taking place at one of America's great and very large universities. That does not suggest in any way that we don't think that there is something somehow out of whack with all of this but trying to figure out how to bring it back into whack is not all that easy either. If you don't mind me saying so I remember President Kirwin commenting to a reporter one time in my presence, what are we to say to the folks in Ohio when we have reached a certain level of giving, of support, of income to the university, do we say stop, that's enough. It's very difficult to roll this back and to figure out how it is that we're going to bring it back into some sort of limits acceptable across a broad range of institutions that have, in an enormous variation of even mission much less application.

CHANCELLOR KIRWIN: Carol, last question.

CAROL: Actually not a question but a comment given the purpose of the Commission. I think our conversation has been focused on a lot of very interesting and complex details because we have a panel of wonderful experts here. So on the one hand we're going to be pushed. The technology enables new business models and the envelope is going to be pushed. On the other hand there will be ways to challenge legally whether the push is right or not but the thread that was inserted a couple of times that hasn't really been followed through in our conversation is that there is also power in stating a values proposition. I think Henry was really making that point when he said there could be a point where his institution might be all out and so let's not forget in the interesting discussion of all the intricacies of the business models and the legal complexities that we, as a Commission, also have an opportunity to make a statement of principle and value.

CHANCELLOR KIRWIN: Yes, please.

MALE VOICE 16: I've been sitting here, I've been listening to a lot of eloquence, the one thing that really bothers me is I'm not sure

what the NCAA really is. I sit here and I look through and they define what amateurism is. They define, they have compliance officers, they have enforcement officers, they make sure universities are playing by the rules. They're supposed to be looking basically after the student athlete. I know that they are fundraising arm for the universities. I know they - - TV contracts, I know what they exist for but to have such a weak response to this fantasy football league and not go out and set themselves out as the example that should lead the universities and should lead the student athletes and protect the universities and protect the student athletes they come with a lukewarm response in a letter. I've always been suspect of the NCAA because I've always thought that they truly do not represent the student athlete. I think they represent the universities in raising money for the universities but they don't represent the student athlete. I'm - - by what I read in this. I've held my tongue throughout the entire session because I'm really that upset. You should be leading, the NCAA should be leading

the fight for the student athlete, not taking a backseat to it and let everybody else pick up the defense of the student athlete. I just think you should go back, whoever you is and the NCAA should go back and examine their response to fantasy football, not only fantasy football or what other else commercial ventures that are going to take advantage of the student athlete. The student athlete has been given a scholarship, has not made one single nickel as they perform on the field for the universities, they put many, many millions of dollars in the coffers of the university and yet no one is willing to go out on a limb and protect them. I just think it's time the NCAA review what their purpose in life is because in my mind they are not defending the student athlete.

CHANCELLOR KIRWIN: Wally, you don't have to respond but if you wanted to make a comment you're.

MR. RENFRO: Well I appreciate the passion with which you speak and I understand that it is difficult from time to time to understand the role of an organization like the NCAA. I could walk through a description of what it is. I

could tell you that it is nothing more than an association of universities and that it has absolutely not one iota of authority to take the first step without direction by the universities themselves and all of that would be the truth. But it doesn't set aside what you see as a very passionate issue and I appreciate that and understand it.

CHANCELLOR KIRWIN: Okay, let me thank the members of the panel for a wonderful discussion. We learned a lot today and your expertise has helped us enormously in grappling with this complex issue. So let me ask my colleagues to join in a round of applause.

MALE VOICE 1: This was a podcast from the Knight Commission on Intercollegiate Athletics. For more information visit www.knightcommission.org.

[END RECORDING]

C E R T I F I C A T E

The prior proceedings were transcribed from audio files and have been transcribed to the best of my ability.

Date April 17, 2014

Exhibit C

From: Saum, Bill [MAILER-DAEMON]
Sent: Wednesday, April 21, 2004 10:27 PM
To: Cryder; Dennis; Caito; Melissa; Renfro; Wally; Bearby; Scott; Knopp; David; Rinebold; Jo Jo; Howard; Jeff; Newman; Rachel; Garner; Deana; Cretors; Angie; Place; Rhonda; Howard; Jeff; Price; David
Subject: Meeting with Myles/Confidential

All- We met with Myles this afternoon to discuss the upcoming subcommittee meeting. We will be surveying Division I Presidents on their thoughts about the use of student athlete likeness for profit. If we receive momentum from the presidents we will pursue a reduction or elimination of using the student athlete likeness for profit. If we do not receive presidential support we will analyze options on what is done with the money. Your continued involvement and ideas are appreciated. Thanks--Bill

William S. Saum
Director of Agent, Gambling and Amateurism Activities P.O. Box 6222 Indianapolis, Indiana 46206-6622
317/917-6222

Confidential - Subject to Protective Order NCAAPROD00198170

Exhibit D

VOLUME 10

PAGES 1938 - 2173

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

EDWARD O'BANNON, ET AL.,	)	
	)	
	)	
PLAINTIFFS,	)	NO. C-09-3329 CW
	)	
VS.	)	FRIDAY, JUNE 20, 2014
	)	
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, ET AL.,	)	OAKLAND, CALIFORNIA
	)	
	)	
DEFENDANTS.	)	COURT TRIAL

BEFORE THE HONORABLE CLAUDIA WILKEN, JUDGE

REPORTERS' TRANSCRIPT OF PROCEEDINGS

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OFFICIAL COURT REPORTERS

TRANSCRIPT PRODUCED BY COMPUTER-AIDED TRANSCRIPTION

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JESLYN A. MILLER, ESQUIRE

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ASKING YOU FOR THAT I HAVEN'T GOTTEN YET?

MR. POMERANTZ: I DON'T THINK SO.

MR. HAUSFELD: NO, YOUR HONOR.

MR. POMERANTZ: WE WILL TALK DURING THE BREAK AND GET BACK TO YOU BY 1:30 TODAY.

THE COURT: IF YOU WOULD STAND AND RAISE YOUR RIGHT HAND, PLEASE.

(JAMES DELANY, CALLED AS A WITNESS FOR THE DEFENDANTS, HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:)

THE WITNESS: I DO.

THE CLERK: PLEASE BE SEATED, AND ONCE SEATED, I'M GOING TO ASK THAT YOU PLEASE STATE AND SPELL YOUR FIRST AND LAST NAME FOR THE RECORD, PLEASE.

THE WITNESS: MY NAME IS JAMES DELANY, J-A-M-E-S CAPITAL D-E-L-A-N-Y.

THE CLERK: THANK YOU.

DIRECT EXAMINATION

BY MR. LI:

Q. GOOD MORNING, MR. DELANY.

A. GOOD MORNING.

Q. WHAT IS YOUR CURRENT JOB?

A. I'M COMMISSIONER OF THE BIG TEN CONFERENCE.

Q. NOW, WE'LL TALK ABOUT THIS A LITTLE MORE LATER, BUT IS THE BIG TEN CONFERENCE AN ORGANIZATION OF COLLEGES AND UNIVERSITIES?

A. IT IS.

Q. ONE OF THE BIGGEST AND THE OLDEST CONFERENCES IN THE NATION?

A. IT IS.

Q. NOW, SIR, HOW LONG HAVE YOU BEEN THE COMMISSIONER OF THE BIG TEN CONFERENCE?

A. I'M CONCLUDING MY 25TH YEAR.

Q. AND IN ADDITION TO THOSE 25 YEARS, HOW LONG TOTAL HAVE YOU BEEN INVOLVED IN COLLEGIATE ATHLETICS?

A. LITTLE SHORT OF 40 YEARS.

Q. NOW BEFORE YOU WERE THE COMMISSIONER OF THE BIG TEN, WHAT WAS YOUR JOB?

A. I WAS COMMISSIONER OF THE OHIO VALLEY CONFERENCE IN NASHVILLE, TENNESSEE.

Q. IS THAT A SMALLER COLLECTION OF UNIVERSITIES AND COLLEGES?

A. IT IS.

Q. AT A VERY HIGH LEVEL, WHAT ARE YOUR RESPONSIBILITIES AS THE COMMISSIONER?

A. I WORK FOR THE UNIVERSITY PRESIDENTS AND CHANCELLORS AND WITH THE ATHLETIC DIRECTORS, FACULTY, AND COACHES.

WE IMPLEMENT, WE TRY TO BRING PEOPLE TOGETHER, AND WE REPRESENT THE BIG TEN CONFERENCE IN A VARIETY OF FORUMS WITH THE NCAA, THE AREA OF TELEVISION, AND IN THE AREA OF BOWLS AND OTHER RELATED ASSOCIATIONS.

Q. NOW, HOW -- LET ME PUT IT THIS WAY. WHO DO YOU REPORT TO

AT THE -- AT THE -- AS COMMISSIONER OF THE BIG TEN?

A. I REPORT TO THE BIG TEN COUNCIL OF PRESIDENTS AND CHANCELLORS THAT OPERATE AS OUR BOARD OF DIRECTORS.

Q. WHO ARE THOSE FOLKS?

A. THOSE ARE THE PRESIDENTS AND CHANCELLORS OF EACH OF THE MAIN CAMPUSES OF THE 14-MEMBER INSTITUTIONS.

Q. WHY, AS THE COMMISSIONER OF THE BIG TEN CONFERENCE, DO YOU REPORT TO THE PRESIDENTS AND CHANCELLORS OF UNIVERSITIES?

A. BECAUSE THE PRESIDENTS BELIEVE THAT THE BEST WAY TO ACHIEVE INSTITUTIONAL CONTROL OF INTERCOLLEGIATE ATHLETICS IS THROUGH PRESIDENTIAL LEADERSHIP, IN OUR CASE PRESIDENTIAL LEADERSHIP, IS EXERCISED BY THEM IN A COLLECTIVE SENSE WHEN THEY'RE THE BOARD OF DIRECTORS.

Q. THOSE PRESIDENTS, DO THEY HAVE BROADER RESPONSIBILITY THAN JUST ATHLETICS?

A. YES. YES, THEY DO.

Q. GENERALLY WHAT ARE THEIR RESPONSIBILITIES?

A. THEY OVERSEE GREAT PUBLIC UNIVERSITIES IN THE MIDWEST AND THE EAST. THEY OVERSEE HOSPITALS, UNDERGRADUATE PROGRAMS, RESEARCH COMPONENTS, AND PUBLIC SERVICE. SO THEY HAVE A VERY BROAD WIDE-RANGING SET OF RESPONSIBILITIES.

Q. NOW, DURING YOUR TENURE, I AM NOT GOING TO ASK YOU TO SPEAK ABOUT THE 1800'S AND WHAT HAVE YOU, BUT DURING YOUR TENURE, HAS -- HAVE YOU ALWAYS REPORTED TO THIS BODY OF PRESIDENTS AND CHANCELLORS?

A. I HAVE.

Q. LET'S TALK A LITTLE BIT ABOUT YOURSELF. LET'S TALK ABOUT YOUR EDUCATION.

WHERE DID YOU GO TO SCHOOL?

A. I WENT TO THE UNIVERSITY OF NORTH CAROLINA IN CHAPEL HILL, NORTH CAROLINA.

Q. AND APPROXIMATELY WHEN?

A. FROM 1966 TO 1970 AS AN UNDERGRADUATE.

Q. WERE YOU A STUDENT ATHLETE?

A. I WAS.

Q. WHAT SPORT DID YOU PLAY?

A. MEN'S BASKETBALL.

Q. WERE YOU A SCHOLARSHIP STUDENT?

A. I WAS.

Q. AND AT THE TIME, WHAT DID THE SCHOLARSHIP COVER?

A. ROOM, BOARD, FEES, TUITION, BOOKS AND $15 A MONTH LAUNDRY.

Q. NOW THE FACT THAT YOU GOT TUITION, ROOM, BOARD, BOOKS AND $15 A MONTH ON LAUNDRY, DID THAT -- WAS THAT CONSISTENT WITH THE VALUES OF THE UNIVERSITY OF NORTH CAROLINA?

A. I BELIEVE IT WAS.

Q. DID YOU CONSIDER YOURSELF AN AMATEUR?

A. I DID.

Q. NOW LET'S TALK A LITTLE BIT ABOUT THE UNIVERSITY OF NORTH CAROLINA AND YOUR BASKETBALL -- PLAYING BASKETBALL AT THE UNIVERSITY OF NORTH CAROLINA.

WHO WAS YOUR COACH?

A. A MAN BY THE NAME OF DEAN SMITH.

Q. PRETTY FAMOUS COACH?

A. FAMOUS COACH.

Q. CAN YOU THINK OF OTHER PLAYERS THAT HE MIGHT HAVE COACHED IN HIS TIME?

A. MICHAEL JORDAN WOULD BE ONE. SAM PERKINS. NORTH CAROLINA HAS HAD A PROUD AND SUCCESSFUL TRADITION OF MEN'S BASKETBALL OVER MANY DECADES.

Q. NOW, HAVING BEEN COACHED BY DEAN SMITH, DID YOU LEARN ANYTHING FROM HIM?

A. HE WAS A VERY INNOVATIVE COACH. HIS DAD WAS A COACH. HE WAS A COACH. HE BELIEVED IN, YOU KNOW, COMMITMENT, PREPARATION, ACADEMIC SUCCESS, AND ATHLETIC SUCCESS.

SO, MANY, MANY OF THE THINGS THAT WE DID AS -- AS A TEAM, THE PREPARATION, THE CHANGE OF TACTICS, ET CETERA, ARE LIFE LESSONS. TIME MANAGEMENT, WINNING TOGETHER, LOSING TOGETHER. WERE PART AND PARCEL OF THE EDUCATION THAT I RECEIVED IN CHAPEL HILL.

Q. FROM COACH DEAN SMITH YOU LEARNED ABOUT THINGS ON THE COURT?

A. I DID.

Q. AND YOU LEARNED ABOUT THINGS OFF THE COURT?

A. I DID.

Q. WHILE YOU WERE PLAYING AT THE UNIVERSITY OF NORTH

CAROLINA, DID -- DID THEY SELL TICKETS TO YOUR GAMES?

A. THEY DID.

Q. A LOT OF TICKETS?

A. GAMES WERE SOLD OUT.

Q. EVERY GAME PRETTY MUCH?

A. EVERY GAME PRETTY MUCH.

Q. WERE YOUR GAMES TELEVISED ALSO?

A. THEY WERE.

Q. AND DID NORTH CAROLINA EARN MONEY FOR THE TICKETS AND THE TELEVISION ON YOUR GAMES?

A. I'M SURE THEY DID.

Q. DID YOU CONSIDER YOURSELF AN AMATEUR NEVERTHELESS?

A. I DID.

Q. NOW, DOES UNC HAVE A RIVAL?

A. THEY DO.

Q. WHO IS THEIR RIVAL?

A. DUKE UNIVERSITY.

Q. AND TO THIS DAY, 40 YEARS LATER, DO YOU STILL FOLLOW WHETHER UNC BEATS DUKE?

A. EVERY -- YOU KNOW, WE PAY VERY CLOSE ATTENTION TO THAT AS MANY NORTH CAROLINA AND DUKE GRADS AND ALUMS AND FANS DO.

Q. IN FACT, DO YOU PAY ATTENTION TO WHEN ANYBODY BEATS DUKE?

A. I DO. DUKE HAS HAD A LOT OF SUCCESS, BUT THEY ARE FALLIBLE. THEY LOST TO LEE HIGH. THEY LOST TO VCU AND THEY LOST TO EASTERN MICHIGAN AND MERCER. SO I WATCH ALL THEIR

GAMES.

Q. AND YOU CAN TELL US EXACTLY WHICH TEAMS BEAT DUKE, CORRECT?

A. I CAN.

Q. NOW LET'S TALK FOR A SECOND ABOUT THE BIG TEN CONFERENCE. OKAY?

WE'RE SORT OF SWITCHING TOPICS HERE.

IN BROAD TERMS, WHAT IS THE BIG TEN CONFERENCE?

A. THE BIG TEN CONFERENCE IS AN ASSOCIATION OF 14 UNIVERSITIES, 13 OF THEM ARE PUBLIC. NORTHWESTERN IS A PRIVATE INSTITUTION. THEY ARE ALL MAJOR RESEARCH INSTITUTIONS. THEY ALL, FOR THE MOST PART, HAVE VERY LARGE UNDERGRADUATE STUDENT BODIES. THEY HAVE ALL BEEN AROUND FOR WELL OVER A HUNDRED YEARS. I THINK UNIVERSITY OF MICHIGAN DATES TO 1817. MOST OF THEM WERE FOUNDED UNDER THE MORROW ACT IN THE MIDDLE 1800'S.

AND THEY HAVE BEEN ASSOCIATING WITH EACH OTHER IN INTERCOLLEGIATE ATHLETICS SINCE 1896 WHEN PRESIDENTS AND FACULTY CAME TOGETHER TO ESTABLISH SOME BASIC STANDARDS FOR PARTICIPATION IN INTERCOLLEGIATE ATHLETICS.

Q. LET ME ASK YOU ABOUT THE FOUNDING IN 1896. WAS IT CALLED THE BIG TEN THEN?

A. IT WASN'T. IT WAS CALLED THE INTERCOLLEGIATE CONFERENCE OF FACULTY REPRESENTATIVES.

Q. THOSE FACULTY REPRESENTATIVES WERE PRESIDENTS AND

CHANCELLORS, RIGHT?

A. NO, THEY WERE FACULTY REPRESENTATIVES.

Q. OH, OKAY.

AND TODAY THEY ARE PRESIDENTS AND CHANCELLORS, RIGHT?

A. THAT'S CORRECT.

Q. NOW, FROM EAST TO WEST --

A. YES.

Q. -- LET ME, HOWEVER YOU WANT TO DO IT, WEST TO EAST, EAST TO WEST, CAN YOU TELL US WHICH UNIVERSITIES --

A. YES.

Q. -- ARE MEMBERS OF THE BIG EAST (SIC)?

A. UNIVERSITY OF NEBRASKA, UNIVERSITY OF MINNESOTA, UNIVERSITY OF IOWA, UNIVERSITY OF WISCONSIN, NORTHWESTERN UNIVERSITY, ILLINOIS, PERDUE, INDIANA, MICHIGAN, MICHIGAN STATE, OHIO STATE, PENN STATE, MARYLAND, AND RUTGERS.

THE COURT: YOU ASKED HIM WHICH WERE MEMBERS OF THE BIG EAST?

MR. LI: BIG TEN. I'M SORRY, DID I MISSPEAK? I APOLOGIZE, YOUR HONOR. BIG TEN. THAT'S WHAT I MEANT, YOUR HONOR. I APOLOGIZE.

THE COURT: BIG TEN?

BY MR. LI:

Q. NOW RECENTLY THE BIG TEN HAS ADDED A FEW SCHOOLS, CORRECT?

A. YES.

Q. TELL US ABOUT THAT.

A. WELL, WE WERE TEN INSTITUTIONS FOR MANY DECADES. PENN STATE JOINED THE BIG TEN IN 1991. NEBRASKA JOINED THE BIG TEN IN 2010. AND MOST RECENTLY MARYLAND AND RUTGERS HAVE INDICATED OR HAVE JOINED THE CONFERENCE AS OF JULY 1, 2014.

Q. NOW, SOME SAY THAT THE -- THAT MARYLAND AND RUTGERS JOINING THE BIG TEN IS A BIG MONEY GRAB?

A. RIGHT.

Q. WHAT DO YOU HAVE TO SAY TO THAT?

A. WELL, WHAT I HAVE TO SAY ABOUT THAT IS I THINK CONFERENCES HAVE CHANGED. WE WERE HISTORICALLY A MIDWESTERN CONFERENCE. THE PAC-12 WAS A WEST COAST CONFERENCE. THE ACC WAS A MIDDLE ATLANTIC CONFERENCE, AND THE SEC WAS A SOUTHEASTERN CONFERENCE.

WHAT HAS HAPPENED OVER THE LAST 20 YEARS IS CONFERENCES AND INSTITUTIONS, SOME INSTITUTIONS ASPIRING TO JOIN NEW CONFERENCES HAVE EXPANDED INTO MULTIPLE SECOND REGIONS.

FOR US, WE HAVE BEEN FORTUNATE THAT ALL OF THESE UNIVERSITIES ARE AAU, DISTINGUISHED RESEARCH INSTITUTIONS, THEY ARE ALL LOCATED IN CONTIGUOUS STATES. THEY ALL SPONSOR BROAD-BASED PROGRAMS, AND THEY ALL ASCRIBE TO THE VALUES OF -- OF THE BIG TEN TO TRY TO PROVIDE AS MANY QUALITY OPPORTUNITIES FOR AS MANY STUDENT ATHLETES.

THE BIG TEN IS, IF NOTHING ELSE, VERY LARGE, VERY LARGE STUDENT POPULATIONS. WE HAVE OVER 560,000 STUDENTS ON CAMPUS OVER CLOSE TO 6 MILLION LIVING ALUMS. SO THAT CORRIDOR FROM

WASHINGTON, D.C. TO NEW YORK CITY IS REPLETE WITH BIG TEN ALUMS. THIS GIVES THEM A CHANCE TO SEE THEIR TEAMS VISIT AND ALSO FOR US TO BRING IN TWO OUTSTANDING UNIVERSITIES IN THE CORRIDOR.

I THINK IT WILL BE POSITIVE FOR US IN MANY WAYS, INCLUDING RAISING RESOURCES FOR OUR SCHOOLS. BUT, FIRST AND FOREMOST, THE DNA THAT THESE UNIVERSITIES SHARE WITH US IN TERMS OF MAJOR RESEARCH, MAJOR ACADEMICS, COMMITMENT TO BROAD-BASED PROGRAM FITS IN REALLY WELL WITH WHAT WE HAVE.

THE COURT: SO IN ORDER TO GET IN YOUR CONFERENCE, FIRST THE SCHOOL HAS TO GET INTO DIVISION I.

THE WITNESS: THAT'S RIGHT.

THE COURT: WHAT ARE THE CRITERIA FOR GETTING INTO DIVISION I?

THE WITNESS: THEY'RE QUITE MODEST. I THINK IT'S A SPONSORSHIP OF SEVEN MEN'S TEAMS AND SEVEN WOMEN'S TEAMS. THEY HAVE TO SUBSCRIBE TO THE MINIMUM ACADEMIC STANDARDS THAT THE NCAA REQUIRES. AND THEY RUN THE GAMUT FROM --

THE COURT: THOSE ARE THE ONLY TWO REQUIREMENTS?

THE WITNESS: I THINK THOSE ARE THE TWO MAJOR REQUIREMENTS. THERE IS A WAITING PERIOD AND THERE'S A CERTIFICATION PROCESS, BUT I THINK THAT IF YOU SPONSOR A MINIMUM NUMBER OF SPORTS AND YOU SUBSCRIBE TO THE ACADEMIC STANDARDS AND GO THROUGH A MODEST WAITING PERIOD, YOU CAN QUALIFY TO BE IN DIVISION I.

THE COURT: AND ANYONE WHO QUALIFIES GETS IN --

THE WITNESS: YES.

THE COURT: -- OR IS THERE A SELECTION PROCESS?

THE WITNESS: NO. ANYONE WHO QUALIFIES GETS IN.

THE COURT: HOW LONG IS THE WAITING PERIOD?

THE WITNESS: UM, I'M NOT SURE. I THINK IT'S PROBABLY THREE YEARS. I THINK YOU HAVE TO PUT A SCHEDULE TOGETHER THAT SHOWS YOU CAN PLAY DIVISION I SCHOOLS, AND THEY HAVE ADEQUATE NUMBER OF TEAMS, AND THAT YOU ARE SUBSCRIBING TO THE RULES OF DIVISION I.

THE COURT: SO YOU NEED TO FULFILL THOSE REQUIREMENTS AS WELL BEFORE YOU GET IN?

THE WITNESS: YES.

THE COURT: ANY MORE?

THE WITNESS: OFF THE TOP OF MY HEAD, I HAVEN'T REALLY LOOKED AT THE CRITERIA FOR DIVISION I MEMBERSHIP, BUT WHAT I CAN TELL YOU IS IT MUST NOT BE TOO HARD TO GET IN BECAUSE WHEN I WAS A STUDENT 40 YEARS AGO, THERE WERE 181 DIVISION I TEAMS AND TODAY THERE ARE 352.

THE COURT: SO THEN HOW DOES ONE GET INTO A GIVEN CONFERENCE WITHIN DIVISION I SUCH AS YOURS, I SUPPOSE? WHAT ARE THE REQUIREMENTS AND WHO MAKES THE DECISION?

THE WITNESS: THOSE DECISIONS ARE MADE GENERALLY BY THE PRESIDENTS AND CHANCELLORS OF EACH CONFERENCE. THERE HAS TO BE TWO WILLING PARTNERS. THERE HAS TO BE THE INDIVIDUAL

INSTITUTION THAT DESIRES TO JOIN, AND RECEPTIVITY BY THE CONFERENCE THAT WOULD LIKE FOR THEM TO JOIN.

SO, IN SOME CASES, SOME CONFERENCES ARE IN SEARCH OF MEMBERS. THEY ARE SMALLER --

THE COURT: TALK ABOUT YOUR CONFERENCE. IF YOU COULD JUST TELL ME AS AN EXAMPLE WHAT THE REQUIREMENTS ARE TO GET INTO YOUR CONFERENCE.

THE WITNESS: WELL, I THINK THE FIRST REQUIREMENT WOULD BE THAT YOU WOULD, AT THE TIME OF MEMBERSHIP, YOU WOULD BE A MEMBER OF THE AAU. ALL OF OUR SCHOOLS AT THE TIME OF MEMBERSHIP ARE MEMBERS OF THE AMERICAN ASSOCIATION OF UNIVERSITIES, ONE. TWO, THAT YOU WOULD SPONSOR BROAD-BASED PROGRAMS. THREE, THAT YOU WOULD SUBSCRIBE TO THE COMMITMENT OF BROAD BASED --

THE COURT: BY "BROAD BASED", YOU MEAN HAVING 16 TEAMS?

THE WITNESS: MORE THAN THAT. WE AVERAGE ABOUT 25. THE MINIMUM IS 14, I BELIEVE. SEVEN MEN, SEVEN WOMEN. THE BIG TEN AND THE IVY'S ARE KNOWNS AS THE MOST BROAD-BASED BECAUSE THEY SPONSOR THE MOST OPPORTUNITIES FOR MEN AND WOMEN ATHLETES.

THE COURT: SO TO GET INTO YOUR CONFERENCE, DOES A SCHOOL HAVE TO HAVE MORE TEAMS OR MORE SPORTS THAN THEY HAD TO TO GET INTO DIVISION I IN THE FIRST PLACE?

THE WITNESS: YES.

THE COURT: MORE?

THE WITNESS: MORE.

THE COURT: SO DIVISION I IS 16, I THINK --

THE WITNESS: I THOUGHT IT WAS 14. I THINK IT'S SEVEN AND SEVEN, SEVEN MEN, SEVEN WOMEN.

THE COURT: AND FOR YOU IT'S HOW MANY?

THE WITNESS: FOR US, WE HAVE SOME THAT HAVE AS FEW AS 18, BUT WE ALSO HAVE SOME THAT HAVE AS MANY AS 32 OR 33.

THE COURT: WHAT'S THE REQUIREMENT THOUGH?

THE WITNESS: THE REQUIREMENT WOULD BE THAT YOU A MEMBER OF DIVISION I --

THE COURT: HOW MANY TEAMS DO YOU HAVE TO HAVE TO GET INTO YOUR CONFERENCE?

THE WITNESS: YOU WOULD HAVE TO SPONSOR, I THINK, EIGHT AS A MINIMUM.

THE COURT: EIGHT TEAMS?

THE WITNESS: EIGHT MEN'S AND EIGHT WOMEN'S.

THE COURT: OH, I SEE, 16 ALTOGETHER.

THE WITNESS: YES.

THE COURT: SO YOU HAVE TO BE A MEMBER OF THE AAU, 16 SPORTS, AND WHAT ELSE DO YOU HAVE TO HAVE?

THE WITNESS: I THINK YOU HAVE TO -- YOU HAVE TO WANT TO BELONG AND YOU HAVE TO BE WELCOMED.

THE COURT: THAT'S THE NEXT QUESTION. THE FIRST QUESTION IS WHAT ARE THE REQUIREMENTS. AND I GUESS IT'S BEING

AN AAU MEMBER AND HAVING 16 SPORTS, WHICH MIGHT BE THE SAME NUMBER AS DIVISION I OR IT MIGHT BE TWO MORE THAN DIVISION I.

THE WITNESS: IT MIGHT.

THE COURT: IF A SCHOOL HAS THOSE QUALIFICATIONS AND WANTS TO BE IN, IS IT DISCRETIONARY OR IS IT REQUIRED THAT THEY CAN COME IN IF THEY WANT --

THE WITNESS: IT'S TOTALLY --

THE COURT: -- AND THEY QUALIFY?

THE WITNESS: IT IS TOTALLY DISCRETIONARY.

THE COURT: IT'S DISCRETIONARY. AND WHO MAKES THAT DECISION?

THE WITNESS: THAT IS MADE BY OUR PRESIDENTS AND CHANCELLORS. THEY HAVE --

THE COURT: SO THE SCHOOL APPLIES, AND THEY GO TO A MEETING OR SOMETHING AND THE PRESIDENTS VOTE THEM IN OR OUT?

THE WITNESS: CORRECT. WELL, THEY DON'T VOTE THEM OUT, THEY JUST DON'T VOTE THEM IN.

THE COURT: OKAY. ARE THERE CRITERIA THAT THEY USE BESIDES BEING AN AAU MEMBER AND HAVING 16 SPORTS?

THE WITNESS: I THINK THAT THEY WOULD WANT THEM TO SUBSCRIBE TO THE VALUES OF THE BIG TEN. PRIMACY OF ACADEMIC EXPERIENCE.

OUR CONFERENCE HAS, I THINK, PERFORMED NOT ONLY WELL ON THE FIELDS, BUT WE LEAD THE COUNTRY IN OUR PEER GROUP AND GRADUATION RATES FOR MEN'S BASKETBALL, MEN'S FOOTBALL, WOMEN'S

BASKETBALL AND OVERALL. SO THEY WOULD HAVE TO SHOW THAT THEY HAVE THOSE KINDS OF COMMITMENTS AND THAT KIND OF PERFORMANCE OBTAINS.

THE COURT: OKAY.

MR. LI: THANK YOU, YOUR HONOR.

BY MR. LI:

Q. NOW JUST SO WE ARE CLEAR, YOU ARE NOT AN NCAA OFFICIAL, ARE YOU?

A. I AM NOT.

Q. SO YOU'RE FAMILIARITY WITH NCAA RULES ARE, YOU KNOW, YOU ARE GIVING THE COURT OFF THE TOP OF YOUR HEAD?

A. EXACTLY.

THE COURT: I'M SURE IT'S NOT DISPUTED. HOW MANY TEAMS DO YOU HAVE TO BE IN TO BE IN DIVISION I?

DO YOU KNOW? DOESN'T MATTER. GO AHEAD.

MR. LI: I'M NOT DISPUTING IT, YOUR HONOR.

BY MR. LI:

Q. SO, THERE ARE TITLE IX REQUIREMENTS TO BE IN DIVISION I?

A. I DON'T THINK THAT THERE ARE TITLE IX REQUIREMENTS TO BE IN DIVISION I.

Q. YOU NEED TO HAVE A BALANCE OF SPORTS, THOUGH?

A. YOU NEED TO HAVE A BALANCE OF SPORTS.

Q. AND THERE ARE SCHOLARSHIPS REQUIREMENTS TO BE IN DIVISION I?

A. I THINK THERE ARE A MINIMUM NUMBER OF SCHOLARSHIPS THAT

NEED TO BE GRANTED.

Q. YOU NEED TO FOLLOW THE NCAA RULES REGARDING AMATEURISM, RIGHT?

A. THAT'S CORRECT.

Q. NOW, MR. DELANY, ARE THE BIG TEN -- IS THE -- ARE THE BIG TEN AND ITS COLLEGE MEMBERS MEMBERS OF THE NCAA?

A. THEY ARE.

Q. WHY ARE BIG TEN SCHOOLS MEMBERS OF THE NCAA?

A. I THINK THE BIG TEN MEMBERS ARE SCHOOLS OF THE NCAA BECAUSE THEY DESIRE TO COMPETE IN NATIONAL COMPETITION. WE HAVE ALWAYS HAD SOME REQUIREMENT, SOME STANDARDS THAT ARE APPLICABLE INSIDE THE BIG TEN, ACADEMIC, ATHLETIC, OTHERWISE THAT ARE MORE STRINGENT, BUT TO THE EXTENT YOU ARE PARTICIPATING BETWEEN CONFERENCES ON A NATIONAL BASIS, WHETHER IT'S IN THE ROSE BOWL, IN THE NCA TOURNAMENT, OR BIG TEN ACC CHALLENGE, YOU WANT THE BASE STANDARDS TO BE SIMILAR SO THAT THE COMPETITION WOULD BE CONSIDERED FAIR.

Q. SO EVERYONE IS PLAYING BY THE SAME RULES?

A. THAT'S RIGHT.

THE COURT: DON'T YOU -- DOESN'T THE SCHOOL HAVE TO BE IN THE NCAA TO BE IN THE BIG TEN?

THE WITNESS: THEY DO.

BY MR. LI:

Q. AND THE REASON FOR THAT IS YOU WANT EVERYBODY PLAYING BY THE SAME RULES?

A. THAT'S RIGHT.

Q. NOW, DOES THE ABILITY TO PLAY NATIONWIDE BENEFIT STUDENT ATHLETES?

A. WELL, I THINK IT DOES.

Q. WHY?

A. I THINK THAT THERE ARE THREE PARTS TO ANY COLLEGE STUDENT'S EXPERIENCE, AT LEAST THAT'S BEEN THE CASE FOR MANY, MANY DECADES.

YOU HAVE A NONCONFERENCE SCHEDULE. USUALLY THAT HAPPENS EARLY IN THE YEAR WHERE YOU PLAY AGAINST TEAMS FROM OUTSIDE YOUR CONFERENCE. AND THEN YOU MOVE TO CONFERENCE COMPETITION FOR THE MAJORITY OF YOUR GAMES. AND THEN YOU MOVE INTO NCAA NATIONAL PLAY.

AND SO THERE ARE REALLY THREE PARTS TO IT, AND OUR SCHOOLS VIEW THEMSELVES AS NATIONAL. THEY VIEW THEMSELVES -- THEY ARE ALUMNI BASIS SPREAD THROUGHOUT THE COUNTRY, AND I THINK THEY VIEW INTERCOLLEGIATE ATHLETICS AS A NATIONAL PURSUIT. IT'S LOCATED LOCALLY, IT'S PLAYED REGIONALLY AND NATIONALLY.

Q. IS THIS TRUE ONLY FOR MEN'S BASKETBALL AND FOOTBALL?

A. NO. THIS -- THIS IS TRUE FOR ALL SPORTS.

Q. FIELD HOCKEY?

A. FIELD HOCKEY.

Q. CREW?

A. CREW.

Q. NOW, THE COURT ASKED A NUMBER OF QUESTIONS ABOUT WHAT THE

BIG TEN LOOKS FOR IN PARTNERS IN CASE IT'S GOING TO BRING IN SOME MORE FOLKS INTO THE CONFERENCE.

YOU RECALL THAT, RIGHT?

A. YES.

Q. NOW YOU HAD TALKED ABOUT VALUES.

A. YES.

Q. LET ME ASK YOU ABOUT A FEW OF THOSE VALUES.

DOES THE BIG TEN CONFERENCE VALUE PREMIERE ACADEMIC INSTITUTIONS?

A. IT DOES.

Q. TELL US ABOUT THAT.

A. WELL, THE COMMITMENT THAT WE HAVE IN UNDERGRADUATE EDUCATION IS MATCHED OR PROBABLY EXCEEDED BY THE RESEARCH THAT'S GOING ON ON OUR CAMPUSES. COLLECTIVELY OUR SCHOOLS ARE RECIPIENTS OF OVER $10 BILLION OF FEDERAL RESEARCH. SO THE COMMITMENT TO RESEARCH IS LONGSTANDING. THE COMMITMENT TO QUALITY UNDERGRADUATE EDUCATION IS GREAT.

I THINK IT'S -- MANY PEOPLE REFER AS AN UNCOMMON EDUCATION FOR THE COMMON PERSON. I THINK IT CAME OUT OF THE GROWTH OF THESE UNIVERSITIES IN THE MORROW ACT AND IT'S CONTINUED FOR GENERATIONS AND GENERATIONS.

PART OF THAT TRADITION HAS BEEN INTERCOLLEGIATE ATHLETICS. WE ARE THE OLDEST CONFERENCE AND WE ARE THE CONFERENCE, I THINK, THAT IN MANY WAYS SET THE STANDARDS WHICH EVENTUALLY INFORMED OTHER CONFERENCES AS WELL AS THE NCAA, BUT TODAY THE

NCAA IS THE STANDARD SETTER AND IT EVOLVED OVER TIME.

Q. OKAY.

NOW, DO THE MEMBER SCHOOLS COOPERATE ACADEMICALLY?

A. THEY -- THEY DO VERY MUCH SO.

Q. YOU WERE TELLING ME ABOUT A RESEARCH CONSORTIUM. IF YOU CAN TELL US ALL --

A. OUR CONFERENCE OPERATES ON AN -- ON AN ACADEMIC PLANE, BUT IT ALSO OPERATES ON AN ACADEMIC PLANE. THE COMMITTEE ON INSTITUTIONAL COOPERATION IS LED BY THE PROVOST FROM EACH ONE OF OUR 14 INSTITUTIONS.

THEY COLLABORATE ON GRANTS. THEY COLLABORATE ON INTERNATIONAL TRAVEL. THEY COLLABORATE IN TERMS OF BENCHMARKING. SO I THINK THE NEW MEMBERS, WHETHER IT'S PENN STATE OR RUTGERS HAS FOUND A COMMITTEE ON INSTITUTIONAL COOPERATION TO BE A TREMENDOUS ASSET TO THEM.

AND I KNOW FOR MARYLAND AND RUTGERS, THEIR FACULTY, THEIR RESEARCHERS ARE AS EXCITED AS THEIR ATHLETIC DIRECTOR AND THEIR COACHES SIMPLY BECAUSE OF THEIR ASSOCIATION WITH THESE WORLD-CLASS UNIVERSITIES THAT ARE -- THAT WORK TOGETHER.

Q. YESTERDAY YOU WERE TELLING ME ABOUT A CONCUSSION RESEARCH CENTER.

A. YEAH.

Q. IS THAT SOMETHING THAT THE BIG TEN IS INVOLVED IN?

A. THE BIG TEN ANNOUNCED IN, I THINK, IN 2010 A CONCUSSION MANAGEMENT PLAN FOR OUR ATHLETES. IN 2011, I THINK, WE

ANNOUNCED A COLLABORATION WITH THE IVY LEAGUE INSTITUTIONS AND THEIR RESEARCHERS UNDER THE UMBRELLA OF CIC TO STUDY THE EFFECTS OF BRAIN INJURY ON STUDENT ATHLETES.

THEY HAVE MET IN PERSON ON A NUMBER OF OCCASIONS, AND THE COLLABORATION IS GROWING OUT OF THAT ARE VERY EXCITING. AND SO THAT'S, I THINK, A WAY THAT CIC, OUR DOCTORS AND RESEARCHERS AND NEUROLOGISTS HAVE BEEN ABLE TO WORK WITH SIMILAR RESEARCHERS IN THE IVY'S.

Q. IS THIS ANOTHER BENEFIT OF BEING A MEMBER OF THE BIG TEN?

A. I THINK IT IS CLEARLY.

Q. YOU HAD MENTIONED EARLIER A HISTORY OF ATHLETICS ALSO?

A. YES.

Q. WHEN DID THE BIG TEN START PLAYING FOOTBALL?

A. 1896.

Q. SO THAT'S OVER A HUNDRED YEARS AGO?

A. IT IS.

Q. THAT'S BEFORE THE NFL CAME INTO EXISTENCE?

A. PROBABLY 50 OR 60 YEARS BEFORE THE NFL CAME INTO EXISTENCE.

Q. NOW TODAY THE BIG TEN STADIUMS ARE SOME OF THE BIGGEST IN THE COUNTRY?

A. THEY ARE.

Q. TAKE MICHIGAN STADIUM, OHIO STADIUM, HOW BIG ARE THOSE?

A. WE HAVE FOUR STADIUMS, THREE STADIUMS THAT ARE BETWEEN 105 AND 115,000.

Q. WHEN WERE THEY BUILT?

A. MOST OF THEM WERE BUILT IN THE '20S. AND, YOU KNOW, I THINK -- I THINK THE BIG HOUSE AND THE HORSESHOE ALL DATE TO THE 1920'S. PENN STATE, I THINK, WAS MORE RECENT. PROBABLY FIRST BUILT IN THE '50S AND THEN HAS GROWN OVER TIME.

Q. AND, OBVIOUSLY, THEY SELL TICKETS TO THOSE GAMES?

A. THEY DO.

Q. THEY MAKE MONEY OFF THOSE GAMES?

A. THEY DO.

Q. THE BIG TEN BROADCASTS ITS FOOTBALL GAMES ON TELEVISION, CORRECT?

A. WE DO.

Q. HOW LONG HAS THE BIG TEN BEEN BROADCASTING FOOTBALL GAMES ON TELEVISION?

A. IT GOES BACK TO AFTER THE SECOND WORLD WAR. I WOULD SAY '48, '49, '50 WOULD BE THE EARLY YEARS OF BIG TEN TELEVISION.

Q. AND BASKETBALL, THERE'S A TRADITION OF BASKETBALL IN THE BIG TEN?

A. BASKETBALL'S INTERESTING. IT GOES BACK THAT FAR. AND THE BIG TEN SPONSORED A DOUBLEHEADER ON SATURDAY AFTERNOON OF BASKETBALL THAT RAN FROM 1950 TO 2007 WHICH WAS THE LONGEST RUNNING SYNDICATED PROGRAM IN AMERICAN TELEVISION. SO IT HAS GOT DEEP HISTORICAL ROOTS AS WELL.

Q. THE TELEVISION BROADCASTS OF BOTH FOOTBALL AND BASKETBALL OF BIG TEN GAMES GENERATED REVENUE, CORRECT?

A. THEY DID.

Q. NOW, WE'VE TALKED A LITTLE BIT ABOUT BROAD-BASED PROGRAMMING. I JUST WANT TO FLUSH OUT A LITTLE BIT OF WHAT THAT MEANS.

HOW MANY SPORTS ARE SPONSORED IN BIG TEN SCHOOLS?

A. THERE ARE 43 DIFFERENT SPORTS THAT ARE SPONSORED. THERE ARE ABOUT 350 TEAMS. AND WITH THE ADDITION OF MARYLAND AND RUTGERS, IT WILL BE ABOUT 9300 STUDENT ATHLETES. ABOUT 50/50 MALE, FEMALE AND WE WILL ALSO SPONSOR CHAMPIONSHIPS IN 28 DIFFERENT SPORTS, 14 FOR THE MEN AND 14 FOR THE WOMEN.

Q. AND HOW MANY STUDENT ATHLETES ARE THERE IN THE BIG TEN CONFERENCE?

A. ABOUT 9200.

Q. AND HOW MUCH MONEY IS PROVIDED IN SCHOLARSHIPS IN THE BIG TEN CONFERENCE?

A. ABOUT A HUNDRED AND 60 MILLION, BUT THAT'S WITHOUT RUTGERS AND MARYLAND. SO I THINK THAT WILL BE PUSHED TO PROBABLY 180 OR 190 NEXT YEAR.

Q. NOW HAS THAT AMOUNT -- BY THAT I MEAN THE SCHOLARSHIP AMOUNT, HAS THAT GROWN OVER IN TIME?

A. IT HAS. WHEN I ARRIVED IN 1989, WE HAD ABOUT $34 MILLION IN SCHOLARSHIP. SO IT HAS GROWN BOTH IN TERMS OF THE NUMBER OF STUDENTS RECEIVING AID AS WELL AS THE AMOUNT OF AID.

Q. LET'S TAKE A BIG TEN SPORT LIKE CREW OR FIELD HOCKEY.

A. YES.

Q. DO THOSE SPORTS GENERATE POSITIVE REVENUE?

A. NO.

Q. SO WHY DO YOU SPONSOR THOSE SPORTS?

A. WE SPONSOR THEM BECAUSE WE BELIEVE IN BROAD-BASED OPPORTUNITIES. THE OLDEST CONFERENCE, OTHER THAN OUR OWN, IS THE IVY'S, AND THEY HAVE A BROAD-BASED PROGRAM HISTORY, AND WE HAVE A BROAD-BASED PROGRAM HISTORY, AND SO WE TRY TO SPONSOR AS MANY OPPORTUNITIES AS WE CAN.

Q. WHY?

A. BECAUSE IT'S PART OF THE EXPERIENCE. IT'S A TERRIFIC EDUCATIONAL, ATHLETIC EXPERIENCE. YOUNG WOMEN WANT IT AS MUCH AS YOUNG MEN. AND ROWERS AND GYMNASTS WANT IT AS MUCH AS FOOTBALL AND BASKETBALL PLAYERS.

SO THERE'S A DESIRE. PEOPLE COMING OUT OF THE HIGH SCHOOL WANT TO PLAY. AND THERE'S JUST A BELIEF OUR SCHOOLS ARE COMPREHENSIVE, UNDERGRADUATE, GRADUATE. AND OUR ATHLETIC DEPARTMENTS ARE COMPREHENSIVE, REVENUE SPORTS, NONREVENUE SPORTS, OLYMPIC SPORTS, EMERGING SPORTS. AND SO WE HAVE ALWAYS HAD A COMMITMENT TO BREADTH OF OPPORTUNITY.

Q. OKAY. AND THERE'S A TERM YOU ARE USING "OLYMPIC SPORTS".

I DON'T KNOW IF I MISSED SOME OF DR. EMMERT'S TESTIMONY --

THE COURT: HE DID JUMP OVER THAT.

MR. LI: OKAY. THANK YOU.

BY MR. LI:

Q. LET ME SWITCH TOPICS THEN.

THERE'S A -- THERE ARE A LOT OF FANS FOR BIG TEN SPORTS?

A. YES. WE HAVE PROBABLY THE LARGEST FAN BASE IN THE COUNTRY. TEN, WE PROBABLY HAVE 10 MILLION PEOPLE WHO ATTEND OUR EVENTS DURING THE COURSE OF A YEAR. AND WE PROBABLY HAVE HUNDREDS OF MILLIONS OF PEOPLE WHO VIEW THEM DURING THE COURSE OF THE YEAR.

Q. YOU'VE HAD 25 YEARS OF EXPERIENCE, ABOUT, OF INTERACTING WITH THE FANS OF BIG TEN SPORTS?

A. I HEAR FROM THEM ON MONDAY MORNING OFTEN.

Q. SO, WHAT IS IT THAT THE FANS LIKE ABOUT BIG TEN SPORTS?

A. I THINK THEY -- IT'S AN INTERGENERATIONAL EXPERIENCE.

Q. WHAT DO YOU MEAN BY THAT?

A. BY THAT I MEAN FATHERS AND SONS AND GRANDFATHERS AND SISTERS AND BROTHERS ARE TIED TO THESE INSTITUTIONS.

AS I MENTIONED THERE ARE HUGE PARTS OF THE MIDWESTERN ETHOS, ECONOMIC, ACADEMIC SPORTS CULTURE. SO I THINK THE COLORS OF THE TEAMS, THE TRADITIONS OF THE TEAMS, THE HISTORY OF THE TEAMS, THE LARGE STADIA, ALL ARE IMPACTFUL. THEY TEND TO BRING THESE VERY LARGE UNIVERSITIES TOGETHER IN UNIQUE WAYS.

WE HAVE BEEN PLAYING AGAINST THE PAC-12 IN THE ROSE BOWL FOR -- SINCE 1946 OR '47. WE PLAYED IN THE FIRST ROSE BOWL GAME IN 1902 AGAINST STANFORD. AND SO THAT KIND OF HISTORY, THAT KIND OF CULTURE GETS TRANSMITTED FROM GENERATION TO GENERATION. AND AS A RESULT, IT -- IT -- IT LEADS TO FAN

FOLLOWING, WHETHER IT'S WOMEN'S VOLLEYBALL WE'RE NUMBER ONE IN THE COUNTRY IN ATTENDANCE; HOCKEY, MEN'S HOCKEY NUMBER ONE, WOMEN'S BASKETBALL NUMBER THREE, FOOTBALL NUMBER TWO AND BASKETBALL NUMBER ONE. SO WE'RE FORTUNATE TO HAVE A GREAT SET OF FAMILIES FOLLOWING US AND IT HAS BEEN THAT WAY FOR A VERY LONG TIME.

Q. NOW, WE HAD TALKED EARLIER ABOUT THE RIVALRY BETWEEN DUKE AND UNC. ARE THERE RIVALRIES IN THE BIG TEN?

A. THERE ARE WONDERFUL RIVALRIES THAT GO BACK A VERY LONG TIME. I THINK WE HAVE A DOZEN TROPHY GAMES IN FOOTBALL THAT GET PEOPLE PASSIONATE AND FOLLOW IT. BUT WE'VE GOT THE INDIANA, PERDUE RIVALRY. WE HAVE THE MINNESOTA, WISCONSIN RIVALRY. WE HAVE THE MICHIGAN, MICHIGAN STATE RIVALRY. AND NOW WITH PENN STATE BEING IN OUR CONFERENCE FOR 20 YEARS, THEY HAVE VERY INTENSE RELATIONSHIPS WITH A NUMBER OF PROGRAMS.

SO THOSE ARE BUILT -- RIVALRIES ARE BUILT OVER DECADES AND GENERATIONS, AND WE ARE FORTUNATE TO HAVE QUITE A FEW OF THEM.

Q. THIS IS PART OF THE TRADITION?

A. IT IS.

Q. NOW, ARE THERE TROPHIES SUCH AS THE AXE --

A. YES.

Q. -- BETWEEN STANFORD AND BERKELEY? ARE THERE TROPHIES LIKE THAT?

A. THERE ARE. THERE'S THE LITTLE BROWN JUG, WHICH I THINK IS THE OLDEST TROPHY. I THINK IT'S THE OLDEST TROPHY. IF IT'S

NOT, IT'S THE SECOND OLDEST TROPHY.

SO WE HAVE TROPHIES THAT DATE TO THE LATE PART OF THE 19TH CENTURY. AND THE PLAYERS AND THE FANS AND THE COACHES, THEY REPRESENT COMPETITION AND PROBABLY COLLABORATION, TOO. THERE'S A LOT OF RESPECT HERE, BUT IT'S INTENSE COMPETITION.

Q. ARE THERE ANY PROFESSIONAL SPORTS THAT PLAY OVER THINGS LIKE A LITTLE BROWN JUG?

A. I DON'T KNOW THAT THERE ARE.

Q. ALL RIGHT.

LET'S TALK A LITTLE BIT -- THE COURT HAS ASKED SOME QUESTIONS ABOUT FINANCES AND -- AND HOW REVENUE IS GENERATED AND WHERE IT GOES. ALL RIGHT? SO I'M GOING TO FOCUS ON THAT FOR A SECOND.

UM, LET'S TALK ABOUT HOW THE BIG TEN EARNS REVENUE. WHAT ARE THE THREE MAIN SOURCES OF REVENUE IN THE LAST YEAR?

A. THE FIRST SOURCE WOULD PROBABLY BE REVENUES DERIVED FROM THE NCAA AND MARCH MADNESS. ANOTHER SET OF REVENUES COME FROM BOWL GAMES WHERE THE CONFERENCE CONTRACTS WITH BOWLS, ROSE BOWLS AND OTHER BOWLS AROUND THE COUNTRY, AND THEN OUR OWN TELEVISION AGREEMENTS.

(CONTINUED ON NEXT PAGE; NOTHING OMITTED.)

BY MR. LI:

Q. OKAY. NOW, WE'LL TALK ABOUT A LITTLE -- IN GREATER DETAIL IN A SECOND, BUT IF WE COULD JUST BREAK DOWN, FROM THE NCAA DISTRIBUTION, IS THAT FROM MARCH MADNESS?

A. IT -- IT IS.

Q. AND APPROXIMATELY -- I'M NOT ASKING YOU TO GIVE ME AN ACCOUNTING EXACTLY, BUT APPROXIMATELY HOW MUCH OF THE REVENUE THAT COMES INTO THE BIG TEN COMES FROM THE NCAA?

A. I WOULD SAY 10 -- 10 TO 15 PERCENT.

Q. AND HOW IS THAT MONEY DISTRIBUTED? HOW DOES IT -- HOW DOES THE NCAA DECIDE WHO'S GOING TO GET WHAT?

A. I THINK THEY MEASURE THREE THINGS, THE NUMBER OF TEAMS YOU PUT INTO THE TOURNAMENT, THE SUCCESS THAT THOSE TEAMS HAVE IS ONE FACTOR. ANOTHER FACTOR IS HOW MANY TEAMS YOU SPONSOR ABOVE THE MINIMUM, SO AS WE WERE TALKING -- I'M NOT SURE IT'S SEVEN -- 14 OR 16. BUT ANY TEAMS YOU SPONSOR ABOVE THE MINIMUM, THE NCAA TRIGGERS A DISTRIBUTION AND A REWARD TO ENCOURAGE THAT.

AND THEN ALSO THE NUMBER OF SCHOLARSHIPS YOU GIVE ABOVE THE MINIMUM, THE NCAA REWARDS YOU BECAUSE THEY'RE TRYING TO ENCOURAGE BROAD-BASED PARTICIPATION. SO THOSE ARE THE THREE SOURCES. HOW MUCH -- HOW MANY GAMES YOU PLAY AND WHEN, HOW MANY TEAMS YOU SPONSOR ABOVE THE MINIMUM, AND HOW MANY SCHOLARSHIPS YOU PROVIDE ABOVE THE MINIMUM.

THE COURT: BUT STILL BELOW THE MAXIMUM. BUT STILL

BELOW THE MAXIMUM.

THE WITNESS: RIGHT. CORRECT. YEAH.

BY MR. LI:

Q. SO TEAMS ARE REWARDED IF THEY SUPPORT BROAD-BASED ATHLETICS?

A. THEY ARE.

Q. AND THEY ARE REWARDED IF THEY PROVIDE GREATER NUMBERS OF SCHOLARSHIPS TO STUDENTS?

A. THEY ARE.

Q. LET'S TALK FOR A SECOND ABOUT THE BOWL GAMES. VERY BROADLY SPEAKING, ABOUT HOW MUCH OF THE INCOME THAT COMES INTO THE BIG TEN COMES FROM BOWL GAMES?

A. I WOULD SAY ANOTHER ROUGHLY 10 TO 15 PERCENT.

Q. AND THESE BOWL GAMES INCLUDE GAMES LIKE THE ROSE BOWL?

A. THE ROSE BOWL.

Q. AND THEN WE TALKED ABOUT TELEVISION REVENUE. APPROXIMATELY HOW MUCH OF THE REVENUE THAT THE BIG TEN GENERATES COMES FROM TEL- -- TELEVISION?

A. I WOULD SAY --

THE COURT: I'M SORRY. BACK TO THE BOWL GAMES, HOW IS THAT DIVIDED AMONGST THE TEAMS WITHIN THE CONFERENCES?

THE WITNESS: YES. IT'S DIVIDED EQUALLY. YEAH, AS IS THE NCAA TOURNAMENT MONEY. ALL -- ALL THE REVENUES THAT COME IN TO THE BIG TEN CONFERENCE ARE DIVIDED EQUALLY.

MR. LI: SO IT'S AN -- JUST -- I CAN SEE THE COURT --

THE COURT: I THOUGHT WE JUST TALKED ABOUT IT WAS DIVIDED BASED ON HOW MANY TEAMS IN THE TOURNAMENT, HOW MANY TEAMS OVERALL, HOW MANY SCHOLARSHIPS. WHAT AM I MISSING?

MR. LI: GO AHEAD.

THE WITNESS: SO THE QUESTION WAS, I THINK FROM THE STANDPOINT OF THE BIG TEN OFFICE, THE OFFICE THAT I RUN, WHAT -- WHAT ARE THE REVENUES THAT COME INTO OUR OFFICE.

AND I DESCRIBED THE REVENUES COMING IN FROM THE NCAA DIRECTLY TO OUR OFFICE, WHICH REFLECTS THE NUMBER OF TEAMS AND GAMES THAT WE -- HOW WELL WE DO IN THE TOURNAMENT, AND THEN THE NUMBER OF SCHOLARSHIPS OUR SCHOOLS GIVE, AND THE NUMBER OF TEAMS OUR SCHOOLS SPONSOR SO --

BY MR. LI:

Q. I'M SORRY. IT'S AN AGGREGATE NUMBER.

A. IT'S AN AGGREGATE NUMBER.

THE COURT: BUT THEN DIDN'T YOU SAY AFTER THAT, IT'S ALL DIVIDED EQUALLY?

THE WITNESS: I DID. THERE ARE 14 TEAMS. THERE ARE 14 TEAMS, AND WHEN THAT MONEY COMES IN, EVEN THOUGH DIFFERENT PEOPLE, DIFFERENT SCHOOLS HAVE DIFFERENT-SIZED PROGRAMS AND DIFFERENT SCHOOLS HAVE DIFFERENT AMOUNTS OF SUCCESS, WHATEVER THAT SUCCESS PRODUCES, IT COMES INTO THE BIG TEN.

THE BIG TEN HAS MADE A POLICY DECISION THAT THAT MONEY, THEN, IS SHARED EQUALLY AMONG ALL 14.

THE COURT: YOU GIVE IT OUT EQUALLY.

THE WITNESS: YES.

THE COURT: YOU DIDN'T GET IT EQUALLY, BUT YOU GIVE IT OUT EQUALLY.

THE WITNESS: YES.

THE COURT: OKAY.

MR. LI: MAY I PROCEED, YOUR HONOR?

THE COURT: YES.

MR. LI: THANK YOU.

Q. NOW, THE REVENUE THAT THE BIG TEN RECEIVES, IT DOESN'T GO TO PRIVATE OWNERS, DOES IT?

A. NO.

Q. WHO DOES IT GO TO?

A. IT GOES BACK TO THE INSTITUTIONS TO BUILD OPPORTUNITIES SCHOLARSHIPS, STADIA, ET CETERA.

Q. NOW, IN THE FUTURE, GOING FORWARD, MEANING FROM THIS YEAR FORWARD, THERE ARE GOING TO BE COLLEGE PLAYOFFS, FOOTBALL PLAYOFFS?

A. THERE WILL BE.

Q. AND WILL THAT IMPACT THE REVENUE STREAM INTO THE BIG TEN CONFERENCE?

A. IT WILL.

Q. AND WHERE WILL THAT REVENUE GO?

A. IT WILL GO BACK TO THE INSTITUTIONS ON A EQUAL BASIS TO RUN THEIR PROGRAMS.

Q. NOW, THERE -- LET'S TALK FOR A SECOND ABOUT A -- SOMETHING

I THINK YOU WERE INVOLVED IN, WHICH IS CALLED THE BIG TEN NETWORK.

A. YES.

Q. WHAT IS THE BIG TEN NETWORK?

A. THE BIG TEN NETWORK IS A JOINT VENTURE FOR THE TELECASTING OF BIG TEN MEN'S AND WOMEN'S SPORTS ON A 24/7 BASIS.

Q. AND WHEN YOU SAY "MEN'S AND WOMEN'S SPORTS," ARE WE FOCUSING ONLY ON FOOTBALL AND MEN'S BASKETBALL?

A. NO. THERE ARE ABOUT A THOUSAND GAMES THAT ARE TELECAST, ABOUT 500 OF THEM ARE ACROSS PLATFORMS, DIGITAL AND ANALOG PLATFORMS. ABOUT HALF OF THEM ARE MEN AND ABOUT HALF OF THEM ARE WOMEN.

Q. NOW LET ME ASK YOU THIS, DO YOU THINK YOU WOULD MAKE MORE MONEY FOR THE BIG TEN NETWORK IF YOU SCHEDULED ONLY FOOTBALL AND ONLY MEN'S BASKETBALL?

A. I THINK WE PROBABLY WOULD.

Q. AND SO WHY DO YOU LEAVE MONEY ON THE TABLE?

A. BECAUSE THE -- WHEN THE NETWORK WAS CONCEIVED, IT WAS CONCEIVED TO BE IN AS MUCH ALIGNMENT WITH OUR UNIVERSITIES AS WE COULD. SO, THEREFORE, WE ASKED THAT -- OR WE DEMANDED THAT THE NUMBER OF EVENTS FOR MEN AND WOMEN BE COMPARABLE.

THAT WAS AGREED TO. WE ASKED FOR 600 HOURS OF INSTITUTIONAL ACADEMIC PROGRAMMING. THAT WAS AGREED TO. AND WE AGREED NOT TO TELECAST -- WE ASKED THAT WE NOT TELECAST BEER AND -- BECAUSE OF THE -- SOME OF THE -- SOME OF THE

ISSUES AROUND ALCOHOL CONSUMPTION ON OUR CAMPUSES. AND THAT WAS AGREED TO.

SO WE'RE TRYING TO RUN THE NETWORK IN A WAY THAT IS IN AS MUCH ALIGNMENT WITH THE BROAD-BASED ASPECTS OF -- OF THE CONFERENCE.

Q. YOU MENTIONED THAT YOU AGREED TO INSTITUTIONAL ACADEMIC PROGRAMMING. WHAT IS THAT?

A. THAT'S AN OPPORTUNITY FOR EACH INSTITUTION, SOMETIMES BY THEMSELVES, SOMETIMES IN COLLABORATION WITH OTHER MEMBERS, TO TELL THE STORY ABOUT HOW THEIR PROGRAMS IMPACT THE WORLD.

IT ALSO IS AN OPPORTUNITY FOR THEM TO SHOW THEIR COMMUNITY INVOLVEMENT. AND IT'S AN OPPORTUNITY TO SHARE WITH THE PUBLIC SORT OF THE BROAD MISSION OF THESE UNIVERSITIES. AND SINCE IT OPERATES BOTH ON A DIGITAL BASIS AND AN ANALOG BASIS, IT'S AN OPPORTUNITY TO SHARE STORIES NOT ONLY IN THIS COUNTRY BUT GLOBALLY.

Q. YOU WERE TELLING ME ABOUT SEEING SOME -- SOME OF THIS IN I, I THINK, TANZANIA OR SOMETHING LIKE THAT.

A. WELL -- YEAH, TANZANIA HAD A LITTLE CABLE OUTLET. WE DID STOP BY TO SEE IF THEY WOULD CARRY IT, BUT THEY DIDN'T HAVE ANY LOCAL INTEREST.

Q. OKAY.

NOW, LET'S TALK A LITTLE BIT ABOUT ALCOHOL ADVERTISING. COULD YOU GENERATE SIGNIFICANT AMOUNTS OF REVENUE FROM ALCOHOL ADVERTISING?

A. YEAH, IT'S -- IT'S BEEN ESTIMATED THAT PROBABLY THERE'S 3- TO $5 MILLION OF -- OF ALCOHOL ADVERTISING OUT THERE.

Q. AND HAVE YOU LEFT THAT ON THE TABLE?

A. WE HAVE.

Q. NOW, YOU HAD ANSWERED SOME QUESTIONS TO THE COURT ABOUT THE DISTRIBUTION OF REVENUE. AND JUST TO PUT A CAP ON IT, IT IS ALL DISTRIBUTED EQUALLY BETWEEN INSTITUTIONS?

A. IT IS.

Q. AND APPROXIMATELY HOW MUCH REVENUE IS DISTRIBUTED PER INSTITUTION LAST YEAR?

A. TWENTY-FIVE MILLION.

Q. AND LET'S TALK FOR A SECOND ABOUT THE POLICY OF DISTRIBUTING REVENUE EQUALLY AMONG THE INSTITUTIONS. HOW LONG HAVE -- HAS THE BIG TEN HAD THAT POLICY?

A. SINCE 1955.

Q. AND WHY DO YOU HAVE THAT POLICY?

A. I THINK THE IDEA IS WE'RE IN IT TOGETHER. WE BUILD COMPETITION, ACADEMIC ATHLETIC RELATIONSHIPS, THE FACT THAT OUR FACULTY, OUR ATHLETIC DIRECTORS, OUR PRESIDENTS LOOK AT IT IN SORT OF A UNIFIED WAY AND THAT THE SHARING OF THE REVENUE IN GOOD YEARS AND BAD YEARS -- NOT EVERYBODY'S GOOD EVERY YEAR, NOT EVERYBODY'S BAD EVERY YEAR. BUT IT ALSO ALLOWS FOR US TO SPONSOR AS MANY OPPORTUNITIES AS -- AS POSSIBLE BY THAT METHODOLOGY.

WITHOUT THAT METHODOLOGY, SOME WOULD BE FAR BETTER OFF

THAN OTHERS AND THEREFORE MORE COMPETITIVE.

Q. NOW, LET ME ASK YOU A SECOND -- A QUESTION ABOUT THE BIG TEN NETWORK. WHAT DO YOU SAY TO FOLKS WHO SAY, WELL, THAT'S JUST COMMERCIALIZING COLLEGE SPORTS?

A. I WOULD -- I'VE ALSO FELT THAT THE BIG TEN NETWORK CONTROLLED BY A CONFERENCE IS -- IS A POSITIVE. I FEEL LIKE IT'S ABILITY TO GENERATE REVENUE, AND IT'S AN OPPORTUNITY FOR US TO -- TO GROW THE EDUCATIONAL OPPORTUNITIES.

AND THE MORE SUCCESSFUL WE ARE, WHETHER IT'S IN A -- IN A BOWL GAME, AN NCAA TOURNAMENT, PROVIDES RESOURCES WHICH WE THEN SHARE AND WE'RE ABLE TO USE TO BUILD BROAD-BASED PROGRAMS, SO I -- I SEE IT AS I MAY BE ENGAGED IN COMMERCE, BUT THAT THE RESOURCES THAT ARE DEVELOPED GO BACK TO THE INSTITUTIONS FOR THE DEVELOPMENT OF -- OF EDUCATIONAL AND ATHLETIC OPPORTUNITIES.

Q. NOW, BEFORE THE CREATION OF THE BIG TEN NETWORK, WHERE DID THOSE FEES GO?

A. WELL, I THINK THEY -- THEY PROBABLY WENT TO THE COMPANIES THAT OWN THE TELEVISION OR THE INDIVIDUALS WHO OWN THE TELEVISION COMPANIES AND THEIR SHAREHOLDERS.

Q. LIKE ESPN?

A. LIKE ESPN OR LIKE CBS OR LIKE FOX. BUT THIS GAVE US AN OPPORTUNITY TO, I THINK, MAINTAIN MORE CONTROL OVER THE CONTENT, MORE CONTROL OVER THE BRAND, MORE CONTROL OVER THE OPPORTUNITIES FOR DIFFERENT TEAMS TO -- TO APPEAR ON

TELEVISION.

Q. SO INSTEAD OF GIVING THE MONEY TO THE PRIVATE COMPANIES, YOU'RE BRINGING IT BACK TO THE SCHOOLS?

A. I THINK IT'S BEEN VERY EFFECTIVE IN THAT WAY.

Q. ARE YOU INVOLVED IN THE NEGOTIATIONS OF LICENSES TO BROADCAST BIG TEN SPORTS?

A. I AM.

Q. NOW, ARE YOU RESPONSIBLE FOR EVERY DETAIL IN EVERY AGREEMENT?

A. I'M NOT. NO.

Q. TO YOUR KNOWLEDGE, DOES THE BIG TEN LICENSE STUDENT ATHLETES NAME, IMAGE, AND LIKENESS FOR COMMERCIAL ADVERTISEMENTS?

A. NO.

Q. DO THE NCAA RULES ALLOW THAT?

A. NO.

Q. TO YOUR KNOWLEDGE, DOES THE BIG TEN USE STUDENTS' NAME, IMAGE, AND LIKENESS FOR ANY OTHER PURPOSE?

A. FOR THE PURPOSE OF PROMOTING THE GAMES, THE ACTUAL GAMES.

Q. AND IS THAT LIMITED TO MEN'S FOOTBALL AND BASKETBALL?

A. NO. IT'S -- IT'S -- IT'S BROADLY USED AS A WAY OF CREATING AWARENESS FOR UPCOMING GAMES, WHETHER IT'S VOLLEYBALL OR CREW OR BASEBALL.

Q. SO IF MICHIGAN STATE IS GOING TO ROW AGAINST MICHIGAN, YOU MIGHT SHOW A CLIP OF THE ROWERS --

A. THAT'S RIGHT.

Q. -- ROWING.

A. THAT'S RIGHT.

Q. NOW, TO YOUR KNOWLEDGE, HAS THE BIG TEN EVER TRIED TO STOP A STUDENT ATHLETE FROM USING HIS OR HER NAME, IMAGE, AND LIKENESS RIGHTS AFTER HE FINISHED HE OR HER -- HE OR SHE FINISHED HIS OR HER ELIGIBILITY?

A. NOT TO MY KNOWLEDGE.

Q. HAVE YOU EVER SENT A CEASE-AND-DESIST LETTER TO A STUDENT SAYING THAT THE BIG TEN OWNS HIS OR HER NAME, IMAGE, AND LIKENESS RIGHTS?

A. I HAVE -- I HAVE NOT.

Q. LET'S TALK FOR A SECOND ABOUT AMATEURISM.

IN THE CONTEXT OF STUDENT ATHLETES, WHAT DOES AMATEURISM MEAN TO YOU AS THE COMMISSIONER OF THE BIG TEN?

A. WHAT IT MEANS TO ME NOW IS WHAT IT'S MEANT TO ME FOR -- FOR MANY DECADES. AND THAT IS THE OPPORTUNITY TO GO TO COLLEGE, TO RECEIVE AN EDUCATION, TO HAVE THAT EDUCATION SUPPORTED THROUGH SCHOLARSHIP AND SUPPORT.

MY DAD WAS THE FIRST GENERATION IN HIS FAMILY. HE'S IN THE SETON HALL HALL OF FAME. BACK IN THOSE DAYS, IT WAS TUITION WAIVERS AND WORK STUDY AND NEED BASED.

MY BROTHER PLAYED IN COLLEGE. MY SON PLAYED IN COLLEGE. AND SO FOR ME, THE SCHOLARSHIP OPPORTUNITY, THE OPPORTUNITY TO PURSUE A DEGREE, TO GET A DEGREE HAVE ALWAYS BEEN WOVEN INTO

THAT EXPERIENCE.

AND SO WHAT IT MEANS TO ME TO BE AN AMATEUR, WHETHER YOU'RE ON SCHOLARSHIP OR NOT ON SCHOLARSHIP, IS THE OPPORTUNITY TO PURSUE A DEGREE WHILE ALSO PLAYING INTERCOLLEGIATE ATHLETICS.

Q. NOW, WE'VE HEARD SOME DISCUSSION IN THE COURTROOM THAT PROVIDING SCHOLARSHIPS AND PAYING FOR THE COST OF ATTENDANCE IS BASICALLY PAYING STUDENTS.

DO YOU AGREE WITH THAT?

A. I DON'T.

Q. WHY NOT?

A. BECAUSE IT'S ABOUT EDUCATION. AND IT'S -- AS -- AS LONG AS A PERSON IS A FULL-TIME STUDENT, THAT GOES BACK TO 1896, THE FIRST PRINCIPAL THAT WAS ARTICULATED BY THE FACULTY IN 1896 WAS THE STUDENT BE A FULL-TIME STUDENT AND BE IN RESIDENCE AND BE PURSUING A DEGREE AND BE MAKING PROGRESS.

SO FOR ME, THE TWO HAVE ALWAYS BEEN INTEGRATED. MY DAD WAS AS -- WAS A HIGH SCHOOL TEACHER. HE HAD FIVE KIDS. NUMBER OF US PLAYED COLLEGE SPORTS, SOME DIDN'T. BUT IT WAS ALWAYS ABOUT THE EDUCATIONAL PART.

AND I THINK OUR FAMILY VIEWED ATHLETICS AND OPPORTUNITY TO PURSUE HIGHER EDUCATION AS -- AS GREAT THING. AND I STILL BELIEVE IT IS.

Q. DO NCAA RULES ALLOW COLLEGES TO PAY -- TO PAY TO RECRUIT STUDENT ATHLETES TO PLAY IN SPORTS?

A. NO.

Q. TO YOUR KNOWLEDGE, HAVE NCAA RULES EVER ALLOWED COLLEGES TO DO THAT?

A. NO.

Q. SHOULD IT BE ALLOWED?

A. I DON'T BELIEVE SO.

Q. WHY NOT?

A. I THINK THAT IT -- IT -- YOU KNOW, THE -- I THINK THAT IN PURSUING A COLLEGE DEGREE AND PLAYING COLLEGE SPORTS, WE TRY TO FOCUS ON A BALANCE BETWEEN THE TWO. AND I THINK WHEN YOU START DEALING WITH 18-, 19-YEAR-OLDS AND TALKING ABOUT INDUCING THEM TO GO TO A COLLEGE FOR 50,000, 30,000, 20,000, THE DECISION ABOUT WHERE YOU GO TO COLLEGE IS NOT THE CRITICAL POINT.

THE DECISION, THEN, IS ABOUT WHETHER OR NOT YOU'RE GOING TO MAKE 30,000 VERSUS 40,000. AND SO MY VIEW IS THAT -- THAT THE INDIVIDUAL SHOULD HAVE A CHOICE, THE CHOICE SHOULD BE ATHLETICALLY AND EDUCATIONALLY BASED. AND THE IDEA THAT THE HIGHEST BIDDER WOULD WIN FOR THE NAME, IMAGE, AND LIKENESS IS ANATHEMA TO THE IDEA OF A STUDENT CHOOSING WHERE TO GO TO COLLEGE.

Q. NOW YOU'VE JUMPED AHEAD A LITTLE BIT. THANK YOU VERY MUCH FOR THAT ANSWER. I JUST WANT TO ASK YOU ABOUT NAME, IMAGE, AND LIKENESS.

A. YEAH.

Q. DO THE NCAA RULES ALLOW COLLEGES TO PAY STUDENT ATHLETES FOR THE USE OF THEIR NAME, IMAGE, OR LIKENESSES?

A. NO.

Q. AND TO YOUR KNOWLEDGE, HAVE THE NCAA RULES EVER ALLOWED COLLEGES TO DO THAT?

A. NO.

Q. SHOULD IT -- SHOULD THEY BE ALLOWED?

A. NO.

Q. NOW, DOES IT MATTER TO YOU, WHETHER THOSE PAYMENTS ARE MADE TODAY OR AFTER THE STUDENT GRADUATES?

A. NO.

Q. WHY NOT?

A. BECAUSE I DON'T THINK WHETHER THEY'RE MADE BEFORE ENROLLMENT, DURING ENROLLMENT OR AFTER ENROLLMENT CHANGES THE FACT THAT YOU'RE PROVIDING SUPPORT ABOVE THE COST OF GOING TO COLLEGE, THE COST OF THE EDUCATION. AND I THINK TO THE EXTENT YOU DO THAT, YOU MAKE THE BALANCE MORE DIFFICULT AND YOU MAKE THE EDUCATIONAL ASPECT LESS IMPORTANT.

Q. NOW, MR. DELANY, HAVE YOU BEEN INVOLVED IN DEBATES OVER THE INTERPRETATION OF NCAA RULES REGARDING THE USE OF STUDENT ATHLETE NAME, IMAGE, AND LIKENESSES?

A. I HAVE.

Q. NOW, WERE THERE SOME PROPOSALS MADE IN 2007 AT THAT TIME FRAME TO LIBERALIZE THOSE RULES, ALLOW MORE USE OF NAME, IMAGE, AND LIKENESS?

A. I THINK THERE WERE.

Q. AND DID YOU AND/OR THE BIG TEN SUPPORT THOSE PROPOSALS?

A. WE DID NOT. WE -- WE PARTICIPATED IN THE DISCUSSION, BUT WE ULTIMATELY DID NOT SUPPORT THE LIBERALIZATION OF THOSE RULES.

MR. LI: I'M GOING TO PUT UP, IF I MAY, EXHIBIT 3193-1-1.

(EXHIBIT PUBLISHED.)

MR. LI: THANK YOU.

THE CLERK: THANK YOU.

Q. IS THIS A LETTER YOU WROTE TO THE DIVISION I CONFERENCE COMMISSIONERS?

A. YES. YES.

Q. AND IN IT, YOU WRITE, I AM CONVEYING TO -- SORRY. "I AM WRITING TO CONVEY THE BIG TEN'S STRONG OPPOSITION TO PROPOSAL 2010-26, WHICH, IF ADOPTED, WOULD SIGNIFICANTLY EXPAND COMMERCIAL ENTITIES -- A COMMERCIAL ENTITY'S ABILITY TO USE THE NAME, IMAGE -- NAME OR LIKENESS OF A STUDENT ATHLETE TO PROMOTE ITS COMMERCIAL ENDEAVORS."

DID YOU WRITE THAT?

A. I DID.

Q. AND DID YOU OPPOSE THAT PROPOSAL?

A. WE DID.

Q. WHY DID YOU OPPOSE THAT PROPOSAL?

A. WE JUST FELT THAT THERE WAS A GOOD LINE, A GOOD BRIGHT

LINE. THERE WAS DISCUSSION ABOUT MOVING THAT LINE MORE TOWARDS THE AREA OF DIRECT ENDORSEMENT OR EVEN IMPLIED ENDORSEMENT.

WE THOUGHT THAT WHILE, YOU KNOW, PEOPLE WERE DISAGREEING, I THINK IN GOOD FAITH, THAT WHERE THE LINE WAS WAS THE RIGHT PLACE, AND WE SHOULD WORK WITH IT AND -- AND SO AS A RESULT, WE -- WE OPPOSED THESE -- THESE CHANGES.

Q. OKAY. AND LET'S TAKE A LOOK AT 3193-1-2. THIS IS THE SECOND PARAGRAPH OF THAT LETTER.

(EXHIBIT PUBLISHED.)

BY MR. LI:

Q. IN IT, YOU WRITE "ANCHORED IN THE PRINCIPLE OF AMATEURISM NCAA PRINCIPLE 2.9, CURRENT LEGISLATION TAKES A BRIGHT-LINE APPROACH TO REGULATING THE USE OF CURRENT STUDENT ATHLETES INCLUDING IN-PERSON APPEARANCES OR USING THEIR NAME, LIKENESS, OR IMAGES IN A COMMERCIAL CONTEXT. SPECIFICALLY, THE LEGISLATION CREATES A GENERAL PROHIBITION ON COMMERCIAL USE OF STUDENT ATHLETES AND THEN CARVES OUT A FEW NARROW EXCEPTIONS.

IF USAGE BY A COMMERCIAL ENTITY OR IN A COMMERCIAL CONTEXT DOES NOT SATISFY ONE OF THOSE EXCEPTIONS, SUCH USE IS IMPERMISSIBLE."

DID YOU AGREE -- DID YOU WRITE THAT?

A. YES.

Q. SORRY. IS THAT IN YOUR LETTER? I KNOW YOU DIDN'T PERSONALLY TYPE THAT.

A. YES. YES.

Q. OKAY.

WAS PART OF YOUR OPPOSITION BASED ON THE PRINCIPLES OF AMATEURISM?

A. IT WAS.

Q. IF WE COULD TAKE A LOOK AT 3193-2-1, THIS IS THE FOURTH PARAGRAPH ON THE SECOND PAGE OF THE LETTER.

(EXHIBIT PUBLISHED.)

BY MR. LI:

Q. IT SAYS, "2010-12 (SIC) WOULD DO SOME OF THE THINGS THAT ARGUABLY SHOULD BE DONE TO THE LEGISLATION IN THIS AREA. BUT AS MENTIONED ABOVE, IT WOULD DO SEVERAL OTHER THINGS THAT ARE CONTRARY TO OUR CURRENT PRINCIPLE OF AMATEURISM. ELEVEN YEARS AGO, THE ASSOCIATION AS A DEFENDANT IN A LAWSUIT FILED BY ADIDAS FOUGHT FOR ITS RIGHT TO IMPOSE LOGO RESTRICTIONS ON UNIFORMS WORN BY CURRENT STUDENT ATHLETES. WHEN THE ASSOCIATION WON, I.E., WHEN THE SUIT WAS DISMISSED, NCAA PRESIDENT CEDRIC DEMPSEY STATED, THE JUDGE AGREED WITH US. ADIDAS HAS MANY OTHER OPPORTUNITIES TO GET ITS MESSAGE ACROSS TO THE CONSUME- -- TO CONSUMERS OTHER THAN ON THE BACKS OF COLLEGE PLAYERS. THIS DECISION MEANS THAT THE REGULATION OF COLLEGE SPORTS REMAINS WITH THE INTERCOLLEGIATE ATHLETICS AND NOT WITH THE DESIRES OF A COMMERCIAL ENTITY."

DID YOU -- IS THAT IN YOUR LETTER?

A. YES.

Q. DID YOU AGREE WITH THAT?

A. YES.

Q. TELL US WHY.

A. WELL, IT -- IT SEEMED TO US THAT THERE NEEDS TO BE SOME STRUCTURE, SOME LINES. WHAT WE HAVE ALWAYS UNDERSTOOD TO BE THE BEST APPROACH IS THAT THE GAMES CAN BE PROMOTED BUT THAT THE ATHLETE AS A PARTICIPANT IN THOSE GAMES OUGHT NOT TO BE A DIRECT OR -- OR IMPLIED ENDORSER OF A COMMERCIAL PRODUCT.

Q. AND IS THAT WHAT YOU MEAN BY THE "NARROW EXCEPTIONS"?

A. YES.

Q. NOW, SO SOME FOLKS PROPOSE THIS LEGISLATIVE CHANGE. YOU WRITE THIS LETTER TO OPPOSE THIS CHANGE.

WHAT HAPPENS?

A. THINK THEY WERE DEFEATED. I THINK THESE PROPOSALS WERE DEFEATED.

Q. NOW, DURING THE DEBATE OVER THESE PROPOSALS, DID ANYONE ADVOCATE GIVING UP AN AMATEURISM?

A. NO.

Q. DURING THE DEBATE OVER THESE PROPOSALS, DID ANYONE ADVOCATE PAYING STUDENT ATHLETES FOR APPEARING ON TELEVISION GAMES?

A. NO.

Q. TELEVISED GAMES.

WHY NOT?

A. I THINK IT WAS -- I THINK BECAUSE THESE GAMES ARE OWNED BY

THE INSTITUTION AND THE NOTION OF PAYING ATHLETES FOR PARTICIPATING IN THOSE GAMES IS FOREIGN INTO THE NOTION OF AMATEURISM.

Q. "FOREIGN." FOREIGN TO THE NOTION OF AMATEURISM?

A. YES.

Q. BASED ON YOUR EXPERIENCE, WOULD PAYING STUDENT ATHLETES FOR PLAYING IN TELEVISED GAMES AFFECT FAN INTEREST IN THE BIG TEN?

A. IN MY OPINION, IT WOULD.

Q. IN WHICH WAY?

A. WELL, I THINK THAT THE FOLLOWING THAT HAS BEEN DEVELOPED OVER DECADES HAS COME TO SERVE A COMMON UNDERSTANDING THAT THESE INDIVIDUALS REPRESENT THEIR INSTITUTION. THEY'RE GOING TO SCHOOL AT THEIR INSTITUTION. THEY'RE NOT PROFESSIONAL BUT THEY'RE AMATEUR. I THINK IT SEPARATES US FROM THE NBA, THE NFL, OTHER VERSIONS OF PLAY THAT YOU MIGHT SEE.

AND SO WHAT WE'VE TRIED TO DO IS, YOU KNOW, CONTINUE TO REINFORCE AND STRUCTURE A SYSTEM THAT REWARDS EDUCATION, THAT ENCOURAGES EDUCATION, THAT ENCOURAGES OPPORTUNITY AND -- AND TO AVOID INSOFAR AS POSSIBLE COMMERCIAL ELEMENTS THAT MIGHT CONFUSE US WITH THE NBA OR THE NFL.

Q. NOW, YOU TALKED ABOUT BIG TEN SCHOOLS PLAYING SCHOOLS IN OTHER CONFERENCE (SIC).

CAN YOU TELL US A LITTLE BIT ABOUT THE HISTORY OF THE BIG TEN'S INVOLVEMENT WITH THE ROSE BOWL?

A. I CAN. THE ROSE BOWL WAS THE FIRST BOWL GAME AT THE TURN OF THE CENTURY IN 1902 AND AS NOTED EARLIER -- NOTRE DAME -- OR MICHIGAN AND STANFORD PLAYED. THE GAME WAS DISCONTINUED FOR ABOUT 14 YEARS. I THINK IN 1916 IT STARTED UP AGAIN. AND IT CONTINUED AS THE BEST TEAM FROM THE WEST COAST PLAYING THE BEST OF THE REST AROUND THE COUNTRY.

SO IT WAS A TRULY FIRST NATIONAL EVENT, FIRST ON RADIO, FIRST ON T.V., FIRST ON COLOR T.V., FIRST ON DISTRIBUTED -- DISTRIBUTED IN FOREIGN COUNTRIES, ET CETERA.

IN 1947, THE PAC TEN APPROACHED THE BIG TEN, AND A CONTRACT WAS ENTERED INTO THAT ALLOWED FOR THE CHAMPIONS OF THE TWO CONFERENCES TO PLAY EACH OTHER ON NEW YEAR'S DAY IN PASADENA, CALIFORNIA. IT'S KNOWN PEJORATIVELY AS THE GRAND-DADDY OF THEM ALL.

AND IT'S BEEN, YOU KNOW, THE MOST IMPORTANT EXTERNAL RELATIONSHIP WE HAVE DATING BACK TO THE -- THE LATE '40'S, AND IT IS A -- AN AMERICAN TRADITION, BUT IT'S ALSO A BIG TEN TRADITION.

Q. AND IT'S A PAC 12 TRADITION ALSO?

A. AND A PAC 12 TRADITION, YES.

Q. NOW, DO YOU MEET REGULARLY WITH THE PRESIDENTS AND CHANCELLORS OF THE BIG TEN INSTITUTIONS?

A. I -- I DO.

Q. OVER THE LAST 25 YEARS?

A. I HAVE.

Q. WOULD BIG TEN INSTITUTIONS PAY STUDENT ATHLETES FOR THEIR NAME, IMAGE, OR LIKENESS?

A. I DON'T BELIEVE THEY WOULD.

Q. WHY?

A. I -- I THINK THAT IT -- IT INVADES AN AREA OF -- OF AN UNDERSTANDING OF HOW INTERCOLLEGIATE ATHLETICS IS INTERCOLLEGIATE ATHLETICS, HOW IT'S DIFFERENT FROM PROPORTIONAL ATHLETICS, AND HOW IT -- HOW, YOU KNOW, THE STUDENT -- THE STUDENT ATHLETE, THE PARTICIPANT, WHETHER IT'S MALE, FEMALE, FOOTBALL, BASKETBALL, OUGHT TO BE ABOUT EDUCATION AND OUGHT TO BE SUPPORTED FOR THEIR PURPOSE. AND THE PAYING OF A PLAYER FOR NAME, IMAGE, OR LIKENESS IS INCONSISTENT AND NOT PART OF THAT -- CONSENSUS AMONG NOT ONLY OUR PRESIDENTS BUT OUR FACULTY, OUR FOLLOWERS, OUR COACHES.

AND SO THIS IS JUST A COMMONLY HELD SET OF VALUES THAT COVERS A LONG PERIOD OF TIME.

Q. NOW, YOU AS THE COMMISSIONER OF THE BIG TEN, IF YOUR TEAMS WERE NOT PAYING STUDENT ATHLETES FOR THEIR NAME, IMAGE, AND LIKENESS, YOU KNOW, IN TELEVISED GAMES, WOULD YOU WANT YOUR TEAMS PLAYING AGAINST THE PAC 12 IN THE BIG -- IN THE ROSE BOWL IF THEY WERE PAYING THEIR PLAYERS?

A. NO.

Q. WHY NOT?

A. I THINK IT WOULD BE REAL -- I THINK SORT OF THE ESSENCE OF GAMES THAT THEY -- PEOPLE COME AT THOSE GAMES WITH SIMILAR

VIEWPOINTS IN TERMS OF ACADEMICS, IN TERMS OF COMMITMENT TO CERTAIN APPROACHES. AND THE VERY BASIS OF GAMES IS A SENSE OF SPORTSMANSHIP AND FAIRNESS.

AND IF ONE TEAM IS BUYING OR PAYING PLAYERS AND ONE TEAM IS NOT, YOU'RE NOT GOING TO GET THE SAME LEVEL OF COMPETITIVE BALANCE OR COMPETITIVE TENSION.

Q. WHAT HAPPENS TO THE ROSE BOWL THEN?

A. WELL, THERE -- THERE WOULDN'T BE A ROSE BOWL IF EITHER WE OR THEY WERE OPERATING ON VERY DIFFERENT WAVELENGTHS WITH REGARD TO PAYMENT OF -- OF PLAYERS.

Q. NOW, LET'S TALK ABOUT THE BIG TEN ITSELF. WHAT IF ONE SCHOOL IN THE BIG TEN OR TWO SCHOOLS IN THE BIG TEN DECIDED THAT THEY WERE GOING TO PAY THEIR STUDENT ATHLETES FOR THEIR NAME, IMAGE, AND LIKENESS FOR TELEVISED GAMES.

HOW WOULD THAT AFFECT THE BIG TEN?

A. I DON'T THINK THAT THEY WOULD BE MEMBERS OF THE BIG TEN. THEY WOULD PROBABLY BE MEMBERS OF A -- OF AN INDEPENDENT OR A DIFFERENT ASSOCIATION. I DON'T THINK THE BIG TEN COULD BE THE BIG TEN WITH CERTAIN MEMBERS PAYING INDIVIDUALS FOR THAT AND CERTAIN MEMBERS NOT.

I MEAN, IT'S SO -- SORT OF FUNDAMENTAL TO THE IDEA OF WHO WE ARE AND WHAT WE DO AND THE EFFORTS TO KEEP THE COMPETITION WITHIN THE CONTEXT OF -- OF EDUCATION IN THE UNIVERSITY.

Q. NOW, WOULD YOU -- AS THE COMMISSIONER OF THE BIG TEN, WOULD YOU SUPPORT EQUAL REVENUE-SHARING BETWEEN SCHOOLS IF ONE

SCHOOL WAS PAYING ITS ATHLETES FOR NAME, IMAGE, AND LIKENESS AND THE OTHER SCHOOLS WEREN'T?

A. I DON'T THINK THAT -- I DON'T THINK THEY WOULD, FOR SURE. I -- I DON'T THINK THAT YOU COULD MAINTAIN THE EQUAL REVENUE-SHARING, THE COLLEGIALITY THAT EXISTS IF PEOPLE WERE OPERATING ON DIFFERENT WAVELENGTHS WITH REGARD TO THE PAYMENT OF IMAGE AND LIKENESS OF PLAYERS.

Q. OKAY. I'M GOING TO SWITCH TOPICS JUST FOR A SECOND ABOUT THE COMPETITION WITHIN THE BIG TEN, JUST -- JUST HOW THE TEAMS DO.

A. YEAH.

Q. HOW MANY TEAMS IN THE BIG TEN HAVE BEEN TO THE ROSE BOWL DURING YOUR TENURE AS THE COMMISSIONER?

A. NINE DIFFERENT TEAMS.

Q. ALL BUT HOW MANY?

A. ALL BUT INDIANA AND MINNESOTA DURING MY TENURE. NOW, YOU KNOW, I'D HAVE TO ADD THAT NEBRASKA HAS ONLY BEEN HERE FOR 3 YEARS AND THEY HAVE NOT BEEN TO THE ROSE BOWL, SO THAT WOULD MAKE -- THAT WOULD MAKE THREE. BUT 9 OF THE 11, 9 OF 12 HAVE BEEN TO THE ROSE BOWL.

AND, OF COURSE, MARYLAND AND RUTGERS HAVE NOT BEEN MEMBERS DURING THE 25 YEARS WE'RE TALKING ABOUT.

Q. OKAY. AND DURING YOUR TENURE AS THE BIG TEN COMMISSIONER, HOW MANY BIG TEN SCHOOLS HAVE BEEN TO THE FINAL FOUR?

A. I THINK EIGHT DIFFERENT TEAMS HAVE BEEN TO THE FINAL FOUR.

OF THE 11, OFF THE TOP OF MY HEAD, I THINK MINNESOTA AND I THINK WISCONSIN AND MICHIGAN AND MICHIGAN STATE AND OHIO STATE AND INDIANA AND ILLINOIS. I THINK THOSE ARE -- SEVEN OR EIGHT.

Q. OKAY. OF -- IF ONE SET OF TEAMS IN THE BIG TEN COULD PAY THE STUDENT ATHLETES FOR THE USE OF THE NAME, IMAGE, AND LIKENESS AND OTHER TEAMS COULDN'T OR DIDN'T PAY, HOW WOULD THAT AFFECT THE COMPETITION IN THE BIG TEN?

A. I THINK IT WOULD MAKE IT FAR LESS COMPETITIVE. I THINK THERE WOULD BE FAR LESS BALANCE, AND I THINK THERE'D BE SORT OF AN UNLIKELY INSTITUTIONAL SET OF ALLIANCES I DON'T THINK IT COULD BE SUSTAINED.

Q. NOW, I'M GOING TO SWITCH TOPICS AND TALK A LITTLE BIT ABOUT RECRUITING. ARE YOU FAMILIAR WITH BIG TEN RECRUITING?

A. I AM.

Q. AND MANY, MANY YEARS AGO, DID YOU HAVE EXPERIENCE AS A NCAA ENFORCEMENT OFFICIAL?

A. I DID.

Q. DID YOU HAVE A CHANCE TO OBSERVE RECRUITING THEN?

A. I DID.

Q. AND DID YOU INVESTIGATE ANY INSTANCES OF IMPROPER PAYMENTS?

A. I DID.

Q. DID THOSE PAYMENTS MAKE A DIFFERENCE IN WHERE STUDENT ATHLETES DECIDED TO ATTEND COLLEGE?

A. THEY DID.

Q. DO YOU THINK THAT STILL HAPPENS TODAY?

A. I'M NOT AS CLOSE TO IT AS I WAS 35 YEARS AGO. BUT I THINK THAT THAT KIND OF ACTIVITY EXISTS TO SOME EXTENT. I'M NOT SURE HOW MUCH IT EXISTS, BUT I THINK IT EXISTS TO SOME EXTENT.

Q. HOW DO YOU VIEW THAT ACTIVITY?

A. I VIEW IT NEGATIVELY.

Q. WHY?

A. I THINK THAT IT UPSETS THE COMPETITIVE BALANCE. I THINK IT PUTS AN EMPHASIS ON PAYMENTS TO -- AND I THINK THOSE PAYMENTS TEND TO UNDERCUT CHOICE. I THINK STUDENTS SHOULD BE CHOOSING WHERE THEY WANT TO GO TO COLLEGE, WHERE THEY WANT TO PLAY, WHO THEIR TEAMMATES ARE, WHO THEIR CLASSMATES ARE, WHERE THEY WANT TO LIVE, AND WHERE THEY WANT TO GO WITH THEIR FUTURE, NOT ABOUT WHETHER OR NOT THAT CHOICE SHOULD BE INFLUENCED BY A SMALL AMOUNT OF MONEY OR A LARGE AMOUNT OF MONEY.

Q. WHAT WOULD YOU SAY TO FOLKS WHO MIGHT ACCUSE THAT VIEW OF BEING PATERNALISTIC.

A. I WOULD SAY THE KIDS -- THEY'RE 18 YEARS OLD, AND I THINK WHETHER YOU'RE IN A FAMILY OR WHETHER YOU'RE IN A COLLEGIATE INSTITUTION, PART OF THE EDUCATION IS -- IS LEADING AND NOT ALWAYS FOLLOWING.

AND I THINK THAT WHETHER IT'S MY SON OR SOMEONE ELSE'S SON, I THINK IT'S -- IT'S THE RIGHT LIFELONG DECISION, AND I

DON'T THINK THAT IT'S PATERNALISTIC.

I THINK IT'S ACTUALLY, YOU KNOW, SUPPORTIVE OF -- OF THEIR FUTURE BY -- BY -- BY MAINTAINING THE EDUCATIONAL SITUATION AT -- AT AT LEAST AN EQUAL BASIS IF NOT A STRONGER LONG-TERM BASIS.

Q. NOW, THIS IS THE LAST TOPIC, AND THANK YOU FOR YOUR PATIENCE WITH ME.

WE'VE TALKED ABOUT THE VALUES OF THE BIG TEN. DOES THE BIG TEN SHARE VALUES WITH THE -- WITH OTHER MEMBERS OF THE NCAA?

A. YES.

Q. DOES THE BIG TEN SHARE IDEALS WITH OTHER MEMBERS OF NCAA?

A. YES.

Q. NOW, DOES EVERY MEMBER OF NCAA ALWAYS AGREE ON EVERY IDEA?

A. NO.

Q. DO YOU AGREE WITH EVERY POSITION THAT EVERY OTHER MEMBER TAKES?

A. NO.

Q. DO YOU AGREE WITH EVERYTHING THE NCAA HAS EVER SAID?

A. NO.

Q. DO YOU SHARE YOUR VIEWS SOMETIMES?

A. YES.

Q. DO YOU ADVOCATE FOR YOUR POSITION?

A. YES.

Q. AND THEN EVENTUALLY, IT GOES TO A VOTE?

A. YES.
Q. AND THE MEMBERS, THEY LIVE BY THAT VOTE.
A. TRY TO.
Q. IT'S A DELIBERATIVE PROCESS?
A. IT IS A DELIBERATIVE PROCESS.
Q. IS IT MESSY SOMETIMES?
A. AS IS DEMOCRACY, IT'S MESSY SOMETIMES.
Q. NOW, SIR, ARE YOU INVOLVED IN A PROPOSAL TO GRANT GREATER AUTONOMY TO CERTAIN CONFERENCES?
A. I AM.
Q. AND I WANT TO FOCUS ON THE -- NOT ON THE IMPLEMENTATION -- IMPLEMENTING LEGISLATION BUT ACTUALLY THE DIFFERENCES THAT -- THAT YOU SUPPORT.
A. YES.
Q. OKAY?
CAN YOU TELL US WHAT THOSE AREAS ARE -- WELL, WHY DON'T I DO THIS SO WE JUST GET THROUGH: DO YOU SUPPORT A CHANGE ON THE DEFINITION OF THE "FULL COST OF ATTENDANCE"?
A. I DO.
Q. TELL US ABOUT THAT.
A. WELL, I WOULD -- THE PRESIDENT'S SCHOLARSHIP IS DEFINED AS ROOM, BOARD, FEES, TUITION, AND BOOKS. THERE'S A -- THERE'S ANOTHER DEFINITION OF THE COST OF EDUCATION, THE ELEMENTS OF WHICH ARE IDENTIFIED BY THE FEDERAL GOVERNMENT, AND EACH INSTITUTION PUTS A DOLLAR FIGURE ON THOSE ELEMENTS.

I BELIEVE THAT THE FULL COST OF EDUCATION IS THE -- THE APPROPRIATE WAY FOR US TO GO FORWARD IN THE FUTURE. AND THAT SHOULD PROVIDE THE FULL COST OF ACTUALLY GOING TO ANY PARTICULAR INSTITUTION IN THIS COUNTRY AS ARRIVED AT BY THAT INSTITUTION.

Q. OKAY. LET -- YOU MENTIONED DERIVED BY THE FEDERAL GOVERNMENT.

A. YEAH.

Q. OKAY? SO THIS FULL COST OF THE EDUCATION NUMBER, IS THAT A NUMBER THAT'S PULLED OUT OF THIN AIR?

A. IT IS NOT.

Q. WHERE DOES IT COME FROM?

A. WELL, THE FEDERAL GOVERNMENT ABOVE THE ELEMENTS OF THE SCHOLARSHIP WHICH I DESCRIBED HAS IDENTIFIED MISCELLANEOUS EXPENSES, LOCAL TRAVEL, AND SO EACH CAMPUS DETERMINES WHAT THE APPROPRIATE DOLLAR FIGURES ARE FOR THESE ELEMENTS.

AND SO WHAT WE'RE ARGUING FOR, IF WE'RE ABLE TO GET AUTONOMY, IS THAT THE FULL SCHOLARSHIP BE REDEFINED AS THE COST OF EDUCATION.

Q. NOW, DO YOU SUPPORT A LIMIT ON TIME SPENT ON ATHLETICS?

A. WELL, I THINK WE NEED TO REVISIT IT. WE ADOPTED PROBABLY 20 YEARS AGO OR MAYBE 15 YEARS AGO, A 20-HOUR RULE. AS I HAVE SEEN THAT IMPLEMENTED, WHETHER IT'S CAPTAINS, PRACTICES, VOLUNTARY WORKOUTS, I THINK THERE'S MORE TIME BEING SPENT 20 YEARS AGO WHEN WE DIDN'T HAVE THE RULE, SO I WOULD LIKE TO

RELOOK AT THAT RULE AND FIND OUT EXACTLY -- AND THIS IS NOT ONLY A PROBLEM IN DIVISION I. IT'S A PROBLEM IN DIVISION III DIVISION II, AND DIVISION I.

AND SO I WOULD LIKE TO SEE A BROAD REVIEW OF THAT TO ENSURE THAT THERE'S ADEQUATE TIME, NOT ONLY FOR ATHLETIC PREPARATION, BUT ALSO PERSONAL TIME, AS WELL AS ATHLETIC TIME.

IN PARTICULAR, I'M VERY CONCERNED ABOUT THE AT-RISK STUDENTS. OUR SCHOOLS, I THINK, ARE REALLY GOOD AT PROVIDING ACCESS AND OPPORTUNITY, BUT I WANT TO MAKE SURE THAT THE ACCESS AND OPPORTUNITY DOESN'T MOVE INTO A NEGATIVE AREA BECAUSE THE AT-RISK STUDENT DOESN'T HAVE THE TIME TO DO WHAT HE OR SHE NEEDS TO DO?

Q. IS THIS ONLY TRUE FOR MEN'S BASKETBALL AND FOOTBALL FROM YOU POINT OF VIEW?

A. NO, THINGS HAVE CHANGED IN SPORTS IN THIS COUNTRY. PEOPLE ARE SPECIALIZING EARLIER IN SPORTS. THEY HAVE YOUTH TEAMS THAT SOMETIMES PLAY A HUNDRED GAMES IN THE COURSE OF A SUMMER, WHETHER IT'S BASKETBALL OR BASEBALL. AND SO THIS SPECIALIZATION GETS CARRIED INTO HIGH SCHOOL, INTO COLLEGE.

AND I THINK, TO SOME EXTENT, OUR EFFORTS AT CONTROLLING TIME DEMANDS HAS NOT BEEN A GOOD OUTCOME. AND I THINK ONE OF THE THINGS WE WOULD LIKE TO DO IS INSPECT IT AND CREATE A BETTER BALANCE IN THAT RESPECT.

Q. ARE YOU CONSIDERING, AMONG OTHER THINGS, AN ATHLETIC, I GUESS WE CALL IT DEAD PERIOD?

A. YES.

Q. AND WHAT DO YOU MEAN BY THAT?

A. WELL, BY THAT I MEAN, THERE ARE DAILY LIMITS, WEEKLY LIMITS, NON-WORKOUTS DURING THE SEASON.

BUT I THINK THAT, FOR EXAMPLE, WHEN THE BASKETBALL SEASON IS OVER, WE PROBABLY OUGHT TO JUST PUT A LOCK ON THE GYM.

IF THE PERSON WANTS TO GO PLAY IN THE PLAYGROUND, PLAY. BUT THEY DON'T NEED TO BE WITH OUR COACHES. AND WHETHER THAT'S A MONTH OR THREE WEEKS IN THE SUMMERTIME, I THINK THE OPPORTUNITIES TO GO A JUNIOR YEAR ABROAD OR TO DO INTERNSHIPS HAS GOT TO BE CREATED.

I THINK FOR A YOUNG PERSON IN COLLEGE WITHOUT AN OPPORTUNITY TO DO INTERNSHIPS, WITHOUT THE OPPORTUNITY TO DO JUNIOR YEAR ABROAD, HE OR SHE CAN'T TAKE FULL ADVANTAGE OF WHAT I THINK IS, YOU KNOW, A VERY COMPETITIVE AND GLOBAL PLACE WITHOUT THOSE EXPERIENCES.

SO I WOULD LIKE TO SEE FOR US CARVE-OUT AREAS, BECAUSE I DON'T THINK THAT THE TRAINING THAT WE HAVE ALLOWS FOR ENOUGH OF THOSE EXPERIENCES.

Q. HAVE YOU CONSIDERED A CONCEPT OF A LIFETIME SCHOLARSHIP TO COMPLETE A DEGREE?

A. YOU KNOW, WE HAVE. TO SOME EXTENT, THOSE APPROACHES ARE PERMISSIBLE, AND THEY'RE DONE ON INSTITUTION-TO-INSTITUTION BASIS, DEPENDING UPON THE RESOURCE THAT MIGHT BE AVAILABLE LOCALLY.

WHAT WE'RE THINKING ABOUT IS ESTABLISHING IT ON A CONFERENCE-WIDE BASIS AND TO FUND IT AND TO ALLOW STUDENTS WHO INTERRUPT THEIR EDUCATION, EITHER BECAUSE THEY'RE GOING TO PURSUE A PROFESSIONAL OPPORTUNITY OR BECAUSE THEY'RE NOT READY TO TAKE SCHOOL QUITE SERIOUSLY, TO COME BACK AND -- AND FINISH THEIR DEGREE AT THE COST OF THE INSTITUTION.

SO THAT'S SORT OF A LIFETIME TRUST TO -- AN INSURANCE BY EACH INSTITUTION THAT IF YOU COME HERE TO PLAY A SPORT AND THINGS DON'T GO WELL FOR YOU OR YOU CHOOSE TO LEAVE, THAT YOU HAVE AN OPPORTUNITY TO COME BACK AND FINISH YOUR DEGREE WORK.

Q. NOW, I THINK EARLIER, THOUGH, YOU SAID THAT HAVING NAME, IMAGE, AND LIKENESS DOLLARS BEING PAID TO A STUDENT IN A TRUST FUND LATER, YOU DIDN'T SUPPORT THAT.

HOW CAN YOU SUPPORT A LIFETIME SCHOLARSHIP?

A. THIS IS -- THIS IS FOR ALL STUDENTS. IT'S ABOUT EDUCATION, AND IT'S FOR ALL STUDENTS. IT'S NOT FOR THOSE JUST WITH A SPECIAL IMAGE AND LIKENESS ISSUE.

SO THIS OPPORTUNITY WOULD BE AVAILABLE FOR ALL OF OUR STUDENTS, NOT ONLY THOSE IN PARTICULAR SPORTS.

Q. AND IS IT ALSO TIED TO JUST SIMPLY THE COST OF EDUCATION?

A. IT WOULD BE. IT WOULD BE.

Q. COST -- SORRY?

A. YEAH. IT'S ABOUT EDUCATION, AND IT'S ABOUT THE COST OF GOING TO COLLEGE AND FINISHING YOUR DEGREE.

Q. NOW, THE LAST POINT I WANT TO TALK TO YOU ABOUT YOU'VE

SORT OF REFERENCED A LITTLE WAS THE AT-RISK STUDENT.

HAVE YOU CONSIDERED POLICIES THAT YOU WOULD ADVOCATE FOR THAT WOULD HELP THE AT-RISK STUDENT?

A. WE HAVE, BUT I HAVE NOT BEEN SUCCESSFUL. WHEN I WENT TO COLLEGE, FRESHMAN WERE NOT ELIGIBLE TO PLAY ON THE VARSITY. SO THERE WAS A REAL YEAR IN RESIDENCE BEFORE YOU WERE INTRODUCED TO THE HIGHEST LEVEL OF COMPETITION.

THEY HAVE MADE FRESHMAN ELIGIBLE A FEW YEARS AFTER I GRADUATED, AND I THINK THAT, AS I NOTED EARLIER, OPPORTUNITY AND ACCESS ARE REALLY IMPORTANT. BUT WE HAVE TO BE REALLY CAREFUL THAT WHEN WE PROVIDE ACCESS AND OPPORTUNITY AND ALSO INTRODUCE THE STUDENT TO HIGH LEVELS OF TRAINING AND COMPETITION, THAT THE AT-RISK STUDENT DOESN'T LOSE HIS OR HER WAY.

AND SO WHAT I WANT TO DO IS EITHER INVESTIGATE SORT OF A TARGETED FRESHMAN INELIGIBILITY OR A BLANKET FRESHMAN INELIGIBILITY. I HAVE NOT BEEN SUCCESSFUL OVER THE YEARS IN RETURNING TO THAT STATE OF AFFAIRS. BUT I THINK IT IS MAYBE A SILVER BULLET, IF NOT THE SILVER BULLET, TO ASSURE THAT BEING IN SCHOOL, MAKING YOUR PROGRESS, PRECEDES ATHLETIC COMPETITION ESPECIALLY FOR THE AT-RISK STUDENT.

Q. AND THAT'S A VIEW YOU SUPPORT.

A. THAT'S A PERSONAL VIEW, AND I THINK IT'S A VIEW THAT'S SHARED WIDELY INSIDE OF OUR CONFERENCE, BUT IT'S NOT NECESSARILY SHARED WIDELY IN THE COMMUNITY OF DIVISION I.

Q. NOW, ALL OF THESE PROPOSALS, ARE THEY CONSISTENT OR INCONSISTENT WITH THE PRINCIPLES OF AMATEURISM?

A. I THINK THEY'RE FULLY CONSISTENT WITH THE -- WITH THE EDUCATIONAL BASE AMATEUR MODEL THAT EXISTS IN COLLEGE.

Q. IS THERE A BRIGHT LINE FOR YOU BETWEEN AMATEURISM AND PROFESSIONALISM?

A. WELL, THERE IS IN THE COLLEGIATE SYSTEM, AND I THINK THE OUTER LIMIT IS THE BENEFITS THAT ARE NECESSARY TO ALLOW A PERSON TO TRAIN AND -- AND TO GET TO AN EVENT AND THE ACTUAL COST OF GOING TO THAT COLLEGE TO PURSUE A -- TO PURSUE A DEGREE.

Q. IS IT ALL ABOUT EDUCATION?

A. IT IS ABOUT EDUCATION.

Q. IS THAT WHERE THE BRIGHT LINE IS?

A. I THINK THAT'S WHERE THE BRIGHT LINE IS.

MR. LI: YOUR HONOR, NO FURTHER --

(OFF-THE-RECORD DISCUSSION.)

MR. LI: YOUR HONOR, I'D MOVE THE ADMISSION OF 3193.

THE COURT: ANY OBJECTION?

MR. HAUSFELD: NO OBJECTION, YOUR HONOR.

THE COURT: RECEIVED.

(DEFENDANTS' EXHIBIT 3193 RECEIVED IN EVIDENCE)

MR. LI: I HAVE NO FURTHER QUESTIONS AT THIS TIME.

CROSS-EXAMINATION

BY MR. HAUSFELD:

Q. MORNING, MR. DELANY.

A. GOOD MORNING.

Q. DO YOU RECALL TESTIFYING OR SPEAKING AT A -- AT A TASK FORCE FOR COMMERCIAL INTERESTS AT THE NCAA?

A. I DO.

Q. AND DO YOU RECALL WHEN THAT WAS?

A. MAYBE 2007 OR 2008.

Q. AND DO YOU RECALL TAKING NOTES DURING THAT CONVERSATION?

A. I -- I DON'T RECALL TAKING NOTES.

Q. DO YOU RECALL THAT YOU SAID AT THAT TIME THAT OUR ATHLETES ARE CALLED AMATEURS, BUT WE HAVE BIG STADIUMS, LOTS OF SCHOLARSHIP MONEY, THERE IS MONETIZATION OF ATHLETES, AND IT'S BEEN THERE FOR FIVE TO SIX DECADES?

A. I DON'T RECALL SAYING THAT, BUT I MAY HAVE.

MR. HAUSFELD: AND COULD WE SEE EXHIBIT 3193-2, PLEASE?

(EXHIBIT PUBLISHED.)

BY MR. HAUSFELD:

Q. AND COULD WE HIGHLIGHT THE SECTION DEALING WITH -- RIGHT UNDERNEATH "THE JUDGE AGREED."

(EXHIBIT PUBLISHED.)

BY MR. HAUSFELD:

Q. IT SAYS, "ADIDAS HAS MANY OTHER OPPORTUNITIES TO GET ITS

MESSAGE ACROSS TO CONSUMERS OTHER THAN ON THE BACKS OF COLLEGE PLAYERS."

A. UM-HMM.

Q. CORRECT?

A. YES.

Q. I DON'T NECESSARILY WATCH A LOT OF COLLEGE GAMES, BUT HAS ADIDAS GOT AROUND THAT BY PUTTING THEIR SWISH ON THE FRONT?

MR. LI: OBJECTION, YOUR HONOR, THEY'RE STRIPES.

MR. HAUSFELD: STRIPES. I KNEW I DIDN'T WATCH ENOUGH COLLEGE GAMES.

(LAUGHTER.)

THE WITNESS: SO THE QUESTION IS WHAT?

BY MR. HAUSFELD:

Q. WELL, DID -- DID ADIDAS GET AROUND THAT PROVISION BY PUTTING ITS STRIPES ON THE FRONT OF THE COLLEGE PLAYERS AS OPPOSED TO THE BACKS?

A. I DON'T KNOW.

Q. THE UNIFORMS THAT COLLEGE PLAYERS WEAR NOW BEAR SYMBOLS OF VARIOUS APPAREL MANUFACTURERS?

A. I THINK THEY MAY.

Q. THEY'RE -- THEY MAY. YOU DON'T KNOW?

A. I THINK THERE'S A REGULATION ON HOW THOSE MARKS ARE USED.

Q. AND THERE'S MARKS ON THE JERSEYS, CORRECT?

A. I THINK THERE ARE.

Q. ON THE PANTS?

A. THERE MAY BE.

Q. ON THE SOCKS?

A. THERE MAY BE.

Q. ON THE SHOES?

A. THERE MAY BE.

Q. ON THE -- WAS GOING TO CALL THEM MITTENS -- ON THE GLOVES?

A. I DON'T KNOW. THERE MAY BE.

Q. ON THE HELMETS?

A. THERE MAY BE.

Q. NOW, YOU IDENTIFIED A NUMBER OF SOURCES OF INCOME THAT THE BIG TEN RECEIVES?

A. YES.

Q. CORRECT? BUT YOU DID IT IN PERCENTAGES.

WHAT'S THE DOLLAR VALUE OF THE REVENUES RECEIVED FROM MARCH MADNESS TO THE BIG TEN?

A. ABOUT 30 -- $30 MILLION.

Q. AND THE SHARE OF THE ATHLETES FOR THEIR NIL'S IN -- IN THEIR MARCH MADNESS IS ZERO?

A. YES.

Q. AND WELL HOW MUCH DOES THE BIG TEN RECEIVE WITH REGARD TO CONFERENCE BOWLS?

A. CONFERENCE BOWLS?

Q. YOU SAID 10 TO 15 PERCENT?

A. YEAH, I WOULD SAY -- I WOULD SAY BETWEEN 25- AND $30 MILLION.

Q. AND THAT'S FROM THE BROADCAST REVENUE?

A. IT -- IT'S A COMBINATION OF BROADCAST REVENUE, GATE RECEIPTS AND SPONSORSHIPS THAT ARE DEVELOPED AT THAT BOWL SITE.

Q. WHAT DOES THE BIG TEN RECEIVE FROM THE BROADCASTING OF YOUR GAMES OTHER THAN ON THE BIG TEN NETWORK?

A. YOU'LL HAVE TO TELL ME WHAT -- WHAT DO WE RECEIVE FROM BROADCAST TELEVISION --

Q. OTHER THAN THE BIG TEN?

A. NOT INCLUDING -- NOT INCLUDING BOWL GAMES.

Q. INCLUDING BOWL GAMES.

A. INCLUDING BOWL GAMES.

(SIMULTANEOUS COLLOQUY.)

THE WITNESS: THE BROADCAST RIGHTS -- THE BROADCAST COMPANIES DON'T PAY US FOR BOWL GAMES. AND -- THEY PAY THE BOWL. AND THEN THE BOWL TAKES THE DOLLARS, RUNS THE BOWL, AND GIVES US A FEE FOR PARTICIPATION BOWL (SIC). THAT'S ABOUT 30.

BY MR. HAUSFELD:

Q. OKAY.

A. AND THEN ON THE TELEVISION SIDE, APART FROM THE BIG TEN NETWORK, I WOULD SAY ABOUT $120 MILLION, FROM TELECASTS BROADCAST, PAYMENTS, ESPN, CBS.

Q. AND THAT'S $150 MILLION?

A. 120, 130.

Q. AND WHAT'S THE ATHLETES' SHARE OF THAT WITH REGARD TO

THEIR NIL'S?

A. THE ATHLETES' SHARE OF THAT IS -- IS -- IS -- DOESN'T GET A SHARE OF THAT.

Q. AND WHAT'S THE BIG TEN REVENUE WITH REGARD TO BROADCAST? THE BIG TEN NETWORK?

A. THE BIG TEN NETWORK, I WOULD SAY THE BIG TEN NETWORK IS APPROXIMATELY A HUNDRED, HUNDRED AND TEN MILLION.

Q. AND THAT'S PER YEAR?

A. THAT'S PER YEAR.

Q. AND WHAT IS THE ATHLETES' SHARE OF THAT REVENUE?

A. THERE IS NO ATHLETES' SHARE OF BROADCAST RIGHTS.

MR. LI: YOUR HONOR, I'M GOING TO OBJECT --

BY MR. HAUSFELD:

Q. AND YOU HAVE A BIG TEN STORE?

THE COURT: THERE SEEMS TO BE AN OBJECTION. WHAT'S YOUR OBJECTION?

MR. LI: OBJECTION, ASSUMPTION FACTS NOT IN EVIDENCE RELATING TO NIL RIGHTS TO THESE BROADCASTS. I UNDERSTAND THE COURT HAS MADE A RULING, BUT I'M JUST LODGING AN OBJECTION.

THE COURT: OVERRULED.

THE WITNESS: EXCUSE ME.

BY MR. HAUSFELD:

Q. AND YOU ALSO HAVE A BIG TEN STORE?

A. DO I HAVE A BIG TEN STORE, OR IS THERE A BIG TEN STORE?

Q. IS THERE A BIG TEN STORE?

A. I THINK THERE MAY BE A BIG TEN STORE IN INDIANAPOLIS AIRPORT.

Q. AND THE BIG TEN STORE MAY SELL REBROADCASTS OF CURRENT GAMES AND REBROADCASTS OF CLASSIC GAMES IN SOME FORM?

A. I DON'T KNOW. I DON'T THINK SO.

Q. DOES THE BIG TEN STORE SELL JERSEYS?

A. THEY MAY SELL INSTITUTIONAL JERSEYS, YEAH.

Q. TRADING CARDS?

A. I DON'T KNOW. I'VE NEVER BEEN IN A BIG TEN STORE.

Q. DO THE ATHLETES RECEIVE ANY SHARE OF THE REVENUES FROM THE BIG TEN STORE?

A. NO.

Q. NOW, YOU MENTIONED BEFORE THAT, FROM YOUR REPORTING PERSPECTIVE, THE PRESIDENTS ARE IN CONTROL OF BIG TEN ATHLETICS.

A. THEY HAVE OVERSIGHT RESPONSIBILITY FOR ALL THINGS ATHLETIC AND ACADEMIC, BUT -- YEAH, THEY'RE ON BOARD.

Q. CAN WE PLEASE SHOW THE WITNESS THE ART SCIENCE GROUP KNIGHT COMMISSION ON INTERCOLLEGIATE ATHLETICS, OCTOBER 2009.

MR. LI: COULD WE HAVE --

BY MR. HAUSFELD:

Q. ARE YOU AWARE OF THE KNIGHT COMMISSION?

MR. LI: SO COULD WE HAVE EXHIBIT NUMBER SO WE CAN JUST FIND IT.

(OFF-THE-RECORD DISCUSSION.)

THE CLERK: YOU WANT TO GIVE THE NUMBER FOR THE RECORD, HOWEVER?

MR. HAUSFELD: 2514-1.

(EXHIBIT PUBLISHED.)

BY MR. HAUSFELD:

Q. ARE YOU AWARE OF THE KNIGHT COMMISSION, ARE YOU NOT?

A. I AM AWARE OF KNIGHT COMMISSION.

Q. AND WHAT IS YOUR UNDERSTANDING OF ITS REPUTATION?

A. I THINK IT'S GOT A GOOD REPUTATION, THINK IT'S A GOOD GROUP OF PRESIDENTS AND PUBLIC CITIZENS WHO HAVE AN INTEREST IN COLLEGE SPORTS.

Q. IT'S MADE UP OF SOME OF THE SAME PEOPLE THAT ARE PRESIDENTS OR CHANCELLORS OF UNIVERSITIES IN THE BIG TEN?

A. WE'VE HAD REPRESENTATION ON -- ON THE KNIGHT COMMISSION OVER THE YEARS. I THINK IT GOES BACK TO THE EARLY '90'S, AND ZERO A NUMBER OF OUR PRESIDENTS HAVE SERVED.

MR. HAUSFELD: AND COULD WE PLEASE SEE PAGE 7.

(EXHIBIT PUBLISHED.)

(PAUSE IN THE PROCEEDINGS.)

MR. LI: YOUR HONOR, THERE IS A MOTION IN LIMINE REGARDING THE KNIGHT COMMISSION, SO I'M JUST PUTTING THE COUNSEL ON NOTICE THAT I MAY START OBJECTING DEPENDING ON WHERE THE QUESTIONS GO.

BY MR. HAUSFELD:

Q. AND IN THIS REPORT OF THE KNIGHT COMMISSION --

IF WE COULD HIGHLIGHT "IN SUM."

(EXHIBIT PUBLISHED.)

BY MR. HAUSFELD:

Q. "IN SUM, PRESIDENTS WOULD LIKE SERIOUS CHANGE BUT DON'T SEE THEMSELVES AS THE FORCE FOR THE CHANGES NEEDED, NOR HAVE THEY IDENTIFIED AN ALTERNATIVE FORCE THEY BELIEVE COULD BE EFFECTIVE."

MR. LI: YOUR HONOR, OBJECTION.

BY MR. HAUSFELD:

Q. WERE YOU EVER AWARE OF THAT FINDING BY THE KNIGHT COMMISSION?

A. NO.

MR. LI: YOUR HONOR, OBJECT, MOVE TO STRIKE. THIS IS HEARSAY.

THE COURT: HE'S JUST ASKING IF HE'S HEARD OF IT OR AGREED --

(SIMULTANEOUS COLLOQUY.)

THE COURT: -- NOT BEING RECEIVED FOR THE TRUTH, SO YOUR OBJECTION'S OVERRULED.

MR. LI: OKAY. THANK YOU. THANK YOU.

THE WITNESS: NO.

BY MR. HAUSFELD:

Q. WERE YOU AT THE 2010 STATE OF THE ASSOCIATION FROM THE NCAA?

A. LIKELY NOT.

MR. HAUSFELD: COULD WE SEE EXHIBIT NO. 2296, PLEASE.

(EXHIBIT PUBLISHED.)

MR. HAUSFELD: AND THIS IS A COPY -- IF WE COULD HIGHLIGHT THE TOP, PLEASE.

(EXHIBIT PUBLISHED.)

BY MR. HAUSFELD:

Q. -- FROM THE NATIONAL COLLEGIATE ASSOCIATION, DATED NCAA NEWS ARCHIVE 2010. AND IT'S THE 2010 NCAA STATE OF THE ASSOCIATION SPEECH FULL TEXT.

DO YOU SEE THAT?

A. (REVIEWING DOCUMENT.)

I DON'T SEE IT HERE, NO.

Q. IT'S ON THE -- SHOULD BE ON THE TOP OF YOUR SCREEN.

MR. LI: YOUR HONOR, IF COUNSEL COULD GIVE HIM A HARD COPY, MAYBE HE COULD SEE THE WHOLE THING AND READ IT BETTER. IT'S PRETTY SMALL.

THE WITNESS: THIS SAYS, "NCAA STATE OF ASSOCIATION FULL TEXT." THAT'S ALL IT SAYS.

BY MR. HAUSFELD:

Q. RIGHT.

A. OKAY.

Q. THAT'S ALL I ASKED.

A. YEAH, I COULD SEE THAT.

MR. HAUSFELD: AND IF WE COULD GO 2296-2, PLEASE?

MR. LI: YOUR HONOR --

BY MR. HAUSFELD:

Q. AND THE PHRASE "WHAT WAS PREVALENT THROUGHOUT."

WELL, ACTUALLY, IF YOU COULD -- IF YOU COULD HIGHLIGHT THE ENTIRE PARAGRAPH, "EARLIER THIS FALL, THE KNIGHT COMMISSION RELEASED BOTH."

(EXHIBIT PUBLISHED.)

BY MR. HAUSFELD:

Q. WOULD YOU TAKE A MOMENT, PLEASE, MR. DELANY, AND READ THE ENTIRE PARAGRAPH.

A. COULD YOU MAKE IT A LITTLE BIT LARGER?

MR. HAUSFELD: I CAN'T, BUT I HOPE THEY CAN IN THE BACK.

MR. LI: YOUR HONOR, IF I MAY APPROACH AND JUST GIVE HIM A COPY SO HE'LL HAVE THE ACTUAL DOCUMENT.

THE WITNESS: YEAH, BE EASIER TO READ.

BY MR. HAUSFELD:

Q. I THINK, HONESTLY, IT'S EASIER TO READ ON THE MACHINE THAN THE ACTUAL PRINT.

A. YEAH, THIS IS SMALL, VERY SMALL. I'LL READ IT.

(REVIEWING DOCUMENT.)

(EXHIBIT PUBLISHED.)

THE WITNESS: OKAY.

BY MR. HAUSFELD:

Q. AND IN IT, THE PRESIDENT OF THE ASSOCIATION IS ADDRESSING THE ASSOCIATION MEMBERS IN 2010 AND REFERRING TO THE KNIGHT

COMMISSION REPORT THAT WE JUST SAW.

AND HE CONCLUDES BY SAYING, "WHAT WAS PREVALENT THROUGHOUT WAS A SENSE AMONG PRESIDENTS THAT INTERCOLLEGIATE ATHLETICS IS SPENDING MORE THAN IT SHOULD GENERATING MORE REVENUE THAN IS GOOD FOR IT AND THAT THE VALUES OF HIGHER EDUCATION ARE BEING DAMAGED."

WERE YOU AWARE OF THAT DISCUSSION AT THE STATE OF THE ASSOCIATION MEMBERSHIP IN 2010?

A. NO.

Q. NOW, THE BIG TEN REQUIRES RELEASES OR CLEARANCES TO BE OBTAINED FROM ALL ATHLETES --

A. YES.

Q. -- FOR PURPOSES OF BROADCAST?

A. JUST -- NO, THAT'S NOT -- THAT'S NOT ACCURATE. WE REQUIRE A RELEASE IN ORDER TO ALLOW US TO PROMOTE THE TELEVISION PROGRAMS THAT THE ATHLETE MAY BE INVOLVED WITH.

MR. HAUSFELD: IF WE COULD SEE, PLEASE, DEMONSTRATIVE EXHIBIT 2, PLAINTIFF'S EXHIBIT 3078-1.

(EXHIBIT PUBLISHED.)

MR. HAUSFELD: AND IF WE COULD HIGHLIGHT THE TOP, PLEASE.

(EXHIBIT PUBLISHED.)

BY MR. HAUSFELD:

Q. AND THE TOP STATES THAT IT'S A TELECAST RIGHTS AGREEMENT DATED FEBRUARY 13TH, 2007, BETWEEN THE BIG TEN CONFERENCE AND

THE BIG TEN NETWORK. CORRECT?

A. UM-HMM.

MR. HAUSFELD: AND IF WE COULD TAKE A LOOK, THEN, PLEASE, AT PAGE 30 -- PLAINTIFF'S EXHIBIT 3078-4 UNDER "CLEARANCES."

(EXHIBIT PUBLISHED.)

BY MR. HAUSFELD:

Q. IS IT READS THAT "THE CONFERENCE SHALL BE SOLELY RESPONSIBLE FOR SECURING ALL CLEARANCES WITH RESPECT TO ALL OFFICIALS AND OTHER PERSONS PARTICIPATING IN OR OTHERWISE CONNECTED WITH EACH SELECTED EVENT, INCLUDING WITHOUT LIMITATION ALL NAME AND LIKENESS RIGHTS OF ALL PARTICIPANTS."

DO YOU SEE THAT?

A. I DO SEE THAT.

Q. AND IS THAT ACCURATE?

A. I WOULD JUST SAY THIS: THAT THE -- APPEARS TO BE ACCURATE. IT'S APPARENTLY BOILERPLATE. I BEEN INVOLVED IN LOTS OF NEGOTIATIONS. NEVER HAD A DISCUSSION, NEVER BEEN NEGOTIATED. BUT I'M ASSUMING THAT THIS, ALONG WITH OTHER KINDS OF CLAUSES, ARE LAWYERS ANTICIPATING LAWYERS. AND THE FACT THAT IT'S HERE, I CAN READ IT, BUT REALLY DON'T HAVE MUCH COMMENT ON IT OTHER THAN THING SPEAKS FOR ITSELF.

Q. IT'S BOILERPLATE; IT'S STANDARD.

A. YEAH, STANDARD.

MR. HAUSFELD: WE MOVE EXHIBIT 3078, YOUR HONOR, INTO

EVIDENCE.

MR. LI: NO OBJECTION, YOUR HONOR.

THE COURT: RECEIVED.

(DEFENDANTS' EXHIBIT 3078 RECEIVED IN EVIDENCE)

MR. HAUSFELD: AND COULD WE PLEASE SEE DEMONSTRATIVE EXHIBIT 4, WHICH IS PLAINTIFFS' EXHIBIT 1005-1.

(EXHIBIT PUBLISHED.)

BY MR. HAUSFELD:

Q. AND THIS READS, "STUDENT ATHLETE NAME AND LIKENESS RELEASE."

A. UH-HUH.

Q. DO YOU SEE THAT?

A. I DO.

Q. AND IT SAYS, "I HEREBY GRANT," AND THE "I" WOULD BE THE ATHLETE?

A. YES.

Q. IN WHAT PACKAGE IS THIS RELEASE PROVIDED TO THE ATHLETE?

A. I DON'T KNOW.

Q. AND DO YOU KNOW UNDER WHAT CIRCUMSTANCES?

A. I DON'T KNOW.

Q. "I HEREBY GRANT TO THE UNIVERSITY IN THE BIG TEN CONFERENCE AND THEIR ASSIGNS THE RIGHT TO PUBLISH, DUPLICATE, PRINT, BROADCAST, OR OTHERWISE USE IN ANY MANNER OR MEDIA MY NAME, PHOTOGRAPH, LIKENESS, OR OTHER IMAGE OF MYSELF FOR ANY PURPOSE."

DO YOU SEE THAT?

A. I DO.

Q. AND IT SAYS, "INCLUDING WITHOUT LIMITATION" --

MR. LI: YOUR HONOR --

BY MR. HAUSFELD:

Q. "-- USES IN PROMOTIONAL AND MARKETING MATERIALS AND USES BY THE BIG TEN NETWORK, CBS, ABC, AND ESPN."

MR. LI: YOUR HONOR, I'M REMINDED BY MY COLLEAGUES THERE'S A MOTION IN LIMINE ABOUT USING THESE PARTICULAR DOCUMENTS WHERE THERE'S NO CONNECTION TO THE NCAA.

THE COURT: OH, WELL --

MR. HAUSFELD: I'LL GET TO THAT IN A MOMENT, YOUR HONOR.

MR. LI: YOUR HONOR, IT'S NOT AN NCAA -- THAT'S ALL.

BY MR. HAUSFELD:

Q. DO YOU SEE WHERE IT SAYS, "USES BY THE BIG TEN NETWORK, CBS, ABC, AND ESPN"?

MR. LI: YOUR HONOR, I'M OBJECTING. THERE'S A MOTION -- THERE WAS A MOTION IN LIMINE THAT WAS GRANTED.

THE COURT: SEEMS TO BE QUITE RELEVANT. WHAT IS THE MOTION?

MR. LI: IT WAS -- YOU HAVE TO GIVE ME THE DOCUMENT.

(PAUSE IN THE PROCEEDINGS.)

MR. LI: I'LL GIVE YOU THE NUMBER, YOUR HONOR.

MR. HAUSFELD: I WAS JUST ADVISED, YOUR HONOR, THAT

THE MOTION IN LIMINE WAS DENIED, AND I THINK WE COULD POSSIBLY END THE OBJECTION IF WE COULD LOOK AT THE NEXT SENTENCE.

MR. LI: YOUR HONOR, IT'S MOTION NO. 9, AND IT SAYS, "PLAINTIFFS MAY INTRODUCE ATHLETE ELIGIBILITY FORMS PRODUCED BY NCAA DIVISION I SCHOOLS OR CONFERENCES. HOWEVER, PLAINTIFFS MUST PRESENT SOME EVIDENCE OF A NEXUS BETWEEN THESE FORMS AND THE NCAA," SO --

THE COURT: ALL RIGHT. SO YOU MAY TRY TO DO THAT.

BY MR. HAUSFELD:

Q. COULD WE READ THE NEXT SENTENCE, "ALL SUCH USES SHALL BE CONSISTENT WITH ALL APPLICABLE NCAA AND BIG TEN CONFERENCE RULES AND REGULATIONS"; IS THAT CORRECT?

A. I SEE THAT, YEAH.

Q. THIS FORM WAS TO BE CONSISTENT WITH ALL NCAA RULES, CORRECT?

A. THAT'S RIGHT.

Q. AND IT WAS DRAWN UP TO BE CONSISTENT WITH ALL NCAA RULES, CORRECT?

A. THAT'S RIGHT.

Q. AND IT WAS SUPPOSED TO BE IN COMPLIANCE WITH ALL NCAA RULES, CORRECT?

A. IT WAS -- A PART OF THIS WAS INTENDED TO MAKE SURE THAT WHATEVER THE BIG TEN NETWORK DID WAS IN COMPLIANCE WITH NCAA RULES.

MR. HAUSFELD: I MOVE EXHIBIT 1005-1 INTO EVIDENCE,

YOUR HONOR.

THE COURT: IT WILL BE RECEIVED.

MR. LI: NO OBJECTION.

(PLAINTIFFS' EXHIBIT 1005-1 RECEIVED IN EVIDENCE)

BY MR. HAUSFELD:

Q. AND THE RELEASE GOES FURTHER IN THE LAST LINE, AND IT SAYS, "I AGREE THAT NEITHER I NOR MY HEIRS SHALL BE ENTITLED TO ANY COMPENSATION FOR THE USE OF MY NAMES, PHOTOGRAPH, LIKENESS OR OTHER IMAGE OF MYSELF."

IS THAT BOILERPLATE?

A. DOES IT -- IT IS BOILERPLATE, YES.

Q. YOU DO THAT IN ALL YOUR CONTRACTS? YOU DO THAT IN ALL YOUR RELEASES?

A. THIS IS -- YEAH, IN THIS RELEASE SINCE 2007.

Q. AND THERE WERE SIMILAR FORMS BEFORE THIS USED BY THE BIG TEN?

A. INSTITUTIONAL.

Q. "INSTITUTIONAL" MEANING VERY -- INDEPENDENT UNIVERSITIES?

A. YES.

Q. AND FOR HOW LONG BEFORE THIS, DID THE UNIVERSITIES HAVE SIMILAR RELEASES?

A. DO NOT KNOW.

Q. AND WAS A THOUGHT -- WAS A COMPANY CALLED THOUGHT EQUITY ADDED TODAY THESE RELEASES AT A PARTICULAR TIME?

A. THEY MAY HAVE BEEN.

Q. AND WHAT IS -- WHAT IS THE BUSINESS OF THOUGHT EQUITY?

A. I THINK THOUGHT EQUITY IS IN THE BUSINESS OF LICENSING CLIPS FOR COPYRIGHT OWNERS.

Q. AND SO YOU PROVIDE A RELEASE OR -- YOU ACQUIRE A RELEASE FROM THE ATHLETE WITH REGARD TO NOT ONLY BROADCAST BUT FOR ALL MEDIA AND INCLUDING CLIPS? CORRECT? YES?

A. YEAH.

Q. THANK YOU.

NOW, COUNSEL ASKED YOU A NUMBER OF QUESTIONS ELICITING YOUR VIEW OF THE EDUCATIONAL OPPORTUNITIES FOR ATHLETES.

A. RIGHT.

Q. AND YOU LISTED A NUMBER OF ITEMS THAT YOU BELIEVED SHOULD BE UNDERTAKEN IN ORDER TO REFORM THE PRESENT PRACTICES.

A. YES.

Q. AND DR. EMMERT JUST TESTIFIED AS TO A NUMBER OF REFORMS THAT HAVE BEEN PROPOSED AND/OR IMPLEMENTED IN ORDER TO ENHANCE THOSE OPPORTUNITIES, DID HE NOT?

A. I DIDN'T HEAR HIS TESTIMONY.

Q. HAVE THERE BEEN A NUMBER OF REFORMS, TO YOUR KNOWLEDGE, THAT HAVE BEEN ENACTED SINCE 2010 THAT HAVE IN YOUR JUDGMENT ENHANCED THE OPPORTUNITIES OF FBS FOOTBALL AND DIVISION I MEN'S BASKETBALL ATHLETES IN PARTICULAR TO AVAIL THEMSELVES OF AN EDUCATIONAL EXPERIENCE?

A. I -- I THINK THERE HAVE BEEN A NUMBER OF EFFORTS IN THE RECENT YEARS. I DON'T KNOW IF IT'S 2010. BUT ACCESS TO

POST-SEASON PLAY, FOOTBALL AND BASKETBALL, IS DEPENDENT ON TEAMS MAKING PROGRESS TOWARDS THEIR DEGREE, MEASUREMENT OF THE INDIVIDUALS ON THE TEAMS, SO THAT'S AN INCENTIVE OR A DISINCENTIVE, DEPENDING UPON HOW YOU LOOK AT IT.

I THINK THERE'S STANDARD REVIEW UNDER WAY TO INCREASE QUANTITATIVE AND QUALITATIVE REQUIREMENTS FOR INCOMING STUDENTS, SO I THINK IT'S A CONSTANT DISCUSSION ABOUT THE ISSUE OF STANDARDS OCCURRING INSIDE THE NCAA.

SO, YEAH, I WOULD -- I WOULD AGREE THAT THERE'S A CONSTANT EFFORT IN THIS AREA.

Q. I WASN'T JUST LOOKING, MR. DELANY, AT STANDARDS.

FOR EXAMPLE, YOU MENTIONED THE 20-HOUR RULE.

A. OKAY. LET ME KNOW WHAT -- GIVE ME A SPECIFIC -- I DON'T KNOW WHAT EMMERT SAID.

Q. WELL, LET'S TAKE THE 20-HOUR RULE.

A. OKAY.

Q. THE 20-HOUR RULE IS SOMETHING IN YOUR JUDGMENT YOU FELT IMPEDES OR INTERFERES WITH THE ABILITY OF AN FBS FOOTBALL ATHLETE AND A DIVISION I MEN'S BASKETBALL ATHLETE TO FULLY ACCESS THE EDUCATIONAL OPPORTUNITIES IN THE -- IN THE INSTITUTION, CORRECT?

A. WHAT I SAID WAS THE 20-HOUR RULE, WHICH WAS ADOPTED ABOUT 20 YEARS AGO, IN MY VIEW, NEEDS TO BE REVIEWED IN ORDER THAT TIME SPENT ON ATHLETICS, ACADEMICS, AND PERSONAL WOULD BE BETTER BALANCED. I THINK THAT IT'S A BELL CURVE, BOTH FOR

INSTITUTIONS AND FOR ATHLETES.

IN SOME CASES, IT'S ADEQUATE. IN SOME -- IN SOME CASES, IT WORKS. AND SOME CASES, IT DOESN'T.

SO WHAT I WAS ASKING FOR -- WHAT I WAS RAISING WAS THE ISSUE THAT WE REVIEW IT TO MAKE SURE THAT THERE'S BALANCE HERE.

MOST OF THESE YOUNG PEOPLE COME INTO COLLEGIATE ATHLETICS WITH SIX, EIGHT, NINE YEARS OF PRETTY INTENSIVE TRAINING. IT CONTINUES. BUT MY POINT IS IF -- AS WE GO FORWARD, WE HAVE TO INSPECT WHAT WE'VE DONE AND MAKE SURE THAT IT WORKS WELL.

I THINK IN SOME CASES IT'S FULLY ADEQUATE AND SOME CASES, NOT. AND SO WHAT WE NEED TO DO IS FOCUS ON THE AT-RISK -- AT-RISK STUDENTS. WE HAVE TO FOCUS ON THE ACADEMIC LOAD THEY'RE TAKING. WE HAVE TO FOCUS ON WHETHER OR NOT ANY OF OUR RULES OR ANY OF OUR PRACTICES MAKES IT LESS LIKELY THE AT-RISK STUDENT IS GOING TO STRUGGLE IN PURSUING THEIR DEGREE.

SO THAT -- THAT'S MY POINT ON IT. I DON'T HAVE THE ANSWER. BUT I THINK IT'S AN AREA THAT WE NEED TO TAKE A LOOK AT ON A REFORM AGENDA.

Q. AND DO YOU KNOW THAT OTHER EDUCATORS, PARTICULARLY THOSE BELONGING TO THE KNIGHT COMMISSION, HAVE FOCUSED ON JUST THAT ISSUE?

A. I THINK IT'S -- I THINK PEOPLE HAVE DISCUSSED IT BEFORE, YES.

Q. AND DO YOU KNOW WHAT THEY HAVE CONCLUDED?

A. I DON'T.

Q. AND YOU MENTIONED SUMMER -- ATHLETES' COMMITMENTS IN THE SUMMER, AND I'D LIKE YOU TO PARTICULARLY FOCUS ON FBS FOOTBALL AND DIVISION I MEN'S BASKETBALL ATHLETES.

A. I'M TALKING ABOUT TRAINING OF ALL ATHLETES, NOT JUST FOOTBALL PLAYERS AND BASKETBALL PLAYERS.

Q. BUT I'M ASKING YOU TO PLEASE FOCUS ON THE FBS FOOTBALL AND THE DIVISION I MEN'S BASKETBALL ATHLETES.

A. RIGHT.

Q. OKAY.

A. OKAY.

Q. WHAT DID YOU MEAN BY "THEIR SUMMER OBLIGATIONS"?

A. WHAT I'M -- WHAT I'M SUGGESTING IS THAT I WAS ASKED A QUESTION ABOUT WHAT ABOUT PERIODS THAT THEY MIGHT NOT BE INVOLVED.

AND MY PERSONAL VIEW, ACCESS TO INTERNSHIPS, ACCESS TO SUMMER YEARS ABROAD ARE INTEGRAL TO GETTING THE EDUCATION THAT OUR UNIVERSITIES CAN PROVIDE.

AND TO THE EXTENT THERE'S INTERFERENCE WITH THAT, I THINK THAT OUGHT TO BE ALLOWED AT AS A POSSIBLE REFORM.

Q. HAVE YOU LOOKED AS TO WHETHER OR NOT THERE IS ACTUAL INTERFERENCE TO THOSE FBS FOOTBALL ATHLETES AND DIVISION I MEN'S BASKETBALL ATHLETES IN ORDER TO AVAIL THEMSELVES OF THOSE OPPORTUNITIES IN THE SUMMER?

A. I -- I WILL TELL YOU THAT I HAVE LOOKED AT IT. AND I HAVE

HAD LOOKED AT IT OVER TIME, NOT ONLY FOR ATHLETES IN COLLEGE BUT FOR ATHLETES IN HIGH SCHOOL AND GRADE SCHOOL.

AND IF YOU REALLY LOOK AT WHAT'S GOING ON IN THIS COUNTRY AROUND TRAINING OF ATHLETES, YOU WOULD FIND THAT MOST OF THEM ARE NOT WORKING, THEY'RE NOT TAKING INTERNSHIPS, THEY ARE PLAYING SPORTS, AND THEY'RE DOING IT ON OUR CAMPUSES AND BEFORE THEY GET THERE, AND I THINK WE OUGHT TO BACK OFF FROM IT.

Q. BECAUSE IT'S TOO MUCH?

A. TOO MUCH, YEAH.

Q. TOO MUCH SPORTS?

A. OVER-USE INJURIES, TOO MUCH ATHLETICS FOR TOO MANY YOUNG PEOPLE PRODUCES A LOT OF STRAIN ON YOUNG BODIES. AND AS THEY COME INTO THE COLLEGE SPACE, I THINK WE NEED TO BACK OFF ON THE AMOUNT OF TIME THAT THE ATHLETE IS -- IS PUTTING IN.

THERE'S NOTHING WRONG -- I READ OFTENTIMES WHERE YOUNG PEOPLE SAY, "I'M AN ATHLETE RATHER THAN A STUDENT." I DON'T THINK THERE'S ANYTHING WRONG WITH A PERSON DESCRIBING THEMSELVES AS A ATHLETE AS LONG AS THEY CAN DO THE WORK AND DO DO THE WORK.

Q. AND I JUST WANTED TO SEE IF I UNDERSTOOD YOUR LISTING OF REFORMS THAT YOU THOUGHT OF CORRECTLY. YOU'RE THINKING OF A LIFETIME TRUST, ALLOWING STUDENTS TO COME BACK TO GET THEIR DEGREE IF THEY DON'T COMPLETE IT DURING THEIR PERIOD OF ELIGIBILITY?

A. YES.
Q. IS THAT CORRECT?
AND YOU'RE LOOKING TO CHANGE THE TIME DEMANDS THAT WE'VE JUST SPOKEN ABOUT.
A. YES.
Q. AND YOU'RE ALSO LOOKING FOR THE -- THE INTERNSHIP, YOU KNOW, IN THE SUMMER FOR SOME?
A. THE OPPORTUNITY FOR THE INTERNSHIP.
Q. AND YOU MENTIONED EXPLORATION OF MULTI-YEAR GRANTS CORRECT?
A. WELL, I -- I THINK WE'VE REINTRODUCED THE MULTI-YEAR GRANT. I WAS A PRODUCT OF A FOUR-YEAR GRANT, AS MY TEAMMATES WERE. I WAS A PRODUCT OF FRESHMAN INELIGIBILITY, AS MY TEAMMATES WERE. I THINK THOSE ARE GOOD THINGS.
I DON'T THINK THAT FRESHMAN ELIGIBILITY IN ALL CASES IS A GOOD THING. I THINK WORKING AS AN INTERN IS A GOOD THING. SO WHAT WE'RE TRYING TO DO IS RESTRUCTURE, TAKE A LOOK AT THESE REFORMS, AND FIND OUT HOW WE CAN MAKE WHAT IS GOOD BETTER.
Q. SO FRESHMAN INELIGIBILITY IS A GOOD THING IN YOUR MIND BECAUSE IT ALLOWS THE ATHLETE TO BETTER MATRICULATE INTO THE EDUCATIONAL OPPORTUNITIES, CORRECT?
A. I BELIEVE THAT.
Q. AND YOU MENTIONED THAT HAVING A MULTI-YEAR GRANT, LIKEWISE, IS A GOOD THING BECAUSE I THINK YOU SAID AT ONE POINT, THE SECURITY INVOLVES (SIC) IN GETTING A MULTI-YEAR

GRANT IS IMPORTANT?

A. I BELIEVE THAT.

Q. AND WHAT DO YOU MEAN BY THE SECURITY -- YOU KNOW, IN A MULTI-YEAR GRANT?

A. THERE'S A LOT OF MOVEMENT A LOT OF TRANSFERS. SOMETIMES PLAYERS DON'T FEEL LIKE THEY PLAY ENOUGH SO THEY LEAVE. WHEN YOU HAVE MORE SECURITY IN A GRANT IN AID, IF A PERSON IS MAKING ADEQUATE PROGRESS TOWARDS A DEGREE, IS HAPPY AT THAT INSTITUTION, I PERSONALLY BELIEVE THAT THE RIGHT OUTCOME IS FOR THAT ATHLETE TO BE AT THAT INSTITUTION AND FOR THE INSTITUTION TO SUPPORT THAT INDIVIDUAL.

SO I BELIEVE A FOUR-YEAR SCHOLARSHIP IS BETTER THAN THREE; THREE'S BETTER THAN TWO; AND TWO'S BETTER THAN ONE.

Q. AND CAN WE PLEASE SEE DEMONSTRATIVE NO. 19, WHICH IS THE NCAA ELIGIBILITY CENTER 2011-12 GUIDE FOR THE COLLEGE-BOUND STUDENT ATHLETE.

(EXHIBIT PUBLISHED.)

(PAUSE IN THE PROCEEDINGS.)

MR. HAUSFELD: CAN WE -- YOUR HONOR, MAY WE TAKE A BREAK NOW WHILE WE FIND THAT? AND THEN WE CAN RETURN. I DON'T HAVE MUCH LEFT.

THE COURT: OKAY. I WAS SORT OF THINKING YOU COULD FINISH BEFORE THE BREAK, BUT YOU CAN'T.

MR. HAUSFELD: I WOULD LIKE TO FIND THIS PARTICULAR DOCUMENT. I DON'T HAVE THE PX NUMBER ON IT, THOUGH.

THE COURT: ALL RIGHT.

MR. HAUSFELD: THANK YOU, YOUR HONOR.

THE COURT: IT'S 12:20; WE'LL BREAK UNTIL 12:30.

(RECESS TAKEN AT 12:19 P.M.; PROCEEDINGS RESUMED AT 12:32 P.M.)

THE COURT: GO AHEAD.

MR. HAUSFELD: THANK YOU, YOUR HONOR.

COULD WE PLEASE SEE EXHIBIT 2592-1?

(EXHIBIT PUBLISHED.)

BY MR. HAUSFELD:

Q. AND, MR. DELANY, THIS IS THE 2011-12 GUIDE FOR THE COLLEGE-BOUND STUDENT ATHLETE FOR THE NCAA ON THE ELIGIBILITY CENTER.

HAD YOU SEEN THIS BEFORE?

A. NO.

MR. HAUSFELD: COULD WE PLEASE TURN TO PAGE 2592-19? AND COULD WE HIGHLIGHT THE FIRST BULLET?

(EXHIBIT PUBLISHED.)

BY MR. HAUSFELD:

Q. WERE YOU AWARE, MR. DELANY, THAT ATHLETIC SCHOLARSHIPS IN DIVISIONS I AND II ARE INITIALLY AWARDED FOR UP TO ONE ACADEMIC YEAR IN THE TIME PERIOD COVERED BY THIS GUIDE?

A. I AM AWARE OF THAT, YES.

MR. HAUSFELD: AND IF WE GO DOWN TO THE SECOND BULLET, PLEASE.

(EXHIBIT PUBLISHED.)

BY MR. HAUSFELD:

Q. IT SAYS, "ATHLETICS SCHOLARSHIPS CAN BE RENEWED, REDUCED, INCREASED, OR CANCELED FROM YEAR TO YEAR FOR ALMOST ANY REASON."

DO YOU SEE THAT?

A. YES.

Q. AND IT WAS YOUR UNDERSTANDING THAT THAT WAS THE RULE IN EFFECT UP TO 2011-2013?

A. (REVIEWING DOCUMENT.)

ARE YOU READING JUST THE FIRST SENTENCE OR BOTH SENTENCES?

Q. FIRST SENTENCE.

A. YEAH. FOR ALMOST ANY REASON.

Q. THAT WAS THE RULE?

A. I DON'T KNOW IF THAT'S -- "FOR ALMOST ANY REASON" IS THE RULE. IT MAY BE. I'D LIKE TO SEE WHAT THE RULE IS. I DON'T KNOW THAT THAT'S THE RULE, "FOR ALMOST ANY REASON."

THAT'S NOT A RULE. THAT'S A -- MUST BE SOME -- A PARAPHRASE OR A NOTICE, BUT IT -- MY UNDERSTANDING IS IF YOU ARE IN GOOD ACADEMIC STANDING, IF YOU ARE CONDUCTING YOURSELF -- IT'S NORMAL FOR THESE AWARDS TO BE RENEWED. AND THE NOTION THAT THEY'RE CANCELED FOR ALMOST ANY REASON IS NOT MY EXPERIENCE. AND I'M NOT SURE THAT'S THE RULE.

Q. DO YOU KNOW OF ANY OTHER NCAA ELIGIBILITY CENTER GUIDE FOR COLLEGE-BOUND STUDENT ATHLETES?

A. I DON'T.

Q. AT THE BOTTOM --

A. YEAH.

Q. -- AT THE LAST LINE, IT SAYS, "YOU SHOULD ALSO CONSIDER HOW YOU WILL FINANCE YOUR EDUCATION IF YOUR ATHLETIC SCHOLARSHIP IS REDUCED OR CANCELED."

DO YOU SEE THAT?

A. (REVIEWING DOCUMENT.)

YEP.

Q. ACCEPTING THAT AS THE POSITION OF THE NCAA WITH REGARD TO ATHLETIC SCHOLARSHIPS, DO YOU THINK THAT PROVIDED A BCS FOOTBALL OR DIVISION I MEN'S BASKETBALL ATHLETE A DEGREE OF CERTAINTY IN THEIR EDUCATIONAL OPPORTUNITIES?

MR. LI: OBJECTION, CALLS FOR SPECULATION.

THE WITNESS: I SUPPORT --

THE COURT: SUSTAINED.

THE WITNESS: -- MULTI-YEAR GRANTS, FOUR-YEAR GRANTS.

MR. LI: SIR.

DID THE COURT SUSTAIN IT?

THE COURT: YES.

MR. LI: THANK YOU.

THE WITNESS: OH, I'M SORRY.

BY MR. HAUSFELD:

Q. YOU'RE ON RECORD, ARE YOU NOT, MR. DELANY, OF SAYING THAT "IN THE 21ST CENTURY, IT'S PAINFULLY OBVIOUS WE NEED TO

CHANGE"? CORRECT?

A. CORRECT.

Q. AND IT'S -- YOU ALSO ON RECORD AS SAYING, "IT'S PAINFULLY OBVIOUS IT'S NOT ALL A LEVEL PLAYING FIELD," CORRECT?

A. I DON'T KNOW WHAT YOU'RE READING FROM.

Q. DO YOU RECALL SAYING THAT?

A. I -- I REALLY THE FIRST STATEMENT. I DON'T RECALL THE "LEVEL PLAYING FIELD" STATEMENT.

MR. HAUSFELD: COULD WE SEE DEMONSTRATIVE EXHIBIT 15, PLEASE.

(EXHIBIT PUBLISHED.)

BY MR. HAUSFELD:

Q. AND THIS IS AN ARTICLE, "CHANGING TIMES QUESTION AND ANSWER WITH BIG TEN COMMISSIONER JIM DELANY."

CAN WE LOOK AT PAGE 3, PLEASE.

(EXHIBIT PUBLISHED.)

BY MR. HAUSFELD:

Q. THAT IS A PICTURE OF YOU, SIR?

A. YES.

Q. AND RIGHT --

MR. LI: YOUR HONOR, IF I MAY GIVE HIM A COPY OF THE DOCUMENT.

THE COURT: YES.

MR. LI: THIS HAS BEEN PROVIDED BY THE OTHER SIDE --

THE WITNESS: (REVIEWING DOCUMENT.)

WHERE ARE YOU?

BY MR. HAUSFELD:

Q. RIGHT ABOVE THE PHOTOGRAPH.

THE COURT: IT'S ON THE SCREEN AS WELL.

THE WITNESS: (REVIEWING DOCUMENT.)

BY MR. HAUSFELD:

Q. AGAIN, I THINK IT MAY BE EASIER TO READ ON THE SCREEN THAN -- 'CAUSE WE'VE HIGHLIGHTED IT.

A. (REVIEWING DOCUMENT.)

Q. "IT'S PAINFULLY OBVIOUS IT'S NOT ALL A LEVEL PLAYING FIELD."

MR. LI: THE REMAINDER OF THE SENTENCE --

BY MR. HAUSFELD:

Q. AND THAT "A LOT OF LEVEL PLAYING FIELD PHILOSOPHY IS UNDER ATTACK."

A. YES.

Q. YOU SAID THAT?

A. I DID.

Q. OKAY.

NOW, IS IT YOUR TESTIMONY, SIR, THAT IF THE PAC 12 PAID ANY MONEY ABOVE THE COST OF COLLEGE ATTENDANCE TO AN ATHLETE, A -- AN FBS FOOTBALL OR DIVISION I MEN'S BASKETBALL ATHLETE FOR NIL'S, THAT THE ROSE BOWL WOULD END?

A. I THINK THAT'S VERY GOOD -- VERY LIKELY -- VERY LIKELY OUTCOME.

Q. AND HAVE YOU PREDICTED OTHER OUTCOMES THAT DID NOT COME ABOUT?

A. I'M SURE I DID.

Q. IS THERE A LEVEL OF SHARING OF NIL'S FOR -- TO FBS FOOTBALL ATHLETES AND DIVISION I MEN'S BASKETBALL ATHLETES THAT WOULD NOT AFFECT WHETHER THE ROSE BOWL CONTINUES?

MR. LI: OBJECTION. I'M NOT SURE IF IT'S A LEGAL QUESTION.

THE COURT: IT ISN'T.

MR. LI: LEGAL OPINION.

THE COURT: NO, I WOULDN'T THINK SO.

MR. LI: OKAY.

THE WITNESS: COULD YOU REPEAT YOUR QUESTION, PLEASE.

BY MR. HAUSFELD:

Q. IS THERE A --

THE COURT: OH, I SEE. YOU'RE SAYING IF THEY DID IT IN VIOLATION OF NCAA RULES AND GOT KICKED OUT AND THE ROSE BOWL WAS CANCELED BY THE NCAA. YEAH, I DON'T THINK THAT'S WHAT HE MEANT BY THE QUESTION, THOUGH.

MR. HAUSFELD: NO.

THE WITNESS: SO --

THE COURT: THE QUESTION IS --

BY MR. HAUSFELD:

Q. IF THEY --

THE COURT: DO YOU UNDERSTAND THE QUESTION?

THE WITNESS: I DON'T UNDERSTAND.

THE COURT: ALL RIGHT. ASK AGAIN.

BY MR. HAUSFELD:

Q. IF IT WAS DECIDED TO PAY FBS FOOTBALL ATHLETES.

A. IF IT WAS DECIDED BY WHOM?

Q. A SCHOOL. TO PAY THEIR ATHLETES 10 CENTS ABOVE THE -- THE TUITION, ROOM AND BOARD, AND BOOKS FOR NIL'S, ARE YOU SAYING THE ROSE BOWL WOULD BE CANCELED?

THE COURT: WELL, YOU NEED TO INCLUDE IN THE HYPOTHETICAL THAT IT IS NOT A VIOLATION OF NCAA RULES 'CAUSE IF IT WERE, THEY COULD BE BOOTED OUT OF THE NCAA, AND THEN, IN FACT, THERE WOULD PERHAPS NOT BE A ROSE BOWL. SO YOU NEED TO INCLUDE THAT IN YOUR HYPOTHETICAL.

BY MR. HAUSFELD:

Q. WOULD THAT BE A VIOLATION IN YOUR JUDGMENT OF NCAA RULES?

A. WOULD IT BE A -- WOULD IT A VIOLATION NOW?

THE COURT: THAT'S A DIFFERENT --

MR. HAUSFELD: YES.

THE WITNESS: I THINK IT WOULD BE.

BY MR. HAUSFELD:

Q. SHOULD IT?

A. I THINK IT WOULD BE A VIOLATION NOW. WHETHER IT SHOULD BE OR NOT, I'VE TRIED TO SPEAK CANDIDLY AND CONSISTENTLY ON THAT POINT. BUT I THINK THAT ANY PAYMENT ABOVE THOSE THAT ARE PRESCRIBED -- MAY BE A -- 10 CENTS IS -- IS 10 CENTS. HOW

SERIOUS THAT WOULD BE, I DON'T KNOW, BUT I THINK IT WOULD TECHNICALLY BE A VIOLATION.

BUT I -- WHAT HAPPENS? I DON'T THINK THE ROSE BOWL WOULD BE CANCELED OVER 10 CENTS.

MR. HAUSFELD: YOUR HONOR, AT THE NEXT BREAK, I WILL TRY TO WORK OUT WITH THE COUNSEL FOR THE NCAA A NUMBER OF GRADUATION RATES THAT WE WOULD LIKE TO SUBMIT IN THE RECORD WITH REGARD TO BIG TEN SCHOOLS, CONSISTENT WITH THE SAME GRADUATION RATES WE'VE SUBMITTED PREVIOUSLY FOR OTHER SCHOOLS.

THE COURT: OKAY.

MR. HAUSFELD: I HAVE NO FURTHER QUESTIONS, YOUR HONOR.

MR. LI: JUST A COUPLE QUESTIONS, YOUR HONOR, VERY QUICKLY.

REDIRECT EXAMINATION

BY MR. LI:

Q. MR. DELANY, YOU WERE ASKED A NUMBER OF QUESTIONS ABOUT THE RULES RELATING TO SCHOLARSHIPS.

DO YOU RECALL THAT?

A. YES.

Q. YOU WOULD DEFER TO THE ACTUAL RULES, WOULDN'T YOU?

A. YES.

Q. NOW, YOU WERE ASKED SOME QUESTIONS ABOUT REVENUE COMING INTO THE BIG TEN.

A. YES.

Q. AND THOSE INCLUDED AN ADDITIONAL CATEGORY WHICH WAS JERSEYS. YOU RECALL THAT?

A. YES.

Q. AND LET'S JUST GO DOWN IT, JERSEYS, NCAA DISTRIBUTIONS, BOWL GAMES, AND TELEVISION. THOSE ARE THE VARIOUS AREAS OF REVENUES?

A. WELL, THE BIG TEN CONFERENCE, TO MY KNOWLEDGE, RECEIVES NOTHING FOR JERSEYS. THE THREE THAT I IDENTIFIED WERE THE BOWL GAMES, NCAA MARCH MADNESS, AND OUR TELEVISION ARRANGEMENTS.

Q. AND THOSE REVENUES GO TO HELP SUPPORT ACADEMIC -- SORRY. STRIKE THAT -- HELP TO SUPPORT PROGRAMS AT THE VARIOUS SCHOOLS?

A. THEY DO.

Q. AND THOSE INCLUDE FUNDING SCHOLARSHIPS?

A. THAT'S CORRECT.

MR. LI: THANK YOU. NOTHING FURTHER, YOUR HONOR.

THE COURT: SO THE QUESTION I THOUGHT MR. HAUSFELD WAS ASKING -- WAS POSITING THAT THE NCAA CHANGED ITS RULES SUCH THAT A CONFERENCE COULD CHOOSE TO ALLOW ITS MEMBER SCHOOLS TO PAY SOME SHARE OF NAME, IMAGE, AND LIKENESS REVENUES TO ITS ATHLETES, IF THAT WERE TO HAPPEN, AND IF IN RESPONSE TO THAT, PAC 12 WERE TO ALLOW ITS SCHOOLS TO DO THAT, ARE YOU SAYING THAT THE PAC TEN (SIC) -- AND THE PAC TEN CHOSE NOT TO DO THAT, ARE YOU SAYING THAT PAC TEN THEN WOULD REFUSE

TO PLAY THE PAC 12 IN THE ROSE BOWL?

THE WITNESS: YOU MEAN, BIG TEN?

MR. LI: BIG TEN.

THE COURT: I KNEW I'D GET THOSE WRONG. OKAY.

THE WITNESS: I UNDERSTAND WHAT --

THE COURT: NCAA SAYS --

THE WITNESS: I UNDERSTAND WHAT YOU'RE SAYING.

THE COURT: NCAA SAYS IT'S OKAY.

THE WITNESS: I UNDERSTAND --

THE COURT: PAC 12 CHOOSES TO DO IT; BIG TEN CHOOSES NOT TO DO IT. ARE YOU SAYING THAT BIG TEN WOULD THEN REFUSE TO PLAY THE ROSE BOWL WITH THE PAC 12.

THE WITNESS: YOU KNOW WHAT I THINK HAPPENS IN THAT CIRCUMSTANCE, ASSUMING WE WANT TO BE IN DIVISION I BUT CHOSE NOT TO PAY OUR ATHLETES IN THAT WAY, I THINK THAT THE -- YOU KNOW, WHAT YOU -- WHAT YOU COULD SEE HAPPENING -- AND THIS IS TOTALLY HYPOTHETICAL AND JUST A PROJECTION -- THAT CONFERENCES AND SCHOOLS WHO ARE COMFORTABLE IN ONE AREA WOULD SEEK OUT TO PLAY CONFERENCES AND SCHOOLS WHO ARE COMFORTABLE IN THE OTHER AREA.

OVER 10 CENTS? I HAVE A HARD TIME THINKING ANYBODY WOULD CANCEL THE ROSE BOWL OVER A DIME, BUT IF -- IF THERE WAS A VERY SIGNIFICANT DIFFERENCE IN HOW THOSE STUDENTS WERE RECRUITED, HOW THEY WERE RETAINED, I THINK THAT THERE'S A VERY GOOD POSSIBILITY THAT YOU'D TO HAVE A CONVERSATION ABOUT WHO

YOU WANT TO PLAY GOING FORWARD.

ROSE BOWL'S SO IMPORTANT TO THE BIG TEN, I KNOW THAT IT WOULDN'T BE CANCELED OVER A DIME.

MR. HAUSFELD: JUST SO WE HAVE A -- ON THE RECORD, YOUR HONOR, HOW MUCH DOES THE BIG TEN MAKE IF IT PLAYS IN THE ROSE BOWL?

THE WITNESS: IF IT PLAYS IN THE ROSE BOWL, PROBABLY ABOUT $10 MILLION.

MR. HAUSFELD: ONE GAME.

THE WITNESS: ONE GAME.

MR. HAUSFELD: THANK YOU, YOUR HONOR.

MR. LI: NOTHING FURTHER, YOUR HONOR. THANK YOU.

THE COURT: ALL RIGHT. YOU'RE EXCUSED. YOU MAY STEP DOWN. THANK YOU.

YOU MAY CALL YOUR NEXT WITNESS.

THE CLERK: IF I MAY HAVE THE WITNESS COME TO THE WITNESS STAND, PLEASE.

YEAH, AND ONCE THERE, IF I COULD HAVE YOU RAISE YOUR RIGHT HAND FOR ME, PLEASE.

RAISE YOUR RIGHT HAND FOR ME, PLEASE.

TODD PETR,

CALLED AS A WITNESS FOR THE DEFENDANTS, HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

THE CLERK: PLEASE BE SEATED, AND ONCE SEATED, I'M GOING TO ASK THAT YOU PLEASE STATE AND SPELL YOUR FIRST AND

LAST NAME FOR THE RECORD, PLEASE.

THE WITNESS: MY NAME IS TODD. FIRST NAME IS T-O-D-D, LAST NAME IS PETR, P-E-T-R.

THE CLERK: THANK YOU.

THE WITNESS: YOU'RE WELCOME.

DIRECT EXAMINATION

BY MS. LUEDTKE:

Q. GOOD AFTERNOON, MR. PETR.

A. HELLO.

Q. CAN YOU TELL THE COURT WHAT YOUR POSITION IS AT THE NCAA?

A. SURE. I'M THE MANAGING DIRECTOR OF RESEARCH AT NCAA.

Q. WHAT DO YOU DO AS THE MANAGING DIRECTOR OF RESEARCH?

A. WELL, I OVERSEE OUR RESEARCH SHOP, IF YOU WILL. WE HAVE A RESEARCH DEPARTMENT, HAS 16 EMPLOYEES IN IT. AND WE WORK WITH THE MEMBERSHIP TO MAKE SURE THAT THEIR RESEARCH NEEDS ARE MET ON A DAY-TO-DAY BASIS, AND THAT'S REALLY OUR -- OUR PRIMARY PURPOSE.

Q. ARE THERE PARTICULAR AREAS OF RESEARCH THAT YOU DO FOR THE MEMBERSHIP?

A. WE'RE ALL OVER THE MAP, BUT I THINK THERE ARE FOUR MAJOR AREAS THAT WE -- WE LOOK INTO SORT OF MOST REGULARLY. ONE WOULD BE ACADEMICS, ACADEMIC SUCCESS OF STUDENT ATHLETES, PREDICTORS OF ACADEMIC SUCCESS OF ATHLETES. WE COLLECT A LOT OF DATA THROUGH VARIOUS SOURCES ON ACADEMICS AND -- AND STUDENT ATHLETES AND HOW THEY'RE DOING ACADEMICALLY.

Exhibit E

Keeping Faith With The Student-Athlete

A New Model for Intercollegiate Athletics

March 1991

Keeping Faith

LETTER OF TRANSMITTAL

Mr. Lee Hills
Vice Chairman
Board of Trustees
Knight Foundation
2 South Biscayne Boulevard
Miami, Florida 33131

Dear Mr. Hills,

On October 19, 1989, the Trustees of Knight Foundation created this Commission and directed it to propose a reform agenda for intercollegiate athletics. In doing so, they expressed concern that abuses in athletics had reached proportions threatening the very integrity of higher education, which is one of the principal program interests of the Foundation.

It has been our privilege to co-chair this endeavor and on behalf of the members of the Commission we are pleased to transmit this report, *Keeping Faith with the Student-Athlete: A New Model for Intercollegiate Athletics.*

In developing its recommendations, the Commission spent more than a year in study and debate, and benefited from the advice and suggestions of more than 80 experts. During a series of public meetings, we heard from athletics administrators, coaches, student-athletes, scholars, journalists, leaders of professional leagues and others.

The demanding task of monitoring college sports is made all the more difficult today by a confluence of new factors. These include the perception that ethical behavior in the larger society has broken down, the public's insistence on winning local teams, and the growth of television combined with the demand for sports programming, Clearly, universities have not immunized themselves from these developments.

We sense that public concern about abuse is growing. The public appears ready to believe that many institutions achieve goals not through the honest effort but through equivocation, not by hard work and sacrifice but by hook or by crook. If the public's perception is correct, both the educational aims of athletics and the institutions' integrity are called into question.

We have attempted to define the problems as we understand them and to suggest solutions, not search for scapegoats. This report addresses what we consider to be the main issues and does not attempt to treat subordinate matters in any detail. Even in respect to what we see as the major issues, we place less emphasis on specific solutions than on proposing a structure

through which these issues -- and others arising in the future -- can be addressed by the responsible administrators.

The first section introduces the core of our interest: the place of athletics on our campuses and the imperative to place the well-being of the student-athlete at the forefront of our concerns. The second section presents our recommendations. It outlines a new structure for intercollegiate athletics in which the well-being of student-athletes, our overarching goal, is attained by what we call the "one-plus-three" model -- presidential control directed toward academic integrity, financial integrity, and independent certification. The third section calls for a nationwide effort, growing from our campuses outward, to put the "one-plus-three" model into effect and suggests appropriate roles for each of the major groups on campus.

The members of the Commission were straightforward in their discussions and are candid in this report regarding both the strengths and the weaknesses of intercollegiate athletics. Although individual members of the Commission may have reservations about the details of some of these recommendations, they are unanimous in their support of the broad themes outlined in this document.

The commission's commitment to the reform of college sport does not end with this report. We will follow through. We plan to monitor the progress in implementing the "one-plus-three" model. In twelve months we will revisit these issues and define what remains to be accomplished.

On a personal note, we want to express our deep sadness on learning, as this document went to press, of the death of a man who played a pivotal role in establishing the Commission, James L. Knight, Chairman of the Knight Foundation. We speak for the entire Commission in expressing our sympathy and our hope that this report keeps faith with Mr. Knight's vision of what intercollegiate sport can be at its best.

Respectfully,

William C. Friday
Co-Chairman
President
William R. Kenan Jr. Fund

Theodore M. Hesburgh, C.S.C.
Co-Chairman
President Emeritus
University of Notre Dame

INTRODUCTION

At their best, which is most of the time, intercollegiate athletics provide millions of people -- athletes, undergraduates, alumni and the general public -- with great pleasure, the spectacle of extraordinary effort and physical grace, the excitement of an outcome in doubt, and a shared unifying experience. Thousands of men and women in the United States are stronger adults because of the challenges they mastered as young athletes.

But at their worst, big-time college athletics appear to have lost their bearings. With increasing frequency they threaten to overwhelm the universities in whose name they were established and to undermine the integrity of one of our fundamental national institutions: higher education.

The Knight Commission believes that intercollegiate athletics, kept in perspective, are an important part of college life. We are encouraged by the energy of the reform movement now under way. But the clamor for reform and the distinguishing signals of government intrusion confirm the need to rethink the management and fundamental premises of intercollegiate athletics.

The Commission's bedrock conviction is that university presidents are the key to successful reform. They must be in charge -- and be understood to be in charge -- on campuses, in conferences and in the decision-making councils of the NCAA.

We propose what we call the "one-plus-three" model, a new structure of reform in which the "one" -- presidential control -- is directed toward the "three" -- academic integrity, financial integrity and independent certification. With such a model in place, higher education can address all of the subordinate difficulties in college sports. Without such a model, athletics reform will continue in fits and starts, its energy squandered on symptoms, the underlying problems ignored.

This is how these recommendations can help change college sports:

PRESIDENTIAL CONTROL

1. Trustees will delegate to the president -- not reserve for the board or individual members of the board -- the administrative authority to govern the athletics program.

2. Presidents will have the same degree of control over athletics that they exercise elsewhere in the university, including the authority to hire, evaluate and terminate athletics directors and coaches, and to oversee all financial matters in their athletics departments.

3. The policy role of presidents will be enhanced throughout the decision-making structures of the NCAA.

4. Trustees, alumni and local boosters will defer to presidential control.

ACADEMIC INTEGRITY

1. Cutting academic corners in order to admit athletes will not be tolerated. Student-athletes will not be admitted unless they are likely, in the judgment of academic officials, to graduate. Junior college transfers will be given no leeway in fulfilling eligibility requirements.

2. "No Pass, No Play" will be the byword of college sports in admissions, academic progress and graduation rates.

3. An athlete's eligibility each year, and each academic term, will be based on continuous progress toward graduation within five years of enrollment.

4. Graduation rates of student-athletes in each sport will be similar to the graduation rates of other students who have spent comparable time as full-time students.

FINANCIAL INTEGRITY

1. Athletics departments will not operate as independent subsidiaries of the university. All funds raised and spent for athletics will go through the university's central financial controls and will be subject to the same oversight and scrutiny as funds in other departments. Athletics foundations and booster clubs will not be permitted to provide support for athletics programs outside the administration's direct control.

2. Contracts for athletics-related outside income of coaches and administrators, including shoe and equipment contracts, will be negotiated through the university.

3. Institutional funds can be spent on athletics programs. This will affirm the legitimate role of athletics on campus and can relieve some of the pressure on revenue-producing teams to support non-revenue sports.

CERTIFICATION

1. Each year, every NCAA institution will undergo a thorough, independent audit of all academic and financial matters related to athletics.

2. Universities will have to withstand the scrutiny of their peers. Each NCAA institution awarding athletics aid will be required to participate in a comprehensive certification program. This program will verify that the athletics department follows institutional goals, that its fiscal controls are sound, and that athletes in each sport resemble the rest of the student body in admissions, academic progress and graduation rates.

The reforms proposed above are designed to strengthen the bonds that connect student, sport and higher learning. Student-athletes should compete successfully in the classroom as well as on the playing field and, insofar as possible, should be indistinguishable from other undergraduates. All athletes -- men or women, majority or minority, in revenue-producing and non-revenue sports -- should be treated equitably.

In order to help presidents put the “one-plus-three” model into effect, the Commission proposes a statement of principles to be used as the basis for intensive discussion at each institution. Our hope is that this discussion will involve everyone on the campus with major responsibilities for college sports. These principles support the “one-plus-three” model and can be employed as a starting point on any campus wishing to take the recommendations of this document seriously. We recommend incorporating these principles into the NCAA’s certification process and using that process as the foundation of a nationwide effort to advance athletics reform. Ideally, institutions will agree to schedule only those colleges and universities that have passed all aspects of the certification process. Institutions that refuse to correct deficiencies will find themselves isolated by the vast majority of administrators who support intercollegiate sports as an honorable tradition in college life.

Reform

THE NEED FOR REFORM

As our nation approaches a new century, the demand for reform of intercollegiate athletics has escalated dramatically. Educational and athletics leaders face the challenge of controlling costs, restraining recruiting, limiting time demands, and restoring credibility and dignity to the term "student-athlete." In the midst of these pressures, it is easy to lose sight of the achievements of intercollegiate sports and easier still to lose sight of why these games are played.

The appeal of competitive games is boundless. In ancient times, men at war laid down their weapons to compete in the Olympic games. Today, people around the globe put aside their daily cares to follow the fortunes of their teams in the World Cup. In the United States, the Super Bowl, the World Series, college football and the NCAA basketball tournament command the attention of millions. Sports have helped break down bigotry and prejudice in American life. On the international scene, they have helped integrate East and West, socialist and capitalist. The passion for sport is universal, shared across time and continents.

Games and sports are educational in the best sense of that word because they teach the participant and the observer new truths about testing oneself and others, about the enduring values of challenge and response, about teamwork, discipline and perseverance. Above all, intercollegiate contests — at any level of skill — drive home a fundamental lesson: Goals worth achieving will be attained only through effort, hard work, sacrifice, and sometimes even these will not be enough to overcome the obstacles life places in our path.

The value and success of college sports should not be overlooked. They are the foundation of our optimism for the future. At the 828 colleges and universities which comprise the National Collegiate Athletic Association (NCAA), over 254,000 young men and women participate in 21 different sports each year in about one quarter of a million contests. At the huge majority of these institutions, virtually all of these young athletes participate in these contests without any evidence of scandal or academic abuse. This record is one in which student-athletes and university administrators can take pride and from which the Knight Foundation Commission takes heart.

All of the positive contributions that sports make to higher education, however, are threatened by disturbing patterns of abuse, particularly in some big-time programs. These patterns are grounded in institutional indifference, presidential neglect, and the growing commercialization of sport combined with the urge to win at all costs. The sad truth is that on too many campuses big-time revenue sports are out of control.

The assumption of office by a new executive director of the NCAA coincides with renewed vigor for major reform on the part of athletics administrators and university presidents.

Reform efforts are well underway. One conference has voted to bar from athletics participation all students who do not meet NCAA freshman-eligibility standards. One state has decided to require all students in publicly supported institutions to maintain a "C" average in order to participate in extracurricular activities, including intercollegiate sports. Judging by the tone of recent NCAA conventions, concern for the university's good name and the welfare of the student-athlete — irrespective of gender, race or sport — will be the centerpiece of athletics administration as we approach a new century. We do not want to interfere with that agenda. We hope to advance it.

THE PROBLEM

The problems described to the Commission — in more than a year of meetings and discussions with athletics directors, faculty representatives, coaches, athletes, conference leaders, television officials and accrediting associations - are widespread. They are not entirely confined to big schools ... or to football or basketball ... or to men's sports. But they are most apparent within major athletics programs and are concentrated most strongly in those sports for which collegiate participation serves the talented few as an apprenticeship for professional careers.

Recruiting, the bane of the college coach's life, is one area particularly susceptible to abuse. While most institutions and coaches recruit ethically and within the rules, some clearly do not. Recruiting abuses are the most frequent cause of punitive action by the NCAA. Even the most scrupulous coaching staffs are trapped on a recruiting treadmill, running through an interminable sequence of letters, telephone calls and visits. The cost of recruiting a handful of basketball players each year exceeds, on some campuses, the cost of recruiting the rest of the freshman class.

Athletics programs are given special, often unique, status within the university; the best coaches receive an income many times that of most full professors; some coaches succumb to the pressure to win with recruiting violations and even the abuse of players; boosters respond to athletic performance with gifts and under-the-table payments; faculty members, presidents and other administrators, unable to control the enterprise, stand by as it undermines the institution's goals in the name of values alien to the best the university represents.

These programs appear to promise a quick route to revenue, recognition and renown for the university. But along that road, big-time athletics programs often take on a life of their own. Their intrinsic educational value, easily lost in their use to promote extra-institutional goals, becomes engulfed by the revenue stream they generate and overwhelmed by the accompanying publicity. Now, instead of the institution alone having a stake in a given team or sport, the circle of involvement includes television networks and local stations that sell advertising time, the corporations and local businesses buying the time, the boosters living vicariously through the team's success, the local economies critically dependent on the big game, and the burgeoning population of fans who live and die with the team's fortunes.

In this crucible, the program shifts from providing an exciting avenue of expression and enjoyment for the athletes and their fans to maximizing the revenue and institutional prestige that can be generated by a handful of highly visible teams. The athletics director can become the CEO of a fair-sized corporation with a significant impact on the local economy. The "power coach," often enjoying greater recognition throughout the state than most elected officials, becomes chief operating officer of a multi-million dollar business.

Within the last decade, big-time athletics programs have taken on all of the trappings of a major entertainment enterprise. In the search for television revenues, traditional rivalries have been tossed aside in conference realignments, games have been rescheduled to satisfy broadcast preferences, the number of games has multiplied, student-athletes have been put on the field at all hours of the day and night, and university administrators have fallen to quarreling among themselves over the division of revenues from national broadcasting contracts.

But the promise of easy access to renown and revenue often represents fool's gold. Recognition on the athletic field counts for little in the academic community. Expenses are driven by the search for revenues and the revenue stream is consumed, at most institutions, in building up the program to maintain the revenue. Renown for athletic exploits can be a two-edged sword if the university is forced to endure the public humiliation of sanctions brought on by rules violations. Above all, the fragile institution of the university often finds itself unable to stand up against the commitment, the energy and the passion underlying modern intercollegiate athletics.

In the circumstances we have described, it is small wonder that three out of four Americans believe that television dollars, not administrators, control college sports. But the underlying problems existed long before the advent of television. A 1929 report from the Carnegie Fund for the Advancement of Teaching identified many of the difficulties still with us today. In college athletics, it said, recruiting had become corrupt, professionals had replaced amateurs, education was being neglected, and commercialism reigned. That document still rings true today, reminding us that it is an oversimplification to blame today's problems on television alone. Even so, the lure of the television dollars has unquestionably added a new dimension to the problem and must be addressed.

At the root of the problem is a great reversal of ends and means. Increasingly, the team, the game, the season and "the program" — all intended as expressions of the university's larger purposes — gain ascendancy over the ends that created and nurtured them. Non-revenue sports receive little attention and women's programs take a back seat. As the educational context for collegiate athletics competition is pushed aside, what remains is, too often, a self-justifying enterprise whose connection with learning is tainted by commercialism and incipient cynicism.

In the short term, the human price for this lack of direction is exacted from the athletes whose talents give meaning to the system. But the ultimate cost is paid by the university and by

society itself. If the university is not itself a model of ethical behavior, why should we expect such behavior from students or from the larger society?

Pervasive though these problems are, they are not universal. This is true even if the universe is restricted to the roughly 300 institutions playing football or basketball at the highest levels. But they are sufficiently common that it is no longer possible to conclude they represent the workings of a handful of misguided individuals or a few "rotten apples." One recent analysis indicates that fully one-half of Division I-A institutions (the 106 colleges and universities with the most competitive and expensive football programs) were the object of sanctions of varying severity from the NCAA during the 1980s. Other institutions, unsanctioned, graduate very few student-athletes in revenue-producing sports.

The problems are so deep-rooted and long-standing that they must be understood to be systemic. They can no longer be swept under the rug or kept under control by tinkering around the edges. Because these problems are so widespread, nothing short of a new structure holds much promise for restoring intercollegiate athletics to their proper place in the university. This report of the Knight Foundation Commission is designed to suggest such a structure.

We are at a critical juncture with respect to the intercollegiate athletics system. We believe college sports face three possible futures:

- higher education will put its athletics house in order from within;
- athletics order will be imposed from without and college sports will be regulated by government; or
- abuse — unchecked — will spread, destroying not only the intrinsic value of intercollegiate athletics but higher education's claim to the high moral ground it should occupy.

Concern for the health of both intercollegiate athletics and American higher education makes the choice clear.

FOCUS ON STUDENTS

Even clearer, in the Commission's view, is the need to start with the student-athlete. The reforms we deem essential start with respect for the dignity of the young men and women who compete and the conviction that they occupy a legitimate place as students on our campuses. If we can get that right, everything else will fall into place. If we cannot, the rest of it will be all wrong.

Regulations governing the recruitment of student-athletes — including letters-of-intent, and how and under what conditions coaches may contact athletes — take up 30 pages of the NCAA Manual. But there is no requirement that the prospective student-athlete be found

academically admissible before accepting a paid campus visit. A prospective player can very easily agree to attend an institution even though the admissions office does not know of the student's existence. Similarly, student-athletes deemed eligible in the fall can compete throughout the year, generally regardless of their academic performance in the first term.

It is hard to avoid the conclusion that there are few academic constraints on the student-athlete. Non-academic prohibitions, on the other hand, are remarkable. Athletics personnel are not permitted to offer rides to student-athletes. University officials are not permitted to invite a student-athlete home for dinner on the spur of the moment. Alumni are not allowed to encourage an athlete to attend their alma mater.

Each of these prohibitions — and the many others in the NCAA Manual — can be understood individually as a response to a specific abuse. But they add up to a series of checks and balances on the student-athlete as an athlete that have nothing to do with the student-athlete as a student. Some rules have been developed to manage potential abuse in particular sports, at particular schools, or in response to the particular circumstances of individual athletes. Whatever the origin of these regulations, the administration of intercollegiate athletics is now so overburdened with legalism and detail that the NCAA Manual more nearly resembles the IRS Code than it does a guide to action.

It is time to get back to first principles. Intercollegiate athletics exist first and foremost for the student-athletes who participate, whether male or female, majority or minority, whether they play football in front of 50,000 or field hockey in front of their friends. It is the university's obligation to educate all of them, an obligation perhaps more serious because the demands we place on them are so much more severe. Real reform must begin here.

A New Model

"ONE-PLUS-THREE"

Individual institutions and the NCAA have consistently dealt with problems in athletics by defining most issues as immediate ones: curbing particular abuses, developing nationally uniform standards, or creating a "level playing field" overseen by athletics administrators.

But the real problem is not one of curbing particular abuses. It is a more central need to have academic administrators define the terms under which athletics will be conducted in the university's name. The basic concern is not nationally uniform standards. It is a more fundamental issue of grounding the regulatory process in the primacy of academic values. The root difficulty is not creating a "level playing field". It is insuring that those on the field are students as well as athletes.

We reject the argument that the only realistic solution to the problem is to drop the student-athlete concept, put athletes on the payroll, and reduce or even eliminate their responsibilities as students.

Such a scheme has nothing to do with education, the purpose for which colleges and universities exist. Scholarship athletes are already paid in the most meaningful way possible: with a free education. The idea of intercollegiate athletics is that the teams represent their institutions as true members of the student body, not as hired hands. Surely American higher education has the ability to devise a better solution to the problems of intercollegiate athletics than making professionals out of the players, which is no solution at all but rather an unacceptable surrender to despair.

It is clear to the Commission that a realistic solution will not be found without a serious and persistent commitment to a fundamental concept: intercollegiate athletics must reflect the values of the university. Where the realities of intercollegiate competition challenge those values, the university must prevail.

The reform we seek takes shape around what the Commission calls the "one-plus-three" model. It consists of the "one" -- presidential control -- directed toward the "three" -- academic integrity, financial integrity and accountability through certification. This model is fully consistent with the university as a context for vigorous and exciting intercollegiate competition. It also serves to bond athletics to the purposes of the university in a way that provides a new framework for their conduct.

The three sides of the reform triangle reinforce each other. Each strengthens the other two. At the same time, the three principles can only be realized through presidential leadership. The coach can only do so much to advance academic values. The athletics director can only go so far to guarantee financial integrity. The athletics department cannot certify itself. But the

president, with a transcendent responsibility for every aspect of the university, can give shape and focus to all three.

With such a foundation in place, higher education can renew its authentic claim on public confidence in the integrity of college sports. All of the subordinate issues and problems of intercollegiate athletics -- athletic dorms, freshman eligibility, the length of playing seasons and recruitment policies -- can be resolved responsibly within this model. Without such a base, athletics reform is doomed to continue in fits and starts, its energy rising and falling with each new headline, its focus shifting to respond to each new manifestation of the underlying problems. It is the underlying problems, not their symptoms, that need to be attacked. The "one-plus-three" model is the foundation on which those who care about higher education and student-athletes can build permanent reform.

THE "ONE": PRESIDENTIAL CONTROL

Presidents are accountable for the major elements in the university's life. The burden of leadership falls on them for the conduct of the institution, whether in the classroom or on the playing field. The president cannot be a figurehead whose leadership applies elsewhere in the university but not in the athletics department.

The following recommendations are designed to advance presidential control:

1. Trustees should explicitly endorse and reaffirm presidential authority in all matters of athletics governance. The basis of presidential authority on campus is the governing board. If presidential action is to be effective, it must have the backing of the board of trustees. We recommend that governing boards:

- Delegate to the president administrative authority over financial matters in the athletics program.
- Work with the president to develop common principles for hiring, evaluating and terminating all athletics administrators, and affirm the president's role and ultimate authority in this central aspect of university administration.
- Advise each new president of its expectations about athletics administration and annually review the athletics program.
- Work with the president to define the faculty's role, which should be focused on academic issues in athletics.

2. Presidents should act on their obligation to control conferences. We believe that presidents of institutions affiliated with athletics conferences should exercise effective voting control of these organizations. Even if day-to-day representation at conference proceedings is delegated to other institutional representatives, presidents should formally retain the authority to define agendas, offer motions, cast votes or provide voting instructions, and review and, if necessary, reshape conference decisions.

3. Presidents should control the NCAA. The Knight Commission believes hands-on presidential involvement in NCAA decision-making is imperative. As demonstrated by the overwhelming approval of their reform legislation at the 1991 NCAA convention, presidents have the power to set the course of the NCAA - if they will use it. The Commission recommends that:

- Presidents make informed use of the ultimate NCAA authority - their votes on the NCAA convention floor. They should either attend and vote personally, or familiarize themselves with the issues and give their representatives specific voting instructions. Recent procedural changes requiring that pending legislation be published for review several months before formal consideration simplify this task enormously.
- The Presidents Commission follow up its recent success with additional reform measures, beginning with the legislation on academic requirements it proposes to sponsor in 1992. The Commission can and should consolidate its leadership role by energetic use of its authority to draft legislation, to determine whether balloting will be by roll call or paddle, and to order the convention agenda.
- Presidents must stay the course. Opponents of progress have vowed they will be back to reverse recent reform legislation. Presidents must challenge these defenders of the status quo. They cannot win the battle for reform if they fight in fits and starts — their commitment to restoring perspective to intercollegiate athletics must be complete and continuing.

4. Presidents should commit their institutions to equity in all aspects of intercollegiate athletics. The Commission emphasizes that continued inattention to the requirements of Title IX (mandating equitable treatment of women in educational programs) represents a major stain on institutional integrity. It is essential that presidents take the lead in this area. We recommend that presidents:

- Annually review participation opportunities in intercollegiate programs by gender.
- Develop procedures to insure more opportunities for women's participation and promote equity for women's teams in terms of schedules, facilities, travel arrangements and coaching.

5. Presidents should control their institution's involvement with commercial television. The lure of television dollars has clearly exacerbated the problems of intercollegiate athletics. Just as surely, institutions have not found the will or the inclination to define the terms of their involvement with the entertainment industry. Clearly, something must be done to mitigate the growing public perception that the quest for television dollars is turning college sports into an entertainment enterprise. In the Commission's view it is crucial that presidents, working through appropriate conference and NCAA channels, immediately and critically review contractual relationships with networks. It is time that institutions clearly prescribe the policies,

terms and conditions of the televising of intercollegiate athletics events. Greater care must be given to the needs and obligations of the student-athlete and the primacy of the academic calendar over the scheduling requirements of the networks.

THE "THREE": ACADEMIC INTEGRITY

The first consideration on a university campus must be academic integrity. The fundamental premise must be that athletes are students as well. They should not be considered for enrollment at a college or university unless they give reasonable promise of being successful at that institution in a course of study leading to an academic degree. Student-athletes should undertake the same courses of study offered to other students and graduate in the same proportion as those who spend comparable time as full-time students. Their academic performance should be measured by the same criteria applied to other students.

Admissions — At some Division I institutions, according to NCAA data, every football and basketball player admitted in the 1988-89 academic year met the university's regular admissions standards. At others, according to the same data, not a single football or basketball player met the regular requirements. At half of all Division I-A institutions, about 20 percent or more of football and basketball players are "special admits," i.e., admitted with special consideration, That rate is about 10 times as high as the rate for total student body.

The Commission believes that the freshman eligibility rule known as Proposition 48 has improved the academic preparation of student-athletes. Proposition 48 has also had some unanticipated consequences. Virtually unnoticed in the public discussion about Proposition 48 is the requirement that the high school grade point average be computed for only 11 units of academic work. Out of 106 Division I-A institutions, 97 of them (91 percent) require or recommend more than 11 high school academic units for the typical high school applicant. In fact, 73 Division I-A institutions, according to their published admissions criteria, require or recommend 15 or more academic high school units from all other applicants.

Academic Progress — The most recent NCAA data indicate that in one-half of all Division I institutions about 90 percent of all football and basketball players are meeting "satisfactory" progress requirements and are, therefore, eligible for intercollegiate competition. Under current regulations, however, it is possible for a student-athlete to remain eligible each year but still be far from a degree after five years as a full-time student. The 1991 NCAA convention began to address this issue in enacting provisions requiring that at the end of the third year of enrollment, student-athletes should have completed 50 percent of their degree requirements.

The 1991 convention also made significant headway in reducing the excessive time demands athletic participation places on student-athletes. Throughout the 1980s, according to the recent NCAA research, football and basketball players at Division I-A institutions spent

approximately 30 hours a week on their sports in season, more time than they spent attending or preparing for class.

Football and basketball are far from the only sinners. Baseball, golf and tennis players report the most time spent on sports. Many other sports for both men and women, including swimming and gymnastics, demand year-round conditioning if athletes are to compete successfully. It remains to be seen whether the recent NCAA legislation will make a genuine dent in the onerous demands on students' time.

Graduation Rates -- At some Division I institutions, 100 percent of the basketball players or the football players graduate within five years of enrolling. At others, none of the basketball or football players graduate within five years. In the typical Division I college or university, only 33 percent of basketball players and 37.5 percent of football players graduate within five years. Overall graduation rates for all student-athletes (men and women) in Division I approach graduation rates for all students in Division I according to the NCAA -- 47 percent of all student-athletes in Division I graduate in five years.

Dreadful anecdotal evidence about academic progress and graduation rates is readily available. But the anecdotes merely illustrate what the NCAA data confirm: About two-thirds of the student-athletes in big-time, revenue-producing sports have not received a college degree within five years of enrolling at their institution.

The Commission's recommendations on academic integrity can be encapsulated in a very simple concept -- "No Pass, No Play." That concept, first developed for high school athletics eligibility in Texas, is even more apt for institutions of higher education. It applies to admissions, to academic progress and to graduation rates.

The following recommendations are designed to advance academic integrity:

1. The NCAA should strengthen initial eligibility requirements. Proposition 48 has served intercollegiate athletics well. It has helped insure that more student-athletes are prepared for the rigors of undergraduate study. It is time to build on and extend its success. We recommend that:

- By 1995 prospective student-athletes should present 15 units of high school academic work in order to be eligible to play in their first year.
- A high school student-athlete should be ineligible for reimbursed campus visits or for signing a letter of intent until the admissions office indicates he or she shows reasonable promise of being able to meet the requirements for a degree.
- student-athletes transferring from junior colleges should meet the admissions requirements applied to other junior college students. Moreover, junior college transfers who did not meet NCAA Proposition 48 requirements when they graduated from high school should be required to sit out a year of competition after transfer.

- Finally, we propose an NCAA study of the conditions under which colleges and universities admit athletes. This study should be designed to see if it is feasible to put in place admissions requirements to insure that the range of academic ability for incoming athletes, by sport, would approximate the range of abilities for the institution's freshman class.

2. The letter of intent should serve the student as well as the athletics department. Incoming freshmen who have signed a letter of intent to attend a particular institution should be released from that obligation if the head coach who recruited them leaves the institution, or if the institution is put on probation by the NCAA, before the enroll. Such incoming student-athletes should be automatically eligible to apply to any other college or university, except the head or assistant coach's new home, and to participate in intercollegiate athletics. Currently student-athletes are locked into the institution no matter how its athletics program changes -- a restriction that applies to no other student.

3. Athletics scholarships should be offered for a five year period. In light of the time demands of athletics competition, we believe that eligibility should continue to be limited to a period of four years, but athletics scholarship assistance routinely should cover the time required to complete a degree, up to a maximum of five years. Moreover, the initial offer to the student-athlete should be for the length of time required to earn a degree up to five years, not the single year now mandated by NCAA rules. The only athletics condition under which the five-year commitment could be broken would be if the student refused to participate in the sport for which the grant-in-aid was offered. Otherwise, aid should continue as long as the student-athlete remains in good standing at the institution.

4. Athletics eligibility should depend on progress toward a degree. In order to retain eligibility, enrolled athletes should be able to graduate within five years and to demonstrate progress toward that goal each semester. At any time during the student-athlete's undergraduate years, the university should be able to demonstrate that the athlete can meet this test without unreasonable course loads. Further, eligibility for participation should be restricted to students who meet the institution's published academic requirements, including a minimum grade point average when applicable.

5. Graduation rates of athletes should be a criterion for NCAA certification. The Commission believes that no university should countenance lower graduation rates for its student-athletes, in any sport, than it is willing to accept in the full-time student body at large. Fundamental to the restoration of public trust is our belief that graduation rates in revenue-producing sports should be a major criterion on which NCAA certification depends.

THE "THREE" : FINANCIAL INTEGRITY

An institution of higher education has an abiding obligation to be a responsible steward of all the recourse that support its activities — whether in the form of taxpayer's dollars, the hard-earned payments of students and their parents, the contributions of alumni, or the revenue stream generated by athletics programs. In this respect, the responsibility of presidents and trustees is singular.

Costs - A 1990 College Football Association study indicated that in the prior four years, the cost of operating an athletics department increased 35 percent while revenues increased only 21 percent. For the first time in its surveys, said the CFA, average expenses exceed average income. Overall, 39 of 53 institutions responding — including some of the largest and presumably the most successful sports programs — are either operating deficits or would be without institutional or state support. More comprehensive data from the NCAA confirm that, on average, the athletics programs of Division I-A institutions barely break even. When athletics expenses are subtracted from revenues, the average Division I-A institutions is left with $39,000.

The Larger Economic Environment - Big-time sports programs are economic magnets. They attract entertainment and business interests of a wide variety. They support entire industries dedicated to their needs and contests. But while college sports provide a demonstrably effective and attractive public showcase for the university, potential pitfalls abound because of the money involved. Particular vigilance is required to assure that central administrators set the terms under which the university engages the larger economic environment surrounding big-time college sports. The lack of such monitoring in the past explains many of the financial scandals that have tarnished college athletics.

The Commission therefore recommends that:

> **1. Athletics costs must be reduced.** The Commission applauds the cost control measures — including reductions in coaching staff sizes, recruiting activities and the number of athletics scholarships — approved at the 1991 NCAA convention. It is essential that presidents monitor these measures to insure that, in the name of "fine tuning," these provisions are not watered down before they become fully effective in 1994. We urge the Presidents Commission, athletics directors and the NCAA leadership to continue the search for cost-reduction measures.
>
> **2. Athletics grants-in-aid should cover the full cost of attendance for the very needy.** Despite the Commission's commitment to cost reduction, we believe existing grants-in-aid (tuition, fees, books, and room and board) fail to adequately address the needs of some student-athletes. Assuming the ten percent reduction in scholarship numbers approved at the 1991 NCAA convention is put in place, we recommend that grants-in-aid for low-income athletes be expanded to the "full cost of attendance," including personal and miscellaneous expenses, as determined by federal guidelines.

3. The independence of athletics foundations and booster clubs must be curbed. Some booster clubs have contributed generously to overall athletics revenues. But too many of these organizations seem to have been created either in response to state laws prohibiting the expenditure of public funds on athletics or to avoid institutional oversight of athletics expenditures. Such autonomous authority can severely compromise the university. Progress has been made in recent years in bringing most of these organizations under the control of institutions. More needs to be done. The Commission believes that no extra-institutional organization should be responsible for any operational aspect of an intercollegiate athletics programs. All funds raised for athletics should be channeled into the university's financial system and subjected to the same budgeting procedures applied to similarly structured departments and programs.

4. The NCAA formula for sharing television revenue from the national basketball championship must be reviewed by university presidents. The new revenue-sharing plan for distributing television and championship dollars has many promising features - funds for academic counseling, catastrophic injury insurance for all athletes in all divisions, a fund for needy student-athletes, and financial support for teams in all divisions, including increased transportation and per diem expenses. Nonetheless, the testimony before this Commission made it clear that a perception persists that the plan still places too high a financial premium on winning and that the rich will continue to get richer. The Commission recommends that the plan be reviewed annually by the Presidents Commission during the seven-year life of the current television contract and adjusted as warranted by experience.

5. All athletics-related coaches' income should be reviewed and approved by the university. The Commission believes that in considering non-coaching income for its coaches, universities should follow a well-established practice with all faculty members: If the outside income involves the university's functions, facilities or name, contracts for particular services should be negotiated with the university. As part of the effort to bring athletics-related income into the university, we recommend that the NCAA ban shoe and equipment contracts with individual coaches. If a company is eager to have an institution's athletes using its product, it should approach the institution not the coach.

6. Coaches should be offered long-term contracts. Academic tenure is not appropriate for most coaches, unless they are bona fide members of the faculty. But greater security in an insecure field is clearly reasonable. The Commission suggests that within five years of contractual employment, head and assistant coaches who meet the university's expectations, including its academic expectations, should be offered renewable, long-term contracts. These contracts should specifically address the university's obligations in the event of termination, as well as the coach's obligations in the event he or she breaks the contract by leaving the institution.

7. Institutional support should be available for intercollegiate athletics. The Commission starts from the premise that properly administered intercollegiate athletics programs have legitimate standing in the university community. In that light, general funds can appropriately be used when needed to reduce the pressure on revenue sports to support the entire athletics program. There is an inherent contradiction in insisting on the one hand that athletics are an important part of the university while arguing, on the other hand, that spending institutional funds for them is somehow improper.

THE "THREE": CERTIFICATION

The third leg of our triangle calls for independent authentication by an outside body of integrity of each institution's athletics program. It seems clear that the health of most college athletics programs, like the health of most individuals, depends on periodic checkups. Regular examinations are required to ensure the major systems are functioning properly and that problems are treated before they threaten the health of the entire program. Such checkups should cover the entire range of academic and financial issues in intercollegiate athletics.

The academic and financial integrity of college athletics is in such low repute that authentication by an outside agency is essential. Periodic independent assessments of a program can go a long way toward guaranteeing that the athletics culture on campus responds to academic direction, that expenditures are routinely reviewed, that the president's authority is respected by the board of trustees, and that the trustees stand for academic values when push comes to shove in the athletics department.

Regarding independent certification, the Commission therefore recommends:

1. The NCAA should extend the certification process to all institutions granting athletics aid. The NCAA is now in the midst of a pilot effort to develop a certification program which will, when in place, certify the integrity of athletics programs. We recommend that this pilot certification process be extended on a mandatory basis to all institutions granting athletics aid. Of critical importance to the Commission in its support of this new activity is the assurance of NCAA officials that certification will depend, in large measure, on the comparison of student-athletes, by sport, with the rest of the student body in terms of admissions, academic progress and graduation rates. Equally important are plans to publicly identify institutions failing the certification process.

2. Universities should undertake comprehensive, annual policy audits of their athletics program. We urge extending the annual financial audit now required by the NCAA to incorporate academic issues and athletics governance. The new annual review should examine student-athletes' admissions records, academic progress and graduation rates, as well as the athletics department's management and budget. This

activity should serve as preventive maintenance to insure institutional integrity and can provide the annual raw data to make the certification process effective.

3. The certification program should include the major themes put forth in this document. If the new certification program is to be effective and institutions are to meet its challenge, we believe colleges and universities will be forced to undergo the most rigorous self-examination of the policies and procedures by which they control their sports programs. This document concludes with ten principles that, in the form of a restatement of the Commission's implementing recommendations, can serve as a vehicle for such self-examination. We urge the NCAA to incorporate these principles into the certification process.

Putting Principles Into Action

PRINCIPLES INTO ACTION

Reform will not be realized with calls for improvement or with recommendations that sit on a shelf. What is required is a great nationwide effort to move reform from rhetoric to reality. This campaign should be directed at putting the "one-plus-three" model into place and ridding intercollegiate athletics of abuse.

This effort must take root on individual campuses; it cannot be imposed from without. It should draw on the energy of university presidents and trustees. It should seek the counsel of athletics directors, coaches, faculty and alumni, and call forth the best that is in our student-athletes. This campaign needs the assistance of secondary school administrators and the staunch support of the NCAA. With these elements in place, college sports can be transformed.

If that is to happen, the major actors involved in intercollegiate athletics must clearly understand their roles. The Commission wishes to speak directly to each of them.

TO COLLEGE AND UNIVERSITY PRESIDENTS:

Your success at the 1991 NCAA convention confirms what we believe: You are the linchpin of the reform movement. At your own institution, your efforts are critical to a sound athletics program, one that honors the integrity of both your institution and the students wearing your colors. Together with your colleagues across the nation you can assure that college athletics serve the best ideals of higher education.

This report suggests how you can make a difference on your campus. It recommends your involvement in directing your athletics conference and in strengthening the policy-making role of presidents within the NCAA. It insists that you pay greater attention to the academic and financial functioning of your athletics department. We ask that you maintain open lines of communication with your athletics director; there should be no misunderstanding about your institution's academic and athletics goals. The burden is on you to insist that athletics reform is a matter of utmost concern in your institution's academic principles.

TO CHAIRS OF GOVERNING BOARDS:

When you support your president in these reforms, success will be assured. If you do not, we do not know how reform can be accomplished.

The proper role of a board is policy and oversight, not management and personnel actions. The board you lead can be the conscience of the university and the strong right arm of the president. But, without your firm hand, your board can easily lose its way amidst the doubts

and misgivings that attend any great undertaking. Your task is to assure unity of purpose and firmness of resolve. Your reward will be an institution secure in the knowledge that no crisis of public confidence can arise from scandal in the athletics program.

TO THE FACULTY:

You are the inheritors of a tradition stretching back through the centuries. It holds that the faculty is responsible for academic standards and protecting the curriculum.

Your first responsibility is to that inheritance. If your institution offers classes or courses of study designed largely for student-athletes, you have fallen short. You cannot remain true to the tradition you bear by permitting athletes to masquerade as students.

Your second task is to help insure that your institutional representatives to the NCAA are not confused about their purpose. The evidence presented to the Commission indicates that some faculty athletics representatives have not fulfilled their potential as guardians of the academic interest. Working with the president, you must make it clear that these faculty members attend athletics meetings to represent the academic values of the institution.

TO ATHLETICS DIRECTORS:

It is up to you to put muscle and sinew on the framework we have suggested here and to oversee its day-to-day implementation. Most of you understand the importance of what we are proposing and have already supported essential elements of our plan within the councils of the NCAA.

Your most difficult task will be to counterbalance the traditional demand for winning teams with the renewed call for integrity and the equitable treatment of all athletes. Your best guide will come not from boosters with short memories, but from your president and your institution's trustees. Their larger vision of the university's responsibilities and their longer memory of its achievements represent your surest standards.

Your success as a leader in athletics reform will undoubtedly be judged by your ability to transform the athletics culture on your campus. That culture must be reshaped from one in which winning is everything to one in which competition is grounded in the "one-plus-three" model.

TO COACHES:

We know that at their best coaches are educators, mentors, and loyal advocates for the institutions and for higher education. We understand that you are on the front line - forced to make career-shaping decisions under great pressure, constantly on the alert to insure that rivals do not gain an advantage over you, your program or your institution.

You and your colleagues are the adults with the greatest day-to-day contact with our student-athletes. You must make them understand that fewer than one in a hundred will ever make a

living from their athletic ability. Emphasize to them the value of a college degree. Insist that the privilege of being a member of your squad carries with it the obligation of being a student in good standing. Search out every opportunity to drive home the point that your athletes' behavior, on and off the field, is important not merely because of what it says about them. Your satisfaction will be a lifetime associated with adults who have, with your assistance, achieved their full potential.

Your most difficult challenge may be to take to heart the warning in this document that if intercollegiate sport will not police itself, others will. That is no empty threat. It is essential that you forego the temptation to cynicism and, with your colleagues throughout the coaching profession, forge a coalition for reform built around the "one-plus-three" model.

TO THE ALUMNI:

As a product of your institution, you have a critical role to play in safeguarding its reputation. University presidents, faculty members and members of governing boards come and go, but you remain.

In the marketplace, the value of your degree is based on your institution's reputation today, not the reputation it enjoyed when you were students. You can help protect the stake you hold in that degree by insisting that the athletics program is directed along ethical lines. Through your formal participation in structures such as governing boards, alumni boards, athletics councils and local alumni clubs, you can insist that your institution holds fast to the reform model we present here.

TO STUDENT-ATHLETES:

No one has a greater stake in the outcome of the issues described here than you. With this document the Commission has placed your concerns at the heart of athletics administration. If these reforms are adopted, letters of intent will no longer bind so tightly, the initial grant-in-aid offer will no longer be for only one year, and our institutions will renew their commitment to deliver educationally even if you are injured and unable to play.

You must deliver, too. University presidents, trustees, athletics directors and coaches have the power only to create the conditions under which you can reap the rewards of a university education. You must gather that harvest. We plead with you to understand that — unless you are one of the remarkably talented and very lucky — when your athletics eligibility has expired *your playing days are over*. Your task, even if you are one of the fortunate few, is to prepare yourself for the years and decades that stretch ahead of you beyond college. Boosters and alumni cannot do that for you. Presidents and coaches cannot create your future. You must create it yourself. The best place to do that is in the classroom, the library and the laboratory.

TO SECONDARY SCHOOL OFFICIALS:

Many of you have objected over the years to the overemphasis on athletics at the collegiate level. But the nature of the problem has, in recent years, changed. We sense that some secondary school programs now emulate the worst features of too many collegiate programs: recruiting abuses, permitting athletics to interfere with college preparation, standing by as coaches enter into shoe contracts, permitting the time demands for team travel to grow beyond reason, and pursuing television exposure and national rankings with the same passion as colleges and universities.

With this report, we are doing our very best to re-establish important values at the center of intercollegiate sport — and to restore the student-athlete to the center of our concern. We ask you to join us in this effort.

In particular, we ask you to cooperate with us in putting an end to all-star games during the academic year, and to summer camps and leagues dominated by commercial interests. These activities promote a false sense of the importance of athletics in the student's long-term future. We urge you to encourage high school athletes to spend as much time preparing themselves academically as they do preparing themselves athletically. We suggest that you guide them toward institutions that will put their welfare as students and their maturation as young adults ahead of their performance as athletes. We encourage you to make them aware of the importance of attending institutions that have adopted the "one-plus-three" model set forth in this report.

TO THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION:

Finally, we address the National Collegiate Athletic Association — both our colleagues in the institutions which constitute the Association and the staff which directs the organization in their name. Throughout this document we have alluded to the NCAA. We have applauded it when justified and taken it to task when appropriate.

The NCAA has many critics. Aggrieved institutions and coaches complain about it. Disappointed boosters and politicians disagree with it. Enraged editors attack it. Presidents and academics complain that its investigative techniques are unfair. Some of the members of this Commission are among the organization's more severe critics; most of us are not.

We want to make a few major points with respect to the NCAA. First, if it did not exist, higher education would have to create it, or something very much like it. It is clear that a governing, rulemaking and disciplinary body of some sort is required. This Commission cannot impose progress; major change has to grow from within and mature through governing bodies. Handcuffing the NCAA is no way to advance athletics reform.

Second, critics of the NCAA -- particularly those in higher education - should be reminded that it is not some mysterious, omnipotent, external force. It is simply the creature of its own members. Colleges and universities have only themselves to blame for its shortcomings, real or imagined; the power to change the Association rests entirely within their hands.

Third, our recommendation for advancing reform through the NCAA is built on our bedrock principle of presidential control. In fact, the organization itself preaches presidential authority on campus. The activities of the Association should reflect that conviction.

Finally, with that change in place we ask that the NCAA apply itself to the task of simplifying and codifying complex NCAA rules and procedures. Any man or woman on the street should be able to understand what the NCAA does, how it works, how it makes its decisions, and, in particular, how it determines its sanctions. As it stands, not only can the average citizen not answer those questions, but very few presidents, athletics directors, coaches or student-athletes can predict what it is likely to do in any given circumstance. This situation must be addressed.

PRINCIPLES FOR ACTION

It is clear that this nationwide effort must grow from our campuses. We have reduced the essence of our concerns to the "one-plus-three" model. We have expanded this model through the implementing recommendations that form the core of Chapter II. But the question remains, where to begin?

We believe that any institution wishing to take seriously the "one-plus-three" model would do well to start with the following statement of principles which recasts this report's main themes. We urge presidents to make this statement the vehicle for serious discussions within their institutions and, in particular, with the members of the governing board. Each principle is significant. Each deserves a separate conversation. Together they can define what the university expects, and how it hopes to realize its expectations.

A STATEMENT OF PRINCIPLES

Preamble: This institution is committed to a philosophy of firm institutional control of athletics, to the unquestioned academic and financial integrity of our athletics program, and to the accountability of the athletics department to the values and goals befitting higher education, in support of that commitment, the board, officers, faculty and staff of this institution have examined and agreed to the following general principles as a guide to our participation in intercollegiate athletics:

I. The educational values, practices and mission of this institution determine the standards by which we conduct our intercollegiate athletics program.

II. The responsibility and authority for the administration of the athletics department, including all basic policies, personnel and finances, are vested in the president.

III. The welfare, health and safety of student-athletes are primary concerns of athletics administration on this campus. This institution will provide student-athletes with the opportunity for academic experiences as close as possible to the experiences of their classmates.

IV. Every student-athlete -- male and female, majority and minority, in all sports -- will receive equitable and fair treatment.

V. The admission of student-athletes -- including junior college transfers -- will be based on their showing reasonable promise of being successful in a course of study leading to an academic degree. That judgment will be made by admissions officials.

VI. Continuing eligibility to participate in intercollegiate athletics will be based on students being able to demonstrate each academic term that they will graduate within five years of their enrolling. Students who do not pass this test will not play.

VII. Student-athletes, in each sport, will be graduated in at least the same proportion as non-athletes who have spent comparable time as full-time students.

VIII. All funds raised and spent in connection with intercollegiate athletics programs will be channeled through the institutions general treasury, not through independent groups, whether internal or external. The athletics department budget will be developed and monitored in accordance with general budgeting procedures on campus.

IX. All athletics-related income from non-university sources for coaches and athletics administrators will be reviewed and approved by the university. In cases where the income involved the university's functions, facilities or name, contracts will be negotiated with the institution.

X. We will conduct annual academic and fiscal audits of the athletics program. Moreover, we intend to seek NCAA certification that our athletics program complies with the principles herein. We will promptly correct any deficiencies and will conduct our athletics program in a manner worthy of this distinction.

We believe these 10 principles represent a statement around which our institutions and the NCAA can rally. It is our hope that this statement of principles will be incorporated into the Association's developing certification program. The Commission believes that the success of the NCAA certification program must be judged on the degree to which it advances these principles as the fundamental ends of intercollegiate programs. Ideally, institutions will agree to schedule only those colleges and universities that have passed all aspects of the certification process: Institutions that refuse to correct deficiencies will find themselves isolated by the vast majority of athletics administrators who support intercollegiate athletics as an honorable tradition in college life.

The members of the Knight Foundation Commission are convinced, as we know most members of the public and of the athletic and academic worlds are convinced, that changes are clearly required in intercollegiate athletics. Making these changes will require courage, determination and perseverance on the part of us all. That courage, determination and perseverance must be summoned. Without them, we cannot move forward. But with them and the "one-plus-three" model we cannot be held back. The combination makes it possible to keep faith with our student-athletes, with our institutions, and with the public that wants the best for them both.

Appendix A: Acknowledgments

The Commission is grateful for the contributions of many individuals and organizations whose assistance made this report possible. Our first acknowledgment goes to the Board of Trustees of Knight Foundation. Their belief in the importance of this effort launched this Commission. The Foundation has been generous in it's support and unflagging in its commitment to the reform of intercollegiate athletes. The leadership of Knight Foundation President Creed Black has inspired us all throughout the course of this project.

We also appreciate the many contributions of the able and hard working staff which helped guide our work. Staff Director Christopher Morris helped keep the Commission focused on its objectives. His experience in athletic administration on three different campuses was a critical resource for the Commission. Associate Director Maureen Devlin was tireless in preparing and reviewing materials, responding to our needs, and checking our facts. Roger Valdiserri, Associate Athletics Director, University of Notre Dame, served ably as Executive Assistant to Fr. Hesburgh. Bryan Skelton provided important research assistance and administrative support.

James Harvey provided timely briefings to the Commission and served as principal draftsman of this document. Bruce Boston and Adam Kernan-Schloss of James Harvey and Associates, Washington, D.C., also assisted in developing the report. John Underwood provided skillful editing of the final draft. Louis Harris addressed the Commission and lent key insights on several aspects of our work. The report was designed by Luquire George Andrews, Inc. and printed by Washburn Graphics. Finally, we wish to extend our thanks to the dozens of men and women — athletes, coaches, athletics directors, faculty members, conference commissioners, television executives, writers, accrediting officials and leaders from professional sports — who took the time to share their thoughts with us. Their participation was invaluable.

Appendix B:
Meeting Participants

CONFERENCE COMMISSIONERS

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Mid-Eastern Athletic Conference

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Southwest Conference

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Pacific-10 Conference

Carl James
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High Country Athletic Conference

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Marquette University

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Russ Granik
National Basketball Association

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Gregg Hartley
Athletic Footwear Association

David Knopp
National Collegiate Athletic Association

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National Collegiate Athletic Association

A Solid Start

A Report on Reform of Intercollegiate Athletics

March 1992

LETTER OF TRANSMITTAL

March 17, 1992

Mr. Lee Hills
Chairman
Board of Trustees
Knight Foundation
2 South Biscayne Blvd.
Miami, FL 33131

Dear Mr. Hills,

In March 1991, the Knight Foundation Commission on Intercollegiate Athletics submitted to you its report, Keeping Faith with the Student-Athlete: A New Model for Intercollegiate Athletics.

The document, the product of more than a year of study, debate and discussion, placed less emphasis on specific solutions for the problems in college sports and more on proposing a structure for reform. We suggested what we call the "one-plus-three" model, a road map to help guide academic officials as they grapple with the difficult and complex problems of big-time intercollegiate athletics.

When we released our report, the members of the Commission pledged to follow through. We joined forces with other leaders of the athletics reform movement -- the Presidents Commission of the National Collegiate Athletic Association (NCAA), professional associations, college and university presidents, and governing boards -- to advance reform. This alliance has already begun to build on a new model. In this regard, the leadership of the Presidents Commission has been outstanding. In fact, substantial progress has already been made on ten of the twenty specific recommendations put forth by the Knight Commission one year ago.

Today, one year later, we believe the reform movement is off to a fine start. But a long road lies ahead of us. Because much of that road -- particularly in the areas of presidential control, financial integrity and certification -- is still under construction, the rest of the journey will undoubtedly be more difficult and time consuming. Nevertheless, we are enormously encouraged by the progress to date.

We are grateful that the Foundation's trustees have extended the life of the Commission in 1993. With your continued support and guidance, we plan to persevere.

Respectfully,

William C. Friday
Co-Chairman
President
William R. Kenan, Jr. Fund

Theodore M. Hesburgh, C.S.C.
Co-Chairman
President Emeritus
University of Notre Dame

A Solid Start

Twelve months ago the Knight Foundation Commission on Intercollegiate Athletics concluded that big-time college athletics appeared to have lost their bearings and to be veering out of control. In support of a burgeoning sports reform movement, the Commission proposed a new model for intercollegiate athletics, a road map entitled "one-plus-three" in which the "one" - presidential control — would be directed toward the "three" — academic integrity, financial integrity and independent certification. We believed that all of the subordinate problems and issues of college sports could be addressed responsibly within this model.

The Commission's statement, *Keeping Faith with the Student-Athlete*, was not delivered in a vacuum, but in the midst of a growing debate in academic and athletics circles about college sports, their purposes, and how to reform them. We decided to make common cause with the leaders of this reform movement, including the Presidents Commission of the NCAA, college and university presidents, and governing boards. That alliance has already produced results.

As Washington Post columnist Thomas Boswell wrote in June 1991, after reviewing the Presidents Commission's new proposals to raise academic standards, "Just 100 days ago, it seemed like dreamy stuff for the Knight Commission to intone, "Cutting academic corners in order to admit athletes will not be tolerated." Now it doesn't seem quite so farfetched." Today it is not at all farfetched. When the January 1992 NCAA Convention enacted the presidents' proposals, significantly higher academic standards became binding on every big- time college and university athletics program.

The presidents' proposals were approved by handsome margins. The 3-1 votes by which academic standards were raised reinforced the impression that presidents had taken charge. Other important reform measures were also approved, and action on still more was scheduled in a new strategic plan developed by the Presidents Commission.

Meanwhile, acting independently of the NCAA, many governing boards and higher education associations have given impetus to reform with their public endorsements of the Knight Commission recommendations, And with more than 25,000 copies already distributed, it is clear that the report and its statement of principles have become — as we hoped — "a serious vehicle for discussion" on individual campuses.

Perhaps the most encouraging news is the following: The public clearly senses that reform is underway. In its report last year, the Knight Commission referred to a Louis Harris poll conducted in 1989 indicating that 78 percent of Americans believed big-time intercollegiate athletics were out of control. A recent follow-up survey indicates that 47 percent of the public now holds that view, a dramatic 31 point decline. Completed in February 1992, the new Harris survey attributes this impressive change to the accelerated pace of reform in recent years.

As for the NCAA itself, its 1992 convention proved to be one of the most significant in memory. Here is how that convention's actions promise to reshape intercollegiate athletics.

1. Effective this year:

- **Satisfactory Progress in Degree Requirements.** "Majoring in eligibility" is a thing of the past. Division I student-athletes must have completed 25 percent, 50 percent and 75 percent of the program course requirements for their specific degree in order to compete in their third, fourth and fifth years of enrollment, respectively.

- **Satisfactory Progress in Grade Point Average.** Student-athletes cannot compete with little chance of graduating. Entering their third and fourth years of enrollment, Division I student-athletes must have a GPA of 90 and 95 percent, respectively, of the minimum cumulative GPA required to graduate.

- **Satisfactory Progress in School Year.** Student-athletes can no longer slide by during the academic year. Division I and II student-athletes will have to take three-quarters of their courses during the regular academic year, instead of relying on summer school to make up credits.

- **Coaches' Income.** It is clear who employs the coaches. All coaches in Division I and II are now required to obtain prior, annual, written approval from university presidents for all athletically related income, the use of the institution's name, and outside compensation from shoe and apparel companies.

- **Official Visits.** High school athletes will understand that reform is real. Prospects cannot accept official visits to Division I schools prior to the "early signing period" unless they present minimum SAT results of 700 (ACT results of 17) and a GPA of 2.0 in seven core courses.

- **Transfer Students.** Mid-year transfer students (including junior college transfers) at all Division I and II institutions must meet satisfactory progress requirements the following fall, not one year later.

2. Effective by 1993:

- **Presidential Control.** University presidents and the NCAA Council will have in hand a major examination of the role of presidents at the institutional, conference and national levels.

- **Certification.** The proposals of the NCAA Subcommittee on Certification, which encompass the "one-plus-three" model, will be considered at the 1993 convention.

- **Gender Equity.** A study of gender equity in intercollegiate athletics will be completed, including consideration of equity in grants-in-aid for women's sports.

- **Cost Containment.** Grants-in-aid for Division II programs will be reduced by 10 percent, matching cost reductions enacted in 1991 for Division I.

3. Effective by 1994:

- **Financial Integrity.** University presidents and the NCAA Council will have access to a comprehensive examination of financial issues (including sources of financial assistance for student-athletes; the influence of athletics foundations, booster clubs and media revenues; and gender equity).

4. Effective by 1995:

- **Initial Eligibility.** New initial eligibility rules will insure that prospective student-athletes have a reasonable chance of completing college. By August 1995, prospects will be required to present a 2.5 grade point average (out of a possible 4.0) in 13 core high school units, along with a combined SAT core of 700 (ACT score of 17) in order to compete in their first year of enrollment.

The Commission concludes that a solid start on the road to athletics reforms has been made. Presidents are in control of the process. Academic reforms, — "no pass, no play" — have been enacted and will be put into place over the next several years. A major study of financial issues is planned, with legislation scheduled for 1994. A certification program is being tested and will top the NCAA's 1993 legislative agenda.

The Rest Of The Road

Encouraging as these developments are, a long and hazardous road lies before us. One indication of the difficulties ahead can be found in the February Harris poll. Although the public appears convinced that a substantial reform effort is under way, it has adopted a wait-and-see attitude on whether presidents can complete the job. Large majorities (70 percent or more) continue to express concern about rules violations and their impact on university integrity, the false promise of professional careers for student-athletes, financial greed in college sports, and the seemingly insatiable appetite for television revenues. Nearly half (43 percent still doubt that higher education can put its athletics house in order.

professional careers for student-athletes, financial greed in college sports, and the seemingly insatiable appetite for television revenues. Nearly half (43 percent still doubt that higher education can put its athletics house in order.

Remaining issues have less to do with the bread-and-butter of higher education (assessing what students know and are able to do, and setting standards of performance) than with complex and difficult problems of athletics governance, presidential control, financial integrity, and public accountability through certification. Because these issues are less clear cut, involving large stakes for individuals and institutions, they are also of necessity more political. The task for academic and athletics administrators is to keep their eyes on the main prize: a structure for intercollegiate sports embodying the standards and values befitting higher education.

In this regard, several actions taken in the past years are promising. First, in developing a strategic plan to take up enduring issues in intercollegiate athletics, the Presidents Commission has demonstrated its long-term commitment to reform. The results of both the 1991 and 1992 conventions speak for themselves as evidence of the power of that commitment. When presidents are informed and involved, good things happen.

Second, in the next two years the NCAA intends to concentrate on major structural considerations in athletics: certification; presidential authority at the institutional, conference and national levels; and financial control and integrity. These intentions stake out the road ahead, and they round out the “one-plus-three” model. But lasting structural reform will not be secured with good intentions alone. Continued diligent work by college and university presidents will be required.

CERTIFICATION

The Commission wants to note its support for the NCAA's efforts to develop a certification program and its concern that current plans appear to be overly complex. The January convention received a report on the progress of the NCAA Council's Subcommittee on Certification. The subcommittee plans to issue a final report, including its recommendations, later this year -- on the assumption that legislation relating to certification will be considered at the 1993 NCAA convention. A pilot certification program is already completed or under way in 36 NCAA member institutions. In discussing the certification program with NCAA representatives, Knight Commission holds strongly to the view that certification should not be a laborious review of institutional compliance with the regulations detailed in the 479-page NCAA Manual. The "one-plus-three" model offers a ready structure for certification. In the Commission's view, the object should be a relatively simple process to validate, institution by institution, presidential control directed toward academic and financial integrity of the athletics program. In the area of academics, for example, NCAA Executive Director Richard Schultz has succinctly defined the key issue: In admissions, academic progress and graduation rates, the profile of student-athletes should match the profile of other full-time undergraduates.

POTENTIAL DETOURS

Among the difficulties in the journey ahead lie several detours. These must be avoided. The first detour is the temptation to "fine tune" out of existence the reforms enacted in the last several years. Each element of the world of intercollegiate athletics can put forward a "favorite son" for special consideration -- an additional graduate assistant here, an extra grant-in-aid there, a waiver of eligibility requirements elsewhere. Individually, these exceptions may have merit. Collectively they overwhelm reform.

The second lies in legislative efforts at the federal level to impose reform from on high. While these efforts maintain pressure from internal reform, they threaten more harm than good. One proposal, for example, would impose a federally mandated administrative structure on the NCAA. The NCAA is a private, voluntary association. Only the political appeal of intercollegiate athletics makes this voluntary association vulnerable to such a threat. We believe this legislation promises bad law. More than that, it creates poor precedent for dealing with the private sector, profit or non-profit.

The third detour leads directly to the courtroom. Four states already have enacted legislation to lay aside existing NCAA enforcement rules; comparable legislation is pending in six others. Their immediate effect, within each of the various states, is to virtually forbid the NCAA from enforcing any of its rules without court action. Left unchallenged, these measures threaten to kill nationwide collegiate competition.

Although these statutes appear to involve narrow issues of compliance or legislative support for local institutions, they go right to the heart of what athletic competition - Little League, intercollegiate, or professional -- is all about. As a former president of Yale University, the late

A. Bartlett Giamatti, once pointed out, sports are bound by rules for a very good reason. They try to assure that the outcomes of contests are fair, that they depend on the relative skills of the contestants and their coaches. If fairness cannot be demonstrated, there is no point in competing because the results have no meaning.

In this regard, a fundamental obligation of sports administration is maintaining oversight of the rules, changing them as participants agree, and enforcing compliance in the event of violation. If national governing bodies for intercollegiate athletics cannot ensure fair play through common compliance procedures across 50 states and the District of Columbia, nationwide intercollegiate competition as we have know it will not survive.

The final detour is the danger of despair. Given the complexity of these issues, there detail in public volatility, presidents could easily throw up their hands fearing the effort might be endless and ultimately futile. Presidents must stay the course, and governing boards must give them the authority to act. Presidents cannot lead without the boards support.

Too much has already been gained to falter now. The battle for reform cannot be won if it is waged in fits and starts. We urge our colleagues in the world of intercollegiate athletics to persevere. The short-term reward will be athletics programs free of academic abuse, financial irregularities and the suspicion that "the program" defies academic control. But the long-term benefits will belong to student-athletes, and rightfully so, because their welfare is what college sport is all about.

Equally important, we ask our friends in the world of public policy and legislation to stand aside while college and university leaders complete the job. Academic and athletics administrators are demonstrating they can meet the challenge. Attempted legislative remedies, even when well intentioned, can only complicate their task by erecting road blocks on the road to reform.

College sports are far different today than they were a year ago, so this is no time for detours through the courtroom, the state capital, or the halls of Congress. The new model, the `Presidents Commission, and the NCAA leadership offer college and university administrators a map to get from where we have been to where we want to be — a system of intercollegiate athletics firmly joined to the traditions and values of higher education.

Creed C. Black
President, Knight Foundation

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General Alumni Association, University of North Carolina

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Clifton R. Wharton, Jr.
Chairman & CEO, TIAA-CREF

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Statement Of Principles

Preamble: This institution is committed to a philosophy of firm institutional control of athletics, to the unquestioned academic and financial integrity of our athletics programs, and to the accountability of the athletics department to the values and goals befitting higher education. In support of that commitment, the board, officers, faculty and staff of this institution have examined and agreed to the following general principles as a guide to our participation in intercollegiate athletics:

1. The educational values, practices and mission of this institution determines the standards by which we conduct our intercollegiate athletics program.

2. The responsibility and authority for the administration of the athletics department, including all basic policies, personnel and finances, are vested in the president.

3. The welfare, health and safety of the student-athletes are primary concerns of athletics administration on this campus. This institution will provide student-athletes with the opportunity for academic experiences as close as possible to the experiences of their classmates.

4. Every student-athlete -- male and female, majority and minority in all sports - will receive equitable and fair treatment.

5. The admission of student-athletes -- including junior college transfers - will be based on their showing reasonable promise of being successful in a course of study leading to an academic degree. That judgment will be made by admissions officials.

6. Continuing eligibility to participate in intercollegiate athletics will be based on students being able to demonstrate each academic term that they will graduate within five years of their enrollment. Students who do not pass this test will not play.

7. Students-athletes in each sport, will be graduated in at least the same proportion as non-athletes who have spent comparable time as full-time students.

8. All funds raised and spent in connection with intercollegiate athletics programs will be channeled through the institution's general treasury, not through independent groups, whether internal or external. The athletics department budget will be developed and monitored in accordance with general budgeting procedures on campus.

9. All athletics-related income from non-university sources for coaches and athletics administrators will be reviewed and approved by the university. In cases where the income involves the university's functions, facilities or name, contracts will be negotiated with the institution.

10. Annual academic and fiscal audits of the athletics program will be conducted. Moreover, this institution intends to seek NCAA certification that its athletics program complies with the principles herein. The institution will promptly correct any deficiencies and will conduct its athletics programs in a manner worthy of this distinction.

Acknowledgments

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A New Beginning For A New Century

Intercollegiate Athletics in the United States

March 1993

LETTER OF TRANSMITTAL

March 18, 1993

Mr. Lee Hills
Chairman Board of Trustees
John S. and James L. Knight Foundation
2 South Biscayne Blvd.
Miami, FL 33131

Dear Mr. Hills,

On October 19, 1989, the Trustees of the John S. and James L. Knight Foundation, concerned that abuses in intercollegiate athletics threatened the integrity of higher education, created this Commission and directed it to propose a reform agenda for college sports. Following nearly 18 months of study, involving meeting with more than 90 athletes, educators, coaches, journalists and administrators, we submitted our recommendations in March 1991 in a report entitled *Keeping Faith with the Student-Athlete: A New Model for Intercollegiate Athletics.*

In that document and its successor, *A Solid Start*, issued one year later, the commission placed less emphasis on specific solutions for discrete abuses in college sports and more on establishing a structure for reform. We suggested what we called the "one-plus-three" model -- presidential control directed toward academic integrity, financial integrity and independent certification -- a kind of road map to guide academic officials as they grapple with difficult and complex problems in intercollegiate athletics. Our suggestions, confirmed by the thinking of the executive director and the Presidents Commission of the National Collegiate Athletic Association (NCAA), fell on fertile soil.

Today, we are pleased to submit to you our final report, *A New Beginning for a New Century*, confident that we have accomplished what we set out to do. Responding to our initiatives, the leaders of the nation's colleges and universities and the members of the NCAA have put reforms in place over the past three years that, in effect, establish the "one-plus-three" model.

We do not pretend that all of the problems of college sports are behind us. Human nature being what it is athletics scandal will continue to leave its mark on some institutions. Moreover, the full effect of the reforms recently enacted will not be visible until the end of this decade. We are, however, confident that the "one-plus-three" model promises to curb abuse and offers a framework for addressing other pressing issues in intercollegiate athletics, including burgeoning costs and gender equity.

On behalf of the entire Commission, we express our appreciation to you and the members of the Foundation's board for your staunch support of this undertaking and your confidence in our ability to see it through. We also want to make special acknowledgment of the work of our staff director and his colleagues. Under the skilled leadership of Christopher Morris, the staff and consultants made splendid contributions to our effort.

Respectfully,

William C. Friday
Co-Chairman
President
William R. Kenan, Jr. Fund

Theodore M. Hesburgh, C.S.C.
Co-Chairman
President Emeritus
University of Notre Dame

A New Beginning For A New Century

"As our nation approaches a new century," the Knight Foundation Commission observed in 1991, "the demand for reform of intercollegiate athletics has escalated dramatically." Today, that escalating demand is being matched by accelerating reform. College and university presidents, along with the leaders and members of the National Collegiate Athletic Association (NCAA), have taken advantage of a swelling chorus for reform to make a new beginning in college sports. Although barely implemented today, the full effects of recent reforms will be visible as the 21st century dawns.

The distance college sports have traveled in three short years can be measured by developments in public opinion. In 1989, pollster Louis Harris asked if big-time intercollegiate athletics were out of control. Across the United States, heads nodded in agreement: 78 percent of Americans thought that the situation was out of hand. In 1993, 52 percent of the public continued to agree. This significant 26-point decline represents how far college sports have come. The fact that about half of all Americans remain troubled represents the distance yet to go. Nevertheless, a new air of confidence is measurable and can be seen in other findings of the Harris survey: In 1989, nearly two-thirds of Americans believed state or national legislation was needed to control college sports; less than half feel that way today. Earlier negative views of the NCAA have turned into positive marks for its efforts to control excesses in college sports.

What accounts for the impressive turnaround in perceptions? The improvement is no accident, but a response to the highly visible pace of reform in recent years. Since 1989, college and university presidents, the members of the NCAA, and athletics leaders have addressed a single goal with singular concentration: restoring integrity to the games played in the university's name. They have created a structure of reform that can reshape the conduct, management and accountability of college sports. The new Harris poll tells us the American people are paying attention.

Reforms Of Recent Years

In 1991, this Commission proposed a new model for intercollegiate athletics, a kind of road map entitled "one-plus-three," in which the "one" -- presidential control -- would be directed toward the "three" -- academic integrity, financial integrity and independent certification.

Such a model, this Commission believed, represented higher education's only real assurance that intercollegiate athletics could be grounded in the primacy of academic values. NCAA legislation in recent years has put this model in place.

These changes promise to reshape dramatically the environment of intercollegiate athletics. In 1989, the NCAA's Presidents Commission was tentative about how best to challenge the status quo in intercollegiate athletics. Established in 1984 as a compromise to a more ambitious effort to ensure presidential control of the NCAA, the Commission found itself five years later on the defensive. But by 1993, the Presidents Commission was in firm control of the Association's legislative agenda. President's Commission recommendations have dominated three successive NCAA conventions. With majorities of 3-1 or better, the Commission has pushed through preliminary cost reductions, new academic standards and an athletics certification program. Of even greater long-term significance, the 1993 legislation created an NCAA Joint Policy Board, made up of the Association's Administrative Committee and officers of the Presidents Commission with authority to review the NCAA budget and legislative agenda and to evaluate and supervise the executive director. Presidential leadership is the hallmark of today's NCAA.

In 1989, student-athletes could compete in their first year of college if they had finished high school with a "C" average in 11 core academic subjects, along with combined Scholastic Aptitude Test scores of 700. This weak foundation, combined with lack of attention to academic progress, meant that, five years later, many student-athletes found themselves far short of a college degree. By 1995, eligibility to play in the freshman year will require a 2.5 high school grade point average ("C+" or "B-") in 13 high school academic units. One year later the 13 units must include four years of English and one year each of algebra and geometry. Meanwhile, graduation rates for student-athletes are published annually and, effective this academic year, student-athletes must demonstrate continuous, satisfactory progress toward graduation: They are now required to meet annual benchmarks in both grades and course work applicable to a specific degree. Academic integrity is being restored; student-athletes will now be students as well as athletes.

Three years ago, athletics finances were escalating beyond reason. Colleges and universities were in the midst of a kind of athletics arms race: Deficits mounted ... the costs of grant-in-aid mushroomed ... athletics budgets ballooned beyond institutional reach ... and it was unclear who employed some "power" coaches, since their outside income often dwarfed university compensation. Today the number of grants-in-aid of men in Division I and II of the NCAA

has been reduced 10 percent; coaching staffs have been trimmed; athletics budgets are reviewed as part of a new certification process; cost containment is the subject of a major new study; and coaches must have annual written approval from their presidents for all athletically related outside income. Universities have made a start in restoring order to the financial side of the house of athletics.

Finally, in 1989, too many big-time athletics programs had succeeded in imposing on universities a great reversal of ends and means. They had, this Commission found, become self-justifying enterprises in which winning-at-all-costs had pushed aside the educational context of athletics competition. Beginning this fall, each NCAA Division I institution will have to participate in a certification program once every five years. This program requires each institution to examine four key areas -- institutional mission, academic integrity, fiscal integrity, and commitment to equity -- and (the most important factor) permit an external jury of academic and sports peers to evaluate and verify its findings. The new program promises to align means and ends.

The certification process is the capstone of the reform movement and will remain one of the movement's genuine legacies. Because it involved the entire campus community in a detailed examination of athletics policy issues, certification embodies the standards and values befitting higher education. By calling for regular self-examination of every corner of big-time programs under the bright light of outside peer review, certification should curb abuse before it starts, instead of after the damage has been done.

Meanwhile, on campuses and in conferences across the country, athletics and academic leaders have drawn new energy from the reform movement. Often using the "one-plus-three" model as their lens, presidentially appointed task forces, trustees and athletics boards have examined again the goals and operations of their athletics programs.

Challenges Ahead

This progress is encouraging, but the struggle for reform is far from won. Winning that struggle is what the "one-plus-three" model is all about. Academic and athletics officials now possess a new framework within which to tackle the many problems of college sports:

- abuses in recruiting, the bane of the college coach's life;
- the compulsion of boosters to meddle in athletics decision-making;
- the search for television revenues and the influence of the entertainment industry on intercollegiate athletics;
- the relationships among high school, junior college, college and professional sports;
- the need to respect the dignity of the young men and women who represent the university on the playing field;
- the obligation to further strengthen academic standards so that the profile of student-athletes matches that of other full-time undergraduates in admissions, academic progress and graduation rates; and
- the imperative to meet the needs of minority student-athletes, particularly those from backgrounds of inner-city or rural poverty.

As this Commission's tenure draws to a close, two great issues, cost containment and gender equity, dominate athletics policy discussions. These are first-order questions, significant problems requiring the best thinking of the nation's university and athletics leaders. Part of their complexity lies in the fact they are intertwined: Costs should not be controlled at the price of rebuffing women's aspirations. Opportunities for women must be provided in the context of controlling outlays for athletics programs that already cost too much. The cost control and equity dilemmas have to be addressed together.

The Cost Explosion. Despite recent modest reductions in athletics expenses, the hard work of cost reduction lies ahead. Quite apart from athletics, American higher education entered the 1990s facing its bleakest financial prospects since World War II. All institutions, including most flagship public and private universities, are in the midst of harrowing financial reductions, often involving staff and faculty layoffs, enrollment ceilings, and the elimination

of academic departments, In this environment, athletics programs can expect no special immunity from the financial hardships facing the institutions they represent.

NCAA figures that throughout the 1980s, athletics programs engaged in a financial arms race: Athletics costs grew twice as fast as academic salaries and three times faster than inflation, The urge to be nationally competitive, no matter the expense, assumed its own dynamic. Despite conventional wisdom, about 70 percent of Division I programs now lose money, many of them operating deeply in the red. It seems clear that athletics programs stand in need of the same kind of financial restructuring the larger academic community is already experiencing. On most campuses, athletics operating costs can be reduced substantially. But athletics programs will not disarm unilaterally. The active support of conferences and the NCAA is critical to effective cost control.

Gender Equity. Against the backdrop of the imperative for cost reduction, the unfinished agenda of equity for women also demands attention. Most campuses are struggling to meet the requirements of Title IX of the Education Amendments of 1972, even as case law defining those requirements is being made. In general, according to an NCAA study of gender equity study released in 1992, Title IX regulations call for accommodating the athletics interests of enrolled women, allocating financial assistance in proportion to the number of male and female participants, and making other benefits equivalent. Slowly, often in the face of opposition opportunity for women to participate in intercollegiate athletics has become a reality.

But the opportunity is not truly equal. On many campuses, fans would be outraged if revenue-generating teams were expected to make do with the resources available to women. Even leaving out of the equation the major revenue-generating sports, football and men's basketball, women's programs generally operate on smaller budgets than men's. No matter the cause, the situation carries with it the threat of continued legal and Congressional scrutiny into whether young women are denied the benefits of participation in college sports.

The equity issue transcends athletics politics because it goes to the heart of what higher education is all about. Colleges and universities advance their intellectual mission by placing a premium on fairness, equality, competition and recognition of merit. These values are as important in the department of athletics as they are in the office of the dean. Keeping faith with student-athletes means keeping faith with women as well as men. The goal to keep in mind is the imperative to create comparable opportunities for participants, whether men or women, while controlling costs.

A Promise And A Choice

If that goal is to be reached, the "one-plus-three" model advanced by this Commission will be put to a severe test. Tempted to believe the battle for reform has been won because the framework is in place, presidents may turn their attention to other demands. That must not be allowed to happen. Presidential neglect of these issues is a sure formula for giving ground on the progress already made.

This Commission believes the reforms enacted to date represent some of the most encouraging developments in intercollegiate athletics since the NCAA was established in 1906. But optimism about the reforms and their potential must be tempered with realism. Reform is not a destination but a never-ending process, a race without a finish. By requiring presidents, trustees, faculty members, athletics administrators and coaches to examine the integrity of their sports programs every five years, certification keeps the process alive.

Maintaining the momentum for reform is important. The reforms of the last three years remain a promise yet to be kept: They will be implemented fully in 1995-96. This means that not a single student-athlete has yet entered and completed college under these changes. The first student-athletes to do so will graduate, at the earliest, in 1999. The certification program is ready to be launched, but it will not complete a full cycle of all Division I institutions before the 1998-99 school year. Making judgments today about the effects of these changes is premature; their real effects will appear at the end of the decade.

Moreover, no matter how deep-rooted reform is, it cannot transform human nature. Even with the new changes fully in place and working effectively, no one should be surprised when some institutions continue to be embarrassed by revelations about their athletics departments. People in college sports are like people everywhere: Most want to do the right thing; but some will try to skirt the rules, inevitably getting themselves, their associates, presidents and their institutions into trouble because, sooner or later, they will ignore the line dividing the acceptable from the unacceptable.

But realism should not give way to pessimism or cynicism. Critics may dismiss the reform effort, but they do so at their own risk. Something fundamental has changed in college sports. It is perhaps best illustrated by support for the Presidents Commission reform agenda from coaches, athletics directors, conference leaders and faculty representatives. Because not everyone is ready for reform, this support is far from universal; nevertheless, it is impressive.

What has changed fundamentally is the following: The institutional indifference and presidential neglect that led to disturbing patterns of abuse throughout the 1980s have been replaced with a new structure insisting on institutional oversight and depending on presidential leadership backed up by the trustee support. The leaders and members of the NCAA now have a framework for meaningful reform if they have the will, the courage and the perseverance to use it.

Along with that framework come new responsibilities. It was once possible for college sports administrators on the one hand, and university presidents and trustees, on the other to evade responsibility for the difficulties of intercollegiate athletics. Each side could plausibly claim the other possessed the authority to act. That claim no longer holds water. The "one-plus-three" model places authority exactly where it belongs in the councils of the NCAA and on individual campuses, Presidents today possess the power they need and, with the backing of their trustees, the responsibility to act.

The presidents of the nation's colleges and universities have reached a kind of Rubicon, a point of decision, with regard to their athletics programs. They face a choice about how to proceed, a choice between business as usual and making a new beginning.

Business as usual in college sports will undermine American higher education, It leads inexorably to regulation of intercollegiate athletics by the courts or Congress. That is a consequence no one wants, but many, unwittingly, may invite.

The second choice strengthens American higher education. The Harris poll convincingly demonstrates that the American people respect college sports when they are grounded in the larger mission of the university. As the United States approaches a new century, the new beginning represented by a strong "one-plus-three" model promises to restore higher education's moral claim to the high ground it should occupy.

These choices and their consequences are what is at stake in the athletics reform movement. The final words of the members of the Knight Foundation Commission on Intercollegiate Athletics to the leaders of the nation's colleges and universities are an echo from long ago. In 1929, the Carnegie Foundation for the Advancement of Teaching published a landmark study taking presidents to task for their failure to defend the integrity of higher education. There can be no doubt that presidents today have the opportunity to put that long-standing criticism to rest. A genuine assessment of the value of the current reform movement cannot be made by today's observers. The true test will be applied by historians of the future, because they will ask whether today's presidents employed their power wisely and chose well.

Creed C. Black
President, Knight Foundation

Douglas S. Dibbert
General Alumni Association, University of North Carolina

John A. DiBiaggio
President, Michigan State University

William C. Friday
President Emeritus, University of North Carolina

Thomas K. Hearn
President, Wake Forest University

Theodore M. Hesburgh, C.S.C.
President Emeritus, University of Notre Dame

J. Lloyd Huck
Chairman of the Board, Pennsylvania State University

Bryce Jordan
President Emeritus, Pennsylvania State University

Richard W. Kazmaier
President, Kazmaier Associates

Donald R. Keough
President, The Coca-Cola Company

Martin A. Massengale
President, University of Nebraska

The Honorable Tom McMillen
House of Representatives, Washington, D.C.

Chase N. Peterson
President, University of Utah

Jane C. Pfeiffer
Former Chair, National Broadcasting Company

A. Kenneth Pye
President, Southern Methodist University

Richard D. Schultz
Executive Director, National Collegiate Athletic Association

R. Gerald Turner
Chancellor, University of Mississippi

LeRoy T. Walker
Treasurer, United States Olympic Committee

James J. Whalen
President, Ithaca College

Charles E. Young
Chancellor, University of California, Los Angeles

The Knight Commission on Intercollegiate Athletics and the John S. and James L. Knight Foundation want to express their appreciation for the contributions of three distinguished educators who resigned from the Commission following their appointment by the President of the United States:

Honorable Lamar Alexander
President of the University of Tennessee
(appointed Secretary of Education by President Bush in December 1990)

Honorable Donna E. Shalala
Chancellor, University of Wisconsin-Madison
(appointed Secretary of Health and Human Services by President Clinton in January 1993)

Honorable Clifton R. Wharton, Jr.
Chairman and CEO, TIAA-CREF
(appointed Deputy Secretary of State by President Clinton in January 1993)

Reprinted From The 1995 Knight Foundation Annual Report

From the start of its work in the early 1990 until its dissolution six years later, the Knight foundation Commission on Intercollegiate Athletics steadfastly championed an agenda built around a central recommendation -- presidential control of college sports.

“Our bedrock conviction is that university presidents are the key to successful reform,” the members of the blue-ribbon panel said in their initial report in 1991. “They must be in charge -- and understood to be in charge -- on campuses, in conferences and in decision-making councils of the national Collegiate Athletic Association.”

If that seemed to be a pipe dream after almost a century in which athletic administrators and coaches had been in charge, it didn't remain so for long. At its January 1996 convention, The NCAA drastically overhauled its governance structure in what one news account called “the most significant event in the organization's 90-year life.” The news structure grants greater autonomy to NCAA's three divisions, designates CEO's as the sole members of each divisions governing body and establishes an overall executive committee chosen from the divisional executive boards.

A New York Times editorial called the move a big victory in the campaign “to control runaway athletic programs” and said that the restructuring plan “was lifted chapter and verse” from the Knight Commission. And NCAA President Gene Corrigan described it as “the crowning touch to the Knight Commission's recommendations. It puts the real power where it ought to be. Presidents no longer have any place to hide.”

Restructuring, however, was by no means the only progress made toward realization of the Commission's “one-plus-three” model, with the “one” being presidential control directed toward the “three” -- academic integrity, financial integrity and independent certification. In previous NCAA conventions during the life of the Commission, academic standards were significantly raised, financial controls were strengthened and a certification program based on periodic peer review of athletic programs was put in place.

The commission, an independent group of 22 leaders from the fields of education, business and sports, was chaired by the rev. Theodore Hesburgh, president emeritus of Notre Dame; an William C. Friday, president emeritus of the University of North Carolina.

“We're under no illusions that the problems which led us to form this Commission have been completely resolved,” Foundation President Creed Black said announcing its dissolution. “As the Commission said in its final report, 'Reform is not a destination but a race without a finish.' But the new NCAA structure give presidents for the first time the direct authority they need to match their responsibility for addressing both current and future problems. “Now it's up to them to deliver.”

The New York Times

THE NEW YORK TIMES EDITORIALS/LETTERS TUESDAY, JANUARY 15, 1996

The N.C.A.A. Gets It Right

After a 10-year power struggle within the National Collegiate Athletic Association — the group that sets rules for undergraduate sports — college presidents have won a big victory in their campaign to control runaway athletic programs.

At its annual convention in Dallas, the N.C.A.A. voted to replace a governance structure controlled primarily by coaches and athletic directors with a system that puts college presidents in charge of all planning and policy activities, including the N.C.A.A. budget. The plan takes effect on Aug. 1, 1997. It was partly driven by fears that mounted scandals involving recruiting violations and payoffs to athletes would bring Federal intervention. That intervention could yet come, unless the presidents bring wealthy alumni and trustees into line.

The new structure was lifted chapter and verse from the Knight Foundation Commission on Intercollegiate Athletics, which suggested five years ago that presidents take control of athletic departments, [illegible] questionable practices and make sure [illegible] athletics will be con- [illegible] admin- [illegible] tance about educational priorities. But the loose-money problem will require school-by-school solutions. Individual presidents will need unqualified support from their trustees as they confront rogue athletic directors who operate by their own rules. The trustees are key. It is they and their friends who have undermined reform by feeding athletes illegal perks, meanwhile pressuring presidents and coaches to win no matter what the costs.

Since the presidents stepped up their involvement 10 years ago, the N.C.A.A. has made steady progress on the academic side. In 1986 it adopted Proposition 48, which raised eligibility standards for freshmen athletes. To play sports as a freshman, an athlete needs a 1.8 average in a high school core curriculum and a combined score of at least 700 on the Scholastic Assessment Test, about 200 points below the national average for college-bound seniors. There were worries that the rule would be discriminatory — indeed, the first two Proposition 48 classes produced 1,150 fewer black collegiate athletes. But because those who made the grade were better qualified, the number of black scholar- [illegible] athletes who [illegible] rose by about 150, an [illegible] ice Propos- [illegible]

Exhibit F

A CALL TO ACTION

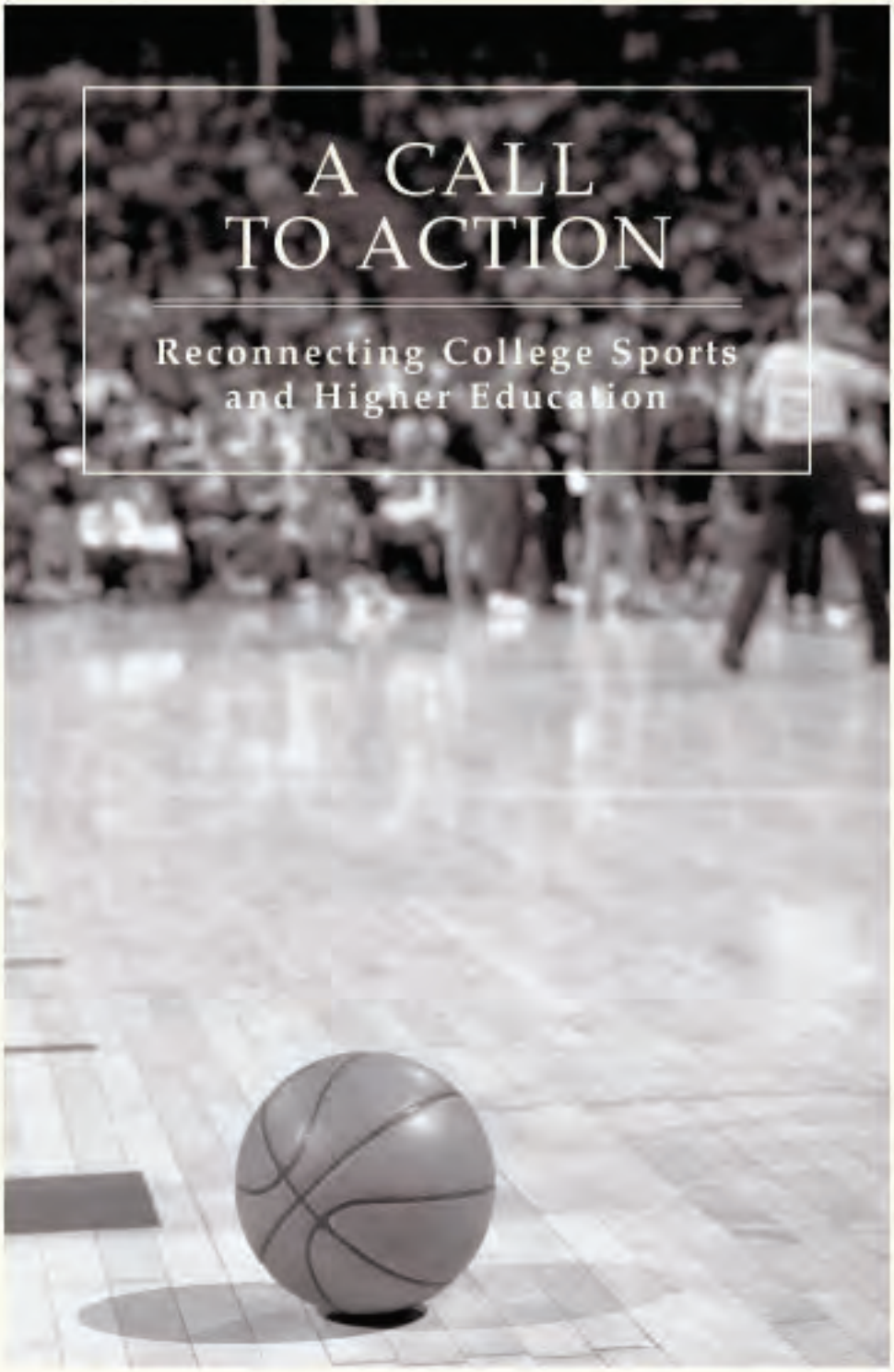
Reconnecting College Sports and Higher Education

REPORT OF THE

KNIGHT FOUNDATION

Commission On Intercollegiate Athletics

JUNE 2001



John S. and James L.
Knight Foundation

REPORT OF THE

KNIGHT FOUNDATION

Commission On Intercollegiate Athletics

JUNE 2001

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Letter of Transmittal

W. Gerald Austen, M.D.
Chairman, Board of Trustees
John S. and James L. Knight Foundation
2 S. Biscayne Blvd.
Miami, Fla. 33131

Dear Dr. Austen:

With the approval of your board, the Knight Commission reconvened last year for a fresh look at what has happened in college athletics since our three reports were published in the early 1990s. After a series of meetings with not only a broad range of sports representatives but higher education leaders as well, we are pleased to submit our findings and recommendations.

Our earlier reports, as you know, proposed a new "one-plus-three" model for intercollegiate athletics – presidential control directed toward academic integrity, financial integrity, and independent certification of athletics programs – and urged its implementation by the NCAA.

The Commission now finds that the NCAAhas made considerable progress toward achieving the goals the Commission laid out in its earlier reports. Many reform efforts have been undertaken with sincerity and energy. It is clear, however, that good intentions and the reform measures of recent years have not been enough.

We find that the problems of big-time college sports have grown rather than diminished. The most glaring elements of the problems outlined in this report – academic transgressions, a financial arms race, and commercialization – are all evidence of the widening chasm between higher education's ideals and big-time college sports.

Clearly, more NCAA rules are not the means to restoring the balance between athletics and academics on our nation's campuses. Instead, the Commission proposes a new "one-plus-three" model for these new times – a Coalition of Presidents, directed toward an agenda of academic reform, de-escalation of the athletics arms race, and de-emphasis of the commercialization of intercollegiate athletics.

Although individual members of the Commission may have reservations about some of the details of this agenda, we are unanimous in our support of the broad themes outlined in this document.

Given the enormous scope of this reform effort, the Commission recognizes that change will have to be accomplished in a series of steps over time. The hard work must be accomplished by a concerted grassroots effort by the broader academic community – in concert with trustees, administrators and faculty. Nothing less than such a collective effort can accomplish the reintegration of college sports into the moral and institutional culture of the university.

Despite widespread cynicism, the Commission remains hopeful. Several positive developments have emerged in the year since the Commission reconvened. Among them: The University of Nebraska Board of Regents adopted a resolution urging national limits on athletic program expenditures; a state of Washington ethics board has disallowed a direct contract between Nike and the University of Washington's football coach for performing what the board considered state business; and to date seven of the Pacific-10 Conference faculty senates have adopted a resolution urging their presidents to curb commercialization and the athletics arms race and to bring about academic reforms.

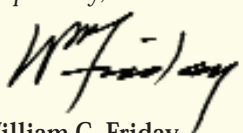
Perhaps most encouraging are plans for a meeting scheduled immediately following the release of this report. Presidents from colleges and universities in several Division I-A conferences will meet with conference and NCAA officials and leaders of higher education associations to discuss the ongoing reform of intercollegiate athletics. This is the kind of collective approach needed to correct the problems identified in this report.

We wish to express our profound gratitude to the Knight Foundation trustees for their long and steady commitment to creating a new climate for intercollegiate athletics. Knight Foundation has been an invaluable partner in working to move college sports into the mainstream of American higher education.

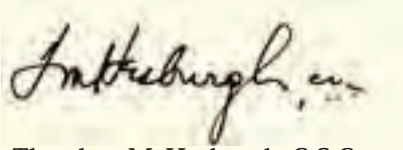
Assuming the Coalition of Presidents or some similar body is established by the higher education community, we see no reason to continue the life of the Knight Commission as it is now constituted. We do recommend, however, that the Foundation consider two ways in which it could make a significant contribution to the critical work that lies ahead. One would be to help fund the Coalition with matching grants to the American Council on Education, based on performance. The other would be to establish, perhaps with other foundations and the Association of Governing Boards, a separate and independent body – an Institute for Intercollegiate Athletics. The Commission envisions the Institute not as an action agency but as a watchdog to maintain pressure for change. It should keep the problems of college sports visible, provide moral leadership in defense of educational integrity, monitor progress toward reform goals, and issue periodic report cards.

Such steps can complement the work of college and university presidents but not substitute for it. In the final analysis, it is the higher education community that must finish the task. If not, it is not the integrity of intercollegiate sports that will be held up to question, but the integrity of higher education itself.

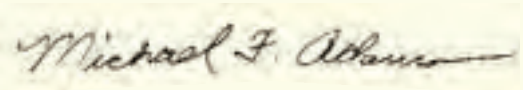
Respectfully,



William C. Friday
Co-Chairman
President Emeritus
University of North Carolina

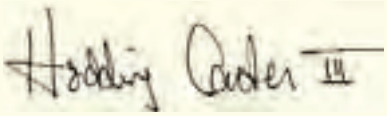


Theodore M. Hesburgh, C.S.C.
Co-Chairman
President Emeritus
University of Notre Dame

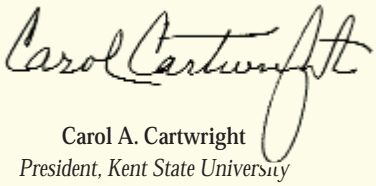


Michael F. Adams
President, University of Georgia

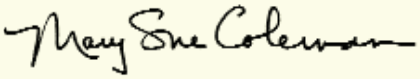
Creed C. Black
Former President, Knight Foundation



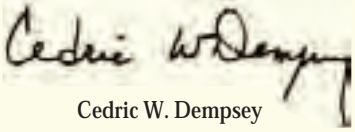
Hodding Carter III
President, Knight Foundation, Ex-Officio



Carol A. Cartwright
President, Kent State University

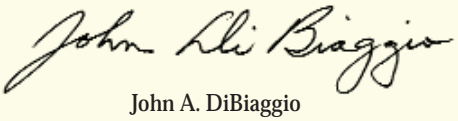


Mary Sue Coleman
President, University of Iowa

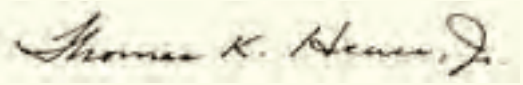


Cedric W. Dempsey
President, NCAA

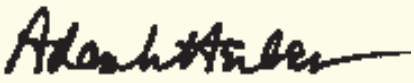
Douglas S. Dibbert
President, General Alumni Association
University of North Carolina



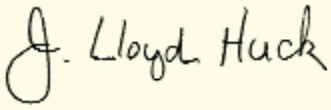
John A. DiBiaggio
President, Tufts University



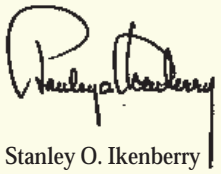
Thomas K. Hearn Jr.
President, Wake Forest University



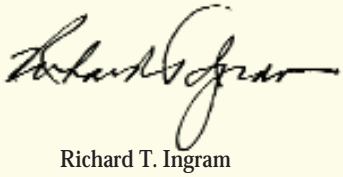
Adam W. Herbert
Executive Director
The Florida Center for Public Policy and Leadership



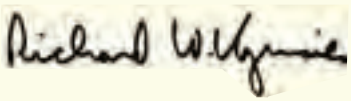
J. Lloyd Huck
Trustee Emeritus, The Pennsylvania State University



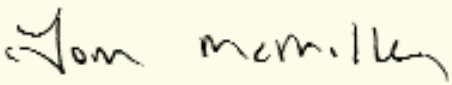
Stanley O. Ikenberry
President, American Council on Education



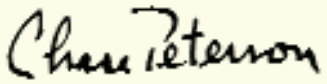
Richard T. Ingram
President, Association of Governing Boards



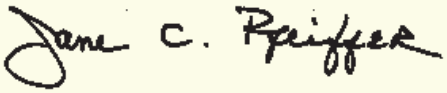
Richard W. Kazmaier
President, Kazmaier Associates



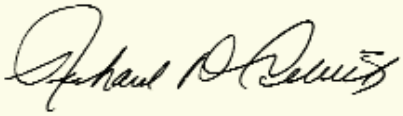
The Honorable C. Thomas McMillen
Former Member of Congress



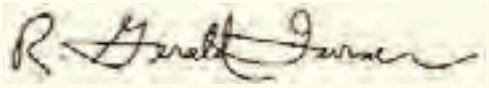
Chase N. Peterson
President Emeritus, University of Utah



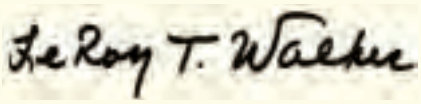
Jane C. Pfeiffer
Former Chair, National Broadcasting Company



Richard D. Schultz
Former Executive Director
United States Olympic Committee



R. Gerald Turner
President, Southern Methodist University



LeRoy T. Walker
President Emeritus, United States Olympic Committee

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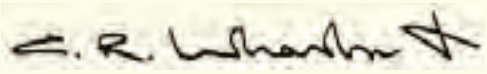

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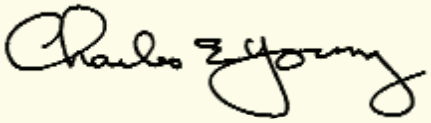
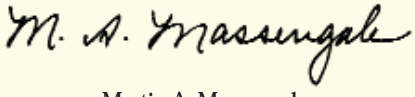


Charles E. Young
President, University of Florida

Bryce Jordan
President Emeritus, The Pennsylvania State University



Martin A. Massengale
President Emeritus, University of Nebraska

Foreword

In 1989, as a decade of highly visible scandals in college sports drew to a close, the trustees of the John S. and James L. Knight Foundation were concerned that athletics abuses threatened the very integrity of higher education. In October of that year, they created a Commission on Intercollegiate Athletics and directed it to propose a reform agenda for college sports.

In announcing this action, James L. Knight, then chairman of the Foundation, emphasized that it did not reflect any hostility toward college athletics. "We have a lot of sports fans on our board, and we recognize that intercollegiate athletics have a legitimate and proper role to play in college and university life," he said. "Our interest is not to abolish that role but to preserve it by putting it back in perspective. We hope this Commission can strengthen the hands of those who want to curb the abuses which are shaking public confidence in the integrity of not just big-time collegiate athletics but the whole institution of higher education."

The trustees saw this as a goal worthy of a foundation that identified higher education as one of its primary interests, for the abuses in athletics programs had implications reaching far beyond football stadiums and basketball arenas. To understand their concern and the subsequent work of the Commission, it is necessary to look back on the extent to which corruption had engulfed big-time college sports in the 1980s.

In a cover story shortly before the Commission was created, Time magazine described the problem as "… an obsession with winning and moneymaking that is pervading the noblest ideals of both sports and education in America." Its victims, Time went on to say, were not just athletes who found the promise of an education a sham but "the colleges and universities that participate in an educational travesty – a farce that devalues every degree and denigrates the mission of higher education."

Here are some broad outlines of the problems the Commission saw then:

❑ In the 1980s, 109 colleges and universities were censured, sanctioned or put on probation by the National Collegiate Athletic Association (NCAA). That number included more than half the universities playing at the NCAA's top competitive level – 57 institutions out of 106.

❑ Nearly a third of present and former professional football players responding to a survey near the end of the decade said they had accepted illicit payments while in college, and more than half said they saw nothing wrong with the practice.

❑ Another survey showed that among the 106 institutions then in the NCAA's Division I-A, 48 had graduation rates under 30 percent for their men's basketball players and 19 had the same low rate for football players.

At times it seemed that hardly a day passed without another story about recruiting violations … under-the-table payoffs … players who didn't go to classes or who took courses that would never lead to a meaningful degree. Even crime sprees at some athletic powerhouses were added to the list.

It was small wonder that eight out of 10 Americans questioned in a Louis Harris poll in 1989 agreed that intercollegiate sports had spun out of control. They agreed that athletics programs were being corrupted by big money, and felt that the many cases of serious rules violations had undermined the traditional role of universities as places where young people learn ethics and integrity.

A 1989 series in The New York Times raised another warning flag:

"High school athletics have become the latest entree on the American sports menu, served up to help satisfy the voracious appetite of the fan. As a result, scholastic athletes are on the verge of becoming as important to the billion-dollar sports industry as their college brothers and sisters – and just as vulnerable to big-time exploitation."

Somehow, Knight Foundation concluded, sanity had to be restored to this bleak scene and the values of higher education put above all else in the world of intercollegiate athletics.

Neither the Foundation trustees nor the members of the new Commission were under any illusions that the task would be easy. As far back as 1929, another major American foundation – the Carnegie Foundation for the Advancement of Teaching – had published a compre-

Somehow … sanity had to be restored to this bleak scene and the values of higher education put above all else in the world of intercollegiate athletics.

Portland Oregonian
October 25, 1929

hensive study of college athletics and had reached conclusions that sounded distressingly familiar 60 years later: recruiting had become corrupt, professionals had replaced amateurs, education was being neglected, and commercialism reigned.

The problem had become worse in the intervening years as the popularity of college sports soared and millions of television dollars were poured into college athletics. The stakes had been raised, putting an even higher premium on winning.

Television money had also moved colleges and universities into the entertainment business in a much bigger way. Many of the most vocal and partisan fans were not students or parents or alumni, but people who valued winning more than they did the universities' underlying purposes. The thrill of victory, sports as spectacle, sports for gambling – these were their lodestones.

In the face of these trends, the good news was that it was still possible to point to major colleges and universities that ran successful athletic programs without sacrificing either their ethical standards or their academic integrity. As Knight Foundation saw it, reflecting the hopes of many others, the challenge of the 1990s was to develop and win acceptance of realistic reforms that would bring all of higher education's sports programs back under the academic tent.

As its contribution to meeting that challenge, the Knight Foundation Commission on Intercollegiate Athletics met repeatedly over a period of five years and produced three reports that helped channel the head of steam building up behind college sports reform in the 1990s.[1]

We reiterate our strong conviction that college sports, when properly conducted, are worth saving.

The Commission laid out an analysis of the problems facing college sports and proposed a "new model for intercollegiate athletics." This analysis was straightforward: Following decades of presidential neglect and institutional indifference, big-time college sports were "out of control." The reform agenda Commission members proposed was equally straightforward, the "one-plus-three" model – presidential control directed toward academic integrity, financial integrity, and independent certification.

No claim was made that their recommendations would solve all the problems tarnishing college sports, or even that all problems would ever be solved to everyone's satisfaction. "Reform is not a destination but a never-ending process," said the Commission's last report.

Despite the fact that the Commission held no formal authority, nearly two-thirds of its specific recommendations had been endorsed by the National Collegiate Athletic Association by 1993. It was not until 1996, however, that the most significant of these recommendations won approval when the NCAA voted to replace a governance structure controlled primarily by athletic administrators with a system that put college presidents in charge of all planning and pol-

1. The reports were: *Keeping Faith with the Student Athlete* (1991), *A Solid Start* (1992), and *A New Beginning for a New Century* (1993).

icy activities, including the budget.

A Knight Commission statement welcomed this development and underscored what it meant: "So now it's up to the presidents to deliver." With that, the Commission announced its formal dissolution but said it would be watching "with an interested eye" to see how the presidents handled their new power.

As the 10th anniversary of the Commission's first report in March 1991 approached, the members decided to reconvene for a fresh look at what has happened in this intervening decade and to assess the state of college athletics at the beginning of this new century. Had the situation improved or worsened? Were there new problems that warranted attention?

The report that follows presents the Commission's findings from a series of meetings in 2000 and 2001 with NCAA representatives, university presidents, a trustee board chair, faculty, conference commissioners, athletics directors, coaches, athletes, authors, professional sports executives, television officials, a sports apparel representative, a gambling lobbyist, leaders of national higher education associations, and a U.S. senator.

After assessing those hearings, the Commission concludes with some satisfaction that the NCAAhas moved a long way toward achieving the goals laid out in the Commission's earlier reports (see Appendix B). Many reform efforts have been undertaken over the last decade with sincerity and energy. We reiterate our strong conviction that college sports, when properly conducted, are worth saving. Sports at all levels have been a source of immense satisfaction, self-discipline, and achievement for tens of thousands of young men and women.

That said, it is clear that good intentions and reform measures of recent years have not been enough. After digesting the extensive testimony offered over some six months, the Com - mission is forced to reiterate its earlier conclusion that "at their worst, big-time college athletics appear to have lost their bearings." Athletics continue to "threaten to overwhelm the universities in whose name they were established."

Indeed, we must report that the threat has grown rather than diminished. More sweeping measures are imperative to halt the erosion of traditional educational values in college sports. The evidence strongly suggests that it is not enough simply to add new rules to the NCAA's copious rule book or ask presidents to carry the burden alone. Higher education must draw together all of its strengths and assets to reassert the primacy of the educational mission of the academy. The message that all parts of the higher education community must proclaim is emphatic:

Together, we created today's disgraceful environment. Only by acting together can we clean it up.

Adapted from the introduction to the bound volume of the Commission's three reports published in 1991-1993.

Ten Years Later

It is tempting to turn away from bad news. To the cynic, corruption has been endemic in big-time sports as long as they have existed. To the rationalizer, reform is already under way and things are not nearly as bad as the critics make them out to be. More time is all that is needed. But to the realist, the bad news is hard to miss. The truth is manifested regularly in a cascade of scandalous acts that, against a backdrop of institutional complicity and capitulation, threaten the health of American higher education. The good name of the nation's academic enterprise is even more threatened today than it was when the Knight Commission published its first report a decade ago. Despite progress in some areas, new problems have arisen, and the condition of big-time college sports has deteriorated.

Consider as an example some simple statistics: As noted in the foreword, 57 out of 106 Division I-A institutions (54 percent) had to be censured, sanctioned or put on probation for major violations of NCAA rules in the 1980s. In the 1990s, 58 out of 114 Division I-Acolleges and universities (52 percent) were similarly penalized. In other words, more than half the institutions competing at the top levels continue to break the rules. Wrongdoing as a way of life seems to represent the status quo.

The fact that such behavior has worked its way into the fiber of intercollegiate sports without provoking powerful and sustained countermeasures from the many institutions so besmirched speaks for itself. It appears that more energy goes into looking the other way than to finding a way to integrate big-time sports into the fabric of higher education.

At the heart of these problems is a profound change in the American culture of sports itself. At one time, that culture was defined by colleges, high schools, summer leagues, and countless community recreational programs. Amateurism was a cherished ideal. In such a context, it made sense to regard athletics as an educational undertaking. Young people were taught values ranging from fitness, cooperation, teamwork and perseverance to sportsmanship as moral endeavor.

All of that seems somehow archaic and quaint today. Under the influence of television and the mass media, the ethos of athletics is now professional. The apex of sporting endeavor is defined by professional sports. This fundamental shift now permeates many campuses. Big-time college basketball and football have a professional look and feel – in their arenas and stadiums, their luxury boxes and financing, their uniforms and coaching staffs, and their marketing and administrative structures. In fact, big-time programs have become minor leagues in their own right, increasingly taken into account as part of the professional athletics system.

In this new circumstance, what is the relationship between sport and the university as a place of learning?

At the time the Knight Commission was formed in 1989, the answers to that question were already sounding alarm bells. For example, the late A. Bartlett Giamatti, a former president of Yale who went on to become commissioner of major league baseball, said that "failures of nerve, principle and purpose" were threatening to "engulf higher education in ways unfair and dangerous." He argued that what had been "allowed to become a circus – college sports – threatens to become the means whereby the public believes the whole enterprise is a sideshow."

Now, in this new millennium, informed critics are equally scathing in their evaluations. James Duderstadt, president emeritus of the University of Michigan, put it this way before the Knight Commission in late 2000: Major college sports "do far more damage to the university, to its students and faculty, its leadership, its reputation and credibility than most realize – or at least are willing to admit." The ugly disciplinary incidents, outrageous academic fraud, dismal graduation rates, and uncontrolled expenditures surrounding college sports reflect what Duderstadt and others have rightly characterized as "an entertainment industry" that is not only the antithesis of academic values but is "corrosive and corruptive to the academic enterprise."

Ten years ago, the Commission's efforts focused largely on big-time football and basketball programs. The most glaring problems seemed concentrated in these two sports. While that is just as true today, the Commission notes the influence-by-emulation of big-time programs

Major college sports "do far more damage to the university, to its students and faculty, its leadership, its reputation and credibility than most realize – or at least are willing to admit."

on sports other than football and basketball. William Bowen and James Shulman of The Andrew W. Mellon Foundation detail the full impact of this "contagion" in their book, *The Game of Life*, which concludes that the skewed priorities of top programs have infected men's and women's sports at all levels, including, perhaps most remarkably, the Ivy League and elite private liberal arts colleges. It all leads, they write, to a single conclusion:

> "Intercollegiate programs in these academically selective institutions are moving steadily in the direction of increased tension with core educational values, and more substantial calls on the tangible and intangible resources of their host institutions. We cannot think of a single set of data that contradicts this proposition …We are unable to identify any forces inside the system that – without considerable help – can be expected to alter these directions."

The most recent NCAA graduation rate report reveals that 48 percent of Division I-A football players and 34 percent of men's basketball players at Division I-A institutions earned degrees.

Nevertheless, what the Knight Commission has concentrated on again in this review of intercollegiate athletics is the impact and control of football and basketball at the most competitive level. At the core of the problem is a prevailing money madness. These sports programs have created a universe parallel to – but outside the effective control of – the institutions that house them. They answer not to the traditional standards of higher education but to the whims and pressures of the marketplace.

There is no question about who is winning this open, ever-escalating war between the academic and athletic cultures. In too many places, the tail already wags the dog. The continuation and possible acceleration of this development is a prospect that demands the engagement of presidents, trustees, faculties, and higher education associations.

The most glaring elements of the problems outlined in this report – academic transgressions, a financial arms race, and commercialization – are all evidence of the widening chasm between higher education's ideals and big-time college sports.

ACADEMICS

When the accretions of centuries of tradition and the bells and whistles of the modern university have been stripped away, what remains is the university's essential mission as an institution for teaching, learning, and the generation of new knowledge. This is the mission that big-time college sports often mock and, in some cases, deliberately undermine.

Big-time athletics departments seem to operate with little interest in scholastic matters beyond the narrow issue of individual eligibility. They act as though the athletes' academic per-

formance is of little moment. The historic and vital link between playing field and classroom is all but severed in many institutions. Graduation rates for athletes in football and basketball at the top level remain dismally low – and in some notable cases are falling. While the Commission recognizes that graduation rates for athletes subject to the NCAA's more stringent eligibility standards effective in the mid-1990s are not yet available, we cannot ignore these facts: The graduation rate for football players in Division I-Afell 3 percent last year and 8 percent in the last five years. The rate for men's basketball players at Division I-Ainstitutions remained stable over the last year, but fell 5 percent over the last five years.

Graduation rates for both were already abysmal. The most recent NCAA graduation rate report reveals that 48 percent of Division I-A football players and 34 percent of men's basketball players at Division I-Ainstitutions earned degrees. The graduation rate for white football players was 55 percent, the lowest since the Student Right to Know Act mandated that such records be made public. Only 42 percent of black football players in Division I-A graduate, according to the most recent figures.

Derrick Z. Jackson, a columnist for the Boston Globe, analyzed the graduation rates of African-American players on the 64 teams in the 2001 NCAA men's basketball tournament. He reports these shameful figures from the latest NCAA graduation rate report: Twenty-six of the 64 teams graduated fewer than 35 percent of their African-American players. Seven teams had African-American graduation rates of zero. Furthermore, he writes, "Of the 64 teams, a school was nearly twice as likely to have suffered a decline in its African-American player graduation rate since the mid-1990s than enjoy an increase. The rate in the 2000 NCAA graduation rate report was lower for 35 schools than the rate in the 1996 report. It was higher for only 19 schools."

An academic official at a Division I-Ainstitution told Jackson in regard to the 10 percent graduation rate of its men's basketball team, "We have not in the past had the same high expectations of athletes in academics and not held them to as high a standard in the classroom."

In the face of these facts, many defend the overall graduation rates of Division I-Afootball and basketball players because in some instances they compare favorably to those of the student body as a whole. The Commission is unimpressed with this comparison of apples and oranges. The fact is that the rest of the student body does not have the advantage of full scholarships and the often extensive academic support services extended to athletes. Data from the U.S. Department of Education indicate that approximately 75 percent of high school graduates who enroll full-time in college immediately after graduation (and continue full-time in the same institution) will receive a bachelor's degree within five and a half years. This group of young full-time students is the appropriate comparison for Division I-Aathletes.

Athletes are often admitted to institutions where they do not have a reasonable chance to graduate. They are athlete-students, brought into the collegiate mix more as performers than aspiring undergraduates. Their ambiguous academic credentials lead to chronic classroom failures or chronic cover-ups of their academic deficiencies. As soon as they arrive on campus, they are immersed in the demands of their sports. Flagrant violation of the NCAA's rule restricting the time athletes must spend on their sport to 20 hours a week is openly acknowledged. The loophole most used is that of so-called "voluntary" workouts that don't count toward the time limit. In light of these circumstances, academic failure, far from being a surprise, is almost inevitable.

Sadly though, it comes as a rude surprise to many athletes yearning for a professional sports career to learn that the odds against success are astronomically high. Approximately 1 percent of NCAA men's basketball players and 2 percent of NCAA football players are drafted by NBA or NFL teams – and just being drafted is no assurance of a successful professional career. "Student-athletes" whose sole and now failed objective was to make the pros suddenly find themselves in a world that demands skills their universities did not require them to learn.

The academic support and tutoring athletes receive is too often designed solely to keep them eligible, rather than guide them toward a degree. The instances of tutors or other counselors bending and breaking rules on athletes' behalf is a well-publicized scandal. NCAA case books clearly reveal multiple infractions stemming from "tutoring" involving completing athletes' assignments, writing their papers, and pressuring professors for higher grades. Beyond the breaking of the rules is the breaking of the universities' implicit covenant with all students, athletes included, to educate them. Despite new NCAAsatisfactory progress requirements effective in the mid-1990s, press and NCAA reports repeatedly document instances of athletes being diverted into courses that provide no basis for meaningful degrees. A faculty member at a Division I-A institution who has recently spoken out against the transgressions she has witnessed on her campus said, "There are students on our football team this year [2000] who will graduate when both faculty and students know they cannot read or write."

THE ARMS RACE

NCAA President Cedric Dempsey, along with many others, has been outspoken about what he calls an ever growing "arms race" of spending and building to reach impractical financial goals. There is evidence to support these concerns. The NCAA's latest study of revenues and expenses at Divisions I and II institutions shows that just about 15 percent operate their athletics programs in the black. And deficits are growing every year.

"Clearly, the rising revenues on most campuses have been overwhelmed by even higher costs," Dempsey told the NCAAconvention this year. "At the more than 970 NCAA member schools, we are bringing in just over $3 billion a year, but we're spending $4.1 billion in that same period."

A frantic, money-oriented modus operandi that defies responsibility dominates the structure of big-time football and basketball. The vast majority of these schools don't profit from their athletics programs: At over half the schools competing at the NCAA's Division I-Alevel in 1999, expenses exceeded revenues by an average of $3.3 million, an increase of 18 percent over the previous two years. On the other hand, for the 48 Division I-A institutions where revenues exceeded expenses, the average "profit" more than doubled, increasing 124 percent from $1.7 million to $3.8 million from 1997 to 1999. In considering all these data, moreover, it must be understood that they do not take into consideration the full costs of athletics programs, in that the reported expenses do not include capital expenditures, debt service, and many indirect program costs. Nevertheless, competitive balance is crumbling as the gap between the haves and the have-nots widens. While a relative few programs flourish, many others have chosen to discontinue sports other than football or basketball to make ends meet. Even some of the "haves" react to intense financial pressure to control costs by dropping so-called minor sports.

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Too much in major college sports is geared to accommodating excess. Too many athletic directors and conference commissioners serve principally as money managers, ever alert to maximizing revenues. And too many have looked to their stadiums and arenas to generate more money. In the last seven years, capital expenditures at Division I-A institutions (e.g., construction or remodeling of athletics facilities, capital equipment, etc.) increased 250 percent. From east to west, north to south, the test becomes who can build the biggest stadiums, the most luxurious skyboxes. Every one of the 12 schools in one major conference has built a new football stadium or refurbished its old one in recent years. All seem to have assumed they could not afford to do otherwise. The building boom in college sports facilities now under way across the nation will cost well over $4 billion, with the resulting debt stretching far into the future.

The arms race isn't entered into by NCAA fiat. Institutions, not the NCAA, decide what's best for themselves, and for many that means joining the arms race. Presidents and trustees accept their athletics department's argument that they have to keep up with the competition. When one school has a $50 million athletic budget and another gets along on $9 million, how can there be any pretense of competitive parity? And what about on-campus parity? A five-part series, "The Price of Winning," published by The Philadelphia Inquirer in fall 2000 revealed average annual costs as high as nearly $90,000 per athlete at one Division I-Ainstitution. At some Division I-A schools, annual costs per football player are well over $100,000. How can such ex-

penses be justified when the average salary of fully tenured professors at U.S. public research universities barely exceeds $84,000?

And what does higher education sacrifice when a school names its football stadium after a pizza chain or its new stadium club after any other commercial product or corporation? To what purpose, indeed, are luxury skyboxes built? Not to satisfy any legitimate institutional need; certainly not to accommodate more students, in whose name and for whose benefit collegiate sports were originally introduced. The central goal is to garner greater fiscal windfalls from wealthy boosters and alumni willing to spend thousands of dollars to acquire not only luxury boxes but choice seating throughout the stadium, while students are often relegated to the end zone if they can get tickets at all. Interestingly, repeated studies indicate that most contributions to colleges and universities come from those to whom athletic records have little import. Big athletic boosters, conversely, are far less likely to support other aspects of the universities' life and mission, again according to these studies.

The NCAA's revenue distribution formula for its new CBS contract values each win in the Division I men's basketball tournament at $780,000. Thus, the stakes for a foul shot to win a game in the tournament will exceed three-quarters of a million dollars.

There is a tangible downside to this arms race for most schools, that is, for the majority whose big-time programs are less successful and cannot pay for themselves. They must siphon funds from general revenue to try to keep up with the Joneses. Pursuit of success in this context jeopardizes not only the universities' moral heritage but also their financial security.

A glaring symptom of the arms race run amok is the salaries of so-called "star" coaches. At last count, some 30 college football and men's basketball coaches are paid a million dollars or more a year. A few are nearing twice that, or are already there. The irony is not lost on the critics. A college provost points out that his school spent more money hiring the head football coach than it did hiring five department heads – combined. A trustee laments that his university signed the basketball coach to a salary three times greater than its president's. Many players join the complaining chorus when they compare their scholarships to their coaches' salaries, and when their coaches break contracts and jump from team to team – just as their professional counterparts do. Some dissatisfied players have begun to organize in an attempt to increase their clout and have aligned with the United Steelworkers of America for help in doing so.

But coaches have quite a different perspective. They consider the pressures put on their teams' performance when football and basketball revenues are expected to produce the lion's share of the athletic department's budget. They weigh the dismissal rate of those in their ranks who do not win – or do not win soon enough, or big enough – in a win-at-any-cost environment. And they conclude that their salaries are justified.

The logical question for academia emerges: Is there any other department at a university where so much money is spent and justified primarily by reference to the nonacademic performance of its students, staff or instructors? That is the crux of the matter. Coaches' salaries, like

numerous athletics department expenditures, are considered as though they have nothing to do with the traditions and principles of the universities in which they are housed. This lack of academic connection is the fundamental corruption of the original rationale for both sports and coaches on campus: that they are integral components of a well-rounded student life and a useful complement to the universities' other central pursuits. What we have now is a separate culture of performers and trainers, there to provide bread and circuses but otherwise unconnected to the institution that supports them.

COMMERCIALIZATION

Over the last decade, the commercialization of college sports has burgeoned. Vastly larger television deals and shoe contracts have been signed, and more and more space in stadiums and arenas has been sold to advertisers. In too many respects, big-time college sports today more closely resemble the commercialized model appropriate to professional sports than they do the academic model. The NCAA's Dempsey warned the NCAA membership recently that "the level of cynicism over the commercialization of our most visible athletics programs has reached epidemic proportions."

Beginning in 2002, CBS will pay the NCAA$6.2 billion over an 11-year period for broadcast rights primarily for its Division I men's basketball tournament. Television accounts for nearly 80 percent of the NCAA's revenue. When all sources of revenues are accounted for, the Division I men's basketball tournament alone generates well over 90 percent of the NCAA's operating budget. And much of the television money is distributed based on winning basketball games. The NCAA's revenue distribution formula for its new CBS contract values each win in the Division I men's basketball tournament at $780,000. Thus, the stakes for a foul shot to win a game in the tournament will exceed three-quarters of a million dollars. The players are fully aware of these economics, and they feel the pressure.

With the money comes manipulation. Schools and conferences prostrate themselves to win and get on television. There is a rush now to approve cable and television requests for football and basketball games on weekday evenings, on Sundays, in the morning, and late at night. So much for classroom commitments. On the field, the essential rhythms of the games are sacrificed as play is routinely interrupted for television commercials, including those pushing the alcoholic beverages that contribute to the binge drinking that mars campus life.

Arguments that higher education should be above this commercial fray largely go unheeded, but concern is growing over the economic realities. The television money, when parceled around, never seems to be enough, and the benefits are never evenly distributed. The

rich – that is, the schools more in demand by network schedule-makers – get richer, the poor go deeper into debt. Disparities have widened to the point where many underfunded programs trying to compete at the top level are perpetual losers, both on and off the field.

The winners are primarily those institutions that belong to the founding conferences in the Bowl Championship Series (BCS), namely, the Atlantic Coast Conference (ACC), the Big East, the Big Ten, the Big 12, the Pacific-10, and the Southeastern Conference (SEC). The BCS is a consortium originally designed and instituted in the early 1990s by conference commissioners to control Division I-Apostseason football. The NCAAhas no role in the BCS, and even presidents of BCS member institutions are marginalized: for negotiation of BCS television contracts, for example, only conference commissioners and representatives of the television network are at the table, with bowl representatives brought in for the revenue distribution discussions that follow. A small group of conference commissioners controls distribution of all Division I-A postseason football revenues. Conference commissioners are rewarded for successfully generating postseason revenues and so have little incentive to consider other priorities. In allowing commercial interests to prevail over academic concerns and traditions, presidents have abdicated their responsibilities.

Meanwhile, equipment manufacturers inundate prominent coaches and universities with goods and money in exchange for exposure – advertisements of all kinds on campuses, stadiums, and field houses, and logos on uniforms, shoes, and every other conceivable piece of equipment.

There is a clear and sharp message in such deals: This is business; show us the money. Over the last decade, the amounts of money involved have grown tremendously. The University of Michigan's latest contract with Nike, for example, doubled its cash payments from the shoe and apparel company to $1.2 million a year. With royalties, uniforms, and equipment added to that, the seven-year deal is expected to be worth $25 million to $28 million.

The sellout has made at least one longtime manufacturer's representative openly disdainful. He told the presidents on the Commission that they and their counterparts had "sold their souls" to him in the 1970s when he came bearing gifts, and it was their lack of courage to make changes in the interim that put them so deeply into the morass.

The influence of sneaker companies is now pervasive in high school sports as well, both in schools and in summer basketball leagues. These companies have become part of the college recruiting process in many instances, and contribute to the special treatment of athletes from a young age. This special treatment raises players' expectations, shields them from the consequences of their own actions, and teaches them that the rules applied to everyone else don't necessarily apply to them. It exploits athletes as they are eased through high school and college, fin-

ishing their years in school with no semblance of the education needed to negotiate life when their playing days are over.

High school sports today can reflect the worst of their collegiate counterparts. In addition to commercial influences, recruitment and transfer of high school players is far too common, leading to disjointed academic experiences and absurdly dominant teams in some communities. Academic compromises are made for high school athletes as well, leaving them with a diploma but ill-prepared for college-level work. And throughout high school sports, as throughout colleges and universities, the young athletes' ultimate goal has increasingly become a successful career at the professional level, with all the single-minded focus that requires.

College sports as an enterprise with vested commercial interests contradicts the NCAA's stated purpose: to maintain intercollegiate athletics "as an integral part of the educational program, and the athlete as an integral part of the student body, [and to] retain a clear line of demarcation between intercollegiate athletics and professional sports." The more that line is crossed, the more likely government intervention in the form of IRS challenges to the institutions' tax-exempt status becomes. Current proposed IRS regulations would tax as "business related income" revenues derived from such arrangements as "naming rights" for games or from contracts with such vendors as soft drink companies for exclusive rights in stadiums or arenas.

The *NCAA Manual* also says that postseason play is meant to be controlled to "prevent unjustified intrusions on the time student-athletes devote to their academic programs, and to protect [them] from exploitation by professional and commercial enterprises." Yet the number of postseason bowl games has grown from 18 to 25 over the past 10 years, and the men's Division I basketball tournament is three weeks long. Seasons now extend from August until January for football, and from October to April – nearly six months – for basketball.

Sports as big business is suitable for the marketplace and has proved to be a profitable way to tap into the national psyche. Sports as big business for colleges and universities, however, is in direct conflict with nearly every value that should matter for higher education. In the year 2001, the big business of big-time sports all but swamps those values, making a mockery of those professing to uphold them.

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A Call to Action

Ten years ago, when the Knight Commission's first report was circulated, Bo Schembechler, former director of athletics at the University of Michigan, said that the reforms then proposed would sound great for awhile, but "by the turn of the century, things will return to their normal state. This hubbub will pass, as will the so-called reformers."

It would seem that at first blush Mr. Schembechler was correct. The next decade did wind up looking a lot like the last.

But that's not to say reform should be written off or the failures in any way ignored. To the contrary. The fallout from having already waited too long to act is all the more reason to persevere. Each passing day compounds the academic corruption and makes the need for curative measures more compelling.

The Commission has pursued this work over the years because it believes the nation's best purposes are served when colleges and universities are strong centers of creative, constant renewal, true to their basic academic purposes. In the opening years of the new century, however,

those basic purposes are threatened by the imbalance between athletic imperatives and the academy's values. To say it again, the cultural sea change is now complete. Big-time college football and basketball have been thoroughly professionalized and commercialized.

Nevertheless, the Commission believes that the academic enterprise can still redeem itself and its athletic adjunct. It is still possible that all college sports can be reintegrated into the moral and institutional culture of the university. Indeed, in sports other than football and basketball, for the most part that culture still prevails. Athletes can be (and are) honestly recruited. They can be (and are) true "student-athletes," provided with the educational opportunities for which the university exists. The joys of sport can still be honorably celebrated.

But the pressures that have corrupted too many major athletic programs are moving with inexorable force. If current trends continue, more and more campus programs will increasingly mirror the world of professional, market-driven athletics. What that could look like across the board is now present in high-profile form: weakened academic and amateurism standards, millionaire coaches and rampant commercialism, all combined increasingly with deplorable sportsmanship and misconduct.

Even if the larger picture is not yet fully that bleak, the trend is going in entirely the wrong direction. As it accelerates, so too does the danger that the NCAAmight divide – with the major programs forming a new association to do business in very much the same way as the professional sports entertainment industry.

Perhaps 40 to 60 universities (mostly those with large public subsidies) could and might indefinitely operate such frankly commercial athletic programs. Critics might say good riddance. But the academic and moral consequences implicit in such an enterprise are unacceptable to anyone who cares about higher education in this nation.

Such a division must not be allowed to happen. It is time to make a larger truth evident to those who want bigger programs, more games, more exposure, and more dollars. It is this: Most Americans believe the nation's colleges and universities are about teaching, learning and research, not about winning and losing. Most pay only passing attention to athletic success or failure. And many big donors pay no attention at all to sports, recognizing in Bart Giamatti's words that it is a "sideshow."

Part of this larger truth requires understanding something that sports-crazed fans are inclined to ignore or denigrate: Loss of academic integrity in the arenas and stadiums of the nation's colleges and universities is far more destructive to their reputations than a dozen losing seasons could ever be.

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Time has demonstrated that the NCAA, even under presidential control, cannot independently do what needs to be done. Its dual mission of keeping sports clean while generating

millions of dollars in broadcasting revenue for member institutions creates a near-irreconcilable conflict. Beyond that, as President Cedric Dempsey has said, the NCAAhas "regulated itself into paralysis."

THE NEED TO ACT TOGETHER

The plain truth is that one clear and convincing message needs to be sent to every member of the academic community: What is needed today is not more rules from above, but instead a concerted grassroots effort by the broader academic community – in concert with trustees, administrators and faculty – to restore the balance of athletics and academics on campus.

But a grassroots effort cannot be expected to flourish campus by campus. As long as there is an athletics arms race, unilateral disarmament on the part of one institution would most assuredly be punished swiftly by loss of position and increased vulnerability. Change will come, sanity will be restored, only when the higher education community comes together to meet collectively the challenges its members face.

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Presidents and trustees must work in harness – not wage the battles so commonplace today over control of the athletic enterprise. Presidents cannot act on an issue as emotional and highly visible as athletics without the unwavering public support of their boards. As John Walda, president of the Indiana University board of trustees, told the Commission in early 2001:

> "Trustees must insist that their presidents not only be dedicated to recapturing control of college sports, but that they stand up to the media, the entertainment industry, coaches, and athletics directors when the institution's values are threatened. And when a president takes bold action …trustees must support and defend their president and his or her decision."

National higher education associations such as the American Council on Education (ACE) and the Association of Governing Boards of Universities and Colleges (AGB), in particular, can and should do more to help resolve the persistent problems addressed in this report. Intercollegiate athletics should loom larger in their programming priorities. New and creative programs and services should be offered directly to institutions and their governing boards through joint collaboration among these associations.

Conferences and the NCAA must work together as well. Tensions between conference commissioners and the NCAA must be resolved so that the best interests of intercollegiate athletics and higher education prevail. Power struggles for control of big-time football, revenue distribution, and other matters reflect a culture dominated by competitive rather than academic concerns, and one that often ignores the welfare of the athletes representing their institutions.

Faculty, too, have a critical role to play. Above all, they must defend the academic values of their institutions. Too few faculty speak out on their campus or fight aggressively against meaningless courses or degrees specifically designed to keep athletes eligible, suggesting they have surrendered their role as defenders of academic integrity in the classroom. Further, the academy has capitulated on its responsibility and allowed commercial interests – television, shoe companies, corporate sponsors of all sorts – to dictate the terms under which college sports operate. No academic institution would allow television to arrange its class schedule; neither should television control college athletic schedules. There are scattered signs of faculty awakening, but on many campuses, faculty indifference prevails even when informed critics make their case.

Athletics directors and coaches bear a huge responsibility. Directors of athletics steer the enterprise for their institutions and, in that regard, are in the best position to monitor its direction and raise flags and questions when it heads off course. Coaches are closest to the athletes and have the most influence on the quality of their collegiate experiences. Clearly, pressures on athletics directors and coaches to generate revenues and win at all costs must be mitigated. In turn, athletics directors must see to it that athletics programs are conducted as legitimate and respected components of their institutions. And coaches, quite simply, need to be held more accountable for what goes on around them. They set the tone. "When the cheating starts," the legendary Bear Bryant used to say, "look to the head coach. He's the chairman of the board."

Alumni pressure to escalate athletics programs and produce winning teams distorts and ultimately compromises the values of the institutions they claim to cherish. Alumni must offer strong and visible support to the president and trustees of their alma mater as they work to balance athletics and academics on their campuses. Alumni, better than anyone, should realize that the reputation of their institution depends not on its won-lost record but on its reputation for integrity in all that it undertakes.

A COALITION OF PRESIDENTS

The Commission understands that collective action is key to overcoming the dynamic of the athletics arms race. No single college or university can afford to act unilaterally, nor can one conference act alone. But a determined and focused group of presidents acting together can transform the world of intercollegiate athletics. Just as Archimedes was convinced he could move the world with the right fulcrum for his lever, presidents from a group of powerful conferences could, in collaboration with the NCAA, create the critical mass needed to bring about the fundamental changes this Commission deems essential.

In its earlier reports, the Commission defined a "one-plus-three" model, with the "one" – presidential control – directed toward the "three" – academic integrity, financial integrity, and certification. The Commission here proposes a new "one-plus-three" model for these new times – with the "one," a Coalition of Presidents, directed toward an agenda of academic reform, de-escalation of the athletics arms race, and de-emphasis of the commercialization of intercollegiate athletics. The Coalition of Presidents' goal must be nothing less than the restoration of athletics as a healthy and integral part of the academic enterprise.

The creation of the Coalition is the first order of business, but its creation will be no panacea in and of itself. Given the enormous scope of this reform effort, the Commission recognizes that change will have to be accomplished in a series of steps over time. As in its earlier reports, the Commission feels no obligation to rewrite the *NCAAManual* or propose solutions to every problem on campus. Starting from the broad principle that athletic departments and athletes should be held to the same standards, rules, policies and practices that apply elsewhere in their institutions, the Commission makes the following recommendations for the Coalition's agenda:

Academics. Our key point is that students who participate in athletics deserve the same rights and responsibilities as all other students. Within that broad framework, the Coalition should focus on the following recommendations:

❑ Athletes should be mainstreamed through the same academic processes as other students. These specifically include criteria for admission, academic support services, choice of major, and requirements governing satisfactory progress toward a degree.

❑ Graduation rates must improve. By 2007, teams that do not graduate at least 50 percent of their players should not be eligible for conference championships or for postseason play.

❑ Scholarships should be tied to specific athletes until they (or their entering class) graduate.

❑ The length of playing, practice and postseasons must be reduced both to afford athletes a realistic opportunity to complete their degrees and to enhance the quality of their collegiate experiences.

❑ The NBA and the NFL should be encouraged to develop minor leagues so that athletes not interested in undergraduate study are provided an alternative route to professional careers.

These recommendations are not new. What is novel is the Commission's insistence that a new and independent structure is needed to pursue these proposals aggressively.

The Arms Race. The central point with regard to expenditures is the need to insist that athletic departments' budgets be subject to the same institutional oversight and direct control as other university departments. The Coalition should work to:

By 2007, teams that do not graduate at least 50 percent of their players should not be eligible for conference championships or for postseason play.

❑ Reduce expenditures in big-time sports such as football and basketball. This includes a reduction in the total number of scholarships that may be awarded in Division I-A football.

❑ Ensure that the legitimate and long-overdue need to support women's athletic programs and comply with Title IX is not used as an excuse for soaring costs while expenses in big-time sports are unchecked.

❑ Consider coaches' compensation in the context of the academic institutions that employ them. Coaches' jobs should be primarily to educate young people. Their compensation should be brought into line with prevailing norms across the institution.

❑ Require that agreements for coaches' outside income be negotiated with institutions, not individual coaches. Outside income should be apportioned in the context of an overriding reality: Advertisers are buying the institution's reputation no less than the coaches'.

❑ Revise the plan for distribution of revenue from the NCAA contract with CBS for broadcasting rights to the Division I men's basketball championship. No such revenue should be distributed based on commercial values such as winning and losing. Instead, the revenue distribution plan should reflect values centered on improving academic performance, enhancing athletes' collegiate experiences, and achieving gender equity.

Prohibit athletes from being exploited as advertising vehicles. Uniforms and other apparel should not bear corporate trademarks or the logos of manufacturers or game sponsors.

Again, the recommendations put forth here have been heard before. The Coalition offers a chance to make progress on them at long last.

Commercialization. The fundamental issue is easy to state: Colleges and universities must take control of athletics programs back from television and other corporate interests. In this regard, the Coalition should:

❑ Insist that institutions alone should determine when games are played, how they are broadcast, and which companies are permitted to use their athletics contests as advertising vehicles.

❑ Encourage institutions to reconsider all sports-related commercial contracts against the backdrop of traditional academic values.

❑ Work to minimize commercial intrusions in arenas and stadiums so as to maintain institutional control of campus identity.

❑ Prohibit athletes from being exploited as advertising vehicles. Uniforms and other apparel should not bear corporate trademarks or the logos of manufacturers or game sponsors. Other athletic equipment should bear only the manufacturer's normal label or trademark.

❑ Support federal legislation to ban legal gambling on college sports in the state of Nevada and encourage college presidents to address illegal gambling on their campuses.

The Commission is not na ve. It understands that its recommendations governing expenditures and commercialization may well be difficult to accept, even among academics and members of the public deeply disturbed by reports of academic misconduct in athletics programs. The reality is that many severe critics of intercollegiate athletics accept at face value the ar guments

about the financial exigencies of college sports. In the face of these arguments, they conclude that little can be done to rein in the arms race or to curb the rampant excesses of the market.

Nothing could be further from the truth. The athletics arms race continues only on the strength of the widespread belief that nothing can be done about it. Expenditures roar out of control only because administrators have become more concerned with financing what is in place than rethinking what they are doing. And the market is able to invade the academy both because it is eager to do so and because overloaded administrators rarely take the time to think about the consequences. The Coalition of Presidents can rethink the operational dynamics of intercollegiate athletics, prescribe what needs to be done, and help define the consequences of continuing business as usual.

MEMBERSHIP AND FINANCING

The Commission recommends that the president of the American Council on Education (ACE), working with the NCAA and the Association of Governing Boards of Universities and Colleges (AGB), bring together presidential and trustee leadership drawn from ACE, the NCAA, AGB, and Division I-A conferences to establish the Coalition of Presidents. We emphasize the importance of the commitment and active involvement of *presidents*; Coalition members must be drawn from their group. This is an extraordinary undertaking that cannot be delegated to conference commissioners or the executive staffs of the organizations represented. As we said in our initial report 10 years ago, "The Commission's bedrock conviction is that university presidents are the key to successful reform."

The presidents who must step forward should represent the conferences conducting the most visible and successful athletics programs – in terms of national championships and revenues produced. These are the conferences representing the lion's share of big-time programs. They include: the Atlantic Coast Conference (ACC), the Big East, the Big Ten, the Big 12, the Pacific-10, and the Southeastern Conference (SEC). But membership must not be restricted to presidents from those conferences alone. Institutional compromises in favor of athletics are not limited to the biggest sports schools. Coalition membership, therefore, should be strengthened by presidents from conferences that are not founding members of the BCS but that also compete at the Division I-A level.

The Coalition of Presidents should work collaboratively with the NCAA Division I Board of Directors, meeting jointly from time to time to identify priorities for review and discussion, focus on reform solutions, and develop a comprehensive timeline for appropriate action by the Division I board and by the officers of other higher education associations.

To protect the Coalition's objectivity and the credibility of its recommendations, it is absolutely critical in the Commission's view that it be financially independent of the athletics enterprises it is designed to influence, namely, the NCAA and the conference offices. The Commission believes the Coalition should be financed independently with assessments and dues from its member institutions, support from the higher education associations, and perhaps grants from the philanthropic community.

To complement and support the critical work that must be done, we recommend that Knight Foundation consider helping fund the Coalition of Presidents with matching grants based on performance to the American Council on Education, and establishing, perhaps with other foundations and the Association of Governing Boards, a separate and independent body – an Institute for Intercollegiate Athletics. The Commission envisions the Institute not as an action agency but as a watchdog to maintain pressure for change. It should keep the problems of college sports visible, provide moral leadership in defense of educational integrity, monitor progress toward reform goals, and issue periodic report cards.

If it proves impossible to create a system of intercollegiate athletics that can live honorably within the American college and university, then ... the nation's colleges and universities [should] get out of the business of big-time sports.

A FINAL WORD

This Commission concludes its work with an admission and an exhortation. The admission first. Most of us who serve on the Knight Commission have held leadership positions while the excesses we deplore here have distorted American higher education. We offer our indictment of the existing situation painfully aware that it calls us, no less than others, to account.

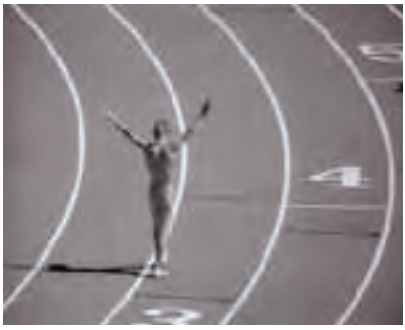
The exhortation involves a strong reaffirmation of the role and purpose of higher education in enhancing the well-being of our nation. That role is best filled and these purposes best achieved when integrity, character and honor are the hallmarks of academic activities across the board – on the playing field as much as in the classroom and laboratory.

There are no downsides to thoroughgoing reform. When and if accomplished, athletic contests would still be attended by their fans and covered by the media even if the players were students first and athletes second. None of the measures proposed here will diminish competitiveness. The games will continue and be just as exciting – perhaps more so if played without television timeouts interrupting and changing the very nature of the game. Although there might be some grumbling in the short term, the enthusiasm of students and alumni will not be abated over the long haul, largely because most will not notice the difference.

But if there is no downside to deep and sustained reform, continued inattention to the problems described here is fraught with potential dangers. Failure to engage in self-corrective

action may leave higher education vulnerable to external interventions, especially legislative. In some areas that would be welcome, as in steps to control the influence of gambling. In others, it would be unwelcome, as in a possible attack on college sports' tax-exempt status.

Worse, some predict that failure to reform from within will lead to the collapse of the current intercollegiate athletics system. Early warning signs of just that are abundant and should not be ignored. If it proves impossible to create a system of intercollegiate athletics that can live honorably within the American college and university, then responsible citizens must join with academic and public leaders to insist that the nation's colleges and universities get out of the business of big-time sports.



The Knight Foundation Commission on Intercollegiate Athletics trusts that day will never arrive. The search now is for the will to act. Surely the colleges and universities of the land have within their community the concerned and courageous leaders it will take to return intercollegiate athletics to the mainstream of American higher education. If not, it is not the integrity of intercollegiate sports that will be held up to question, but the integrity of higher education itself.

Additional Issues for Consideration

The following issues were discussed during the course of the Knight Commission's deliberations but were not considered in enough detail to enable the Commission to make specific recommendations. We list them here because we believe they are worthy of careful consideration.

Freshmen Ineligibility. While the arguments in favor of freshmen ineligibility are compelling in many respects, it is also true that such a policy would preclude many athletes who are fully capable of both succeeding academically and competing at a high level their freshman year from doing so.

Recruiting Restrictions. Unquestionably, recruiting is the bane of many a coach's existence. It is time-consuming, expensive, and fosters a skewed sense of expectations and priorities on the part of the recruited athlete. The Commission discussed restrictions on recruiting such as limiting the geographic range from which an institution could recruit, restricting recruiting expenses to a percentage of the overall athletics budget, shortening recruiting seasons, and reducing the number of permissible contacts with recruits. The effects of such proposals, however, likely would vary widely across institutions and thus they must be carefully reviewed.

Need-Based Financial Aid. The possibility of basing all financial aid to athletes on need to both reduce costs and to free students from the current dynamics of the coach-athlete relationship was discussed. Regardless of these benefits, though, other students on campus are offered scholarships for different talents. Further, many argue that athletes already are exploited for their skills despite the value of their athletic scholarships, and to reduce them would only exacerbate the situation.

Early Departures to the NBA. The use of collegiate level programs by basketball players to develop their skills for a year or two before going to the NBA – with little regard to academic considerations – is inappropriate. It is unclear, however, whether such athletes can or should be prevented by either NBAor NCAA restrictions from leaving college early for the professional level. In this regard, the Commission has urged the NBA (and the NFL) to develop minor leagues so that athletes not interested in undergraduate study are provided an alternative route to professional careers.

Certification and Accreditation. The Commission considered whether the larger accreditation process for colleges and universities should uniformly include review of athletics programs. A potential drawback of this could be the demise of the NCAA certification program, with all the benefits that stem from its detailed and extensive mandatory self-study and review.

Antitrust Exemptions. The possibility of supporting an antitrust exemption for the NCAAto regain control of televised football and its associated revenue was raised, as well as an exemption for controlling coaches' salaries. In the former instance, however, Commissioners were uncertain whether it would be in the best interests of intercollegiate athletics if the NCAA were to control college football television and revenues. In the latter case, more information and research are necessary before such a recommendation can be made.

Appendix B

Action on Knight Commission Recommendations of March 1991

PRESIDENTIAL CONTROL

Trustees should explicitly endorse and reaffirm presidential authority in all matters of athletics governance, including control of financial and personnel matters. Trustees should annually review the athletics program and work with the president to define the faculty's role in athletics.

Implementation of this recommendation requires action on individual campuses. Following the release of the Commission's first report, more than 100 institutions and organizations reported adoption of these principles. Additionally, the Association of Governing Boards of Universities and Colleges (AGB) has worked to educate trustees about their appropriate role in intercollegiate athletics through articles and white papers in its periodicals and publications, and via speakers and meetings focused on this topic.

Presidents should act on their obligation to control conferences.

Based on testimony before the Commission during 2000-2001, presidents do not in practice control at least a handful of Division I-A conferences. At the national level, the 1992 NCAA convention amended the NCAA Constitution to require presidential approval of conference-sponsored legislative initiatives.

Presidents should control the NCAA.

In 1997 the NCAA restructured, giving presidents full authority for the governance of intercollegiate athletics at the national level. The Association's top body, the Executive Committee, is comprised entirely of CEOs, and the NCAA's three divisions are led by presidential groups.

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Presidents should commit their institutions to equity in all aspects of intercollegiate athletics.

Opportunities for women to compete for NCAA member institutions in NCAA championship sports increased 57 percent between 1991 and 2000. Despite this tremendous progress, during the 1998-1999 academic year (the most recent year for which data are available), 41 percent of these varsity athletes were women even though women comprise 52 percent of the undergraduates at NCAA member institutions. Women at the Division I level in 1999-2000 – where they represent 53 percent of the student body – received 43 percent of athletic scholarship dollars and 32 percent of overall athletics budgets. Overall, 48 percent of all participants in NCAA-sponsored championships in 2000-2001 were women and 52 percent were men.

Presidents should control their institutions' involvement with commercial television.

Presidents have been actively involved with contract negotiations with CBS, which broadcasts the Division I men's basketball tournament, and with ESPN. Their involvement, however, has not led to institutional control over the commercial aspects of televised sports. Further, testimony before the Commission during 2000-2001 indicated that presidents are not actively involved in negotiations for televising the Bowl Championship Series (BCS) postseason football bowl games.

ACADEMIC INTEGRITY

The NCAA should strengthen initial eligibility requirements:

The number of required units of high school academic work for initial eligibility should be raised from 11 to 15.

The 1992 NCAAconvention raised the Divisions I and II core curriculum requirements from 11 to 13 units, effective in 1995.

High school students should be ineligible for reimbursed campus visits (or signing a letter of intent) until they show reasonable promise of being able to meet degree requirements.

Between 1991 and 1997 the NCAA adopted seven proposals related to proof of a prospect's academic credentials required before an official (expense paid) visit. Criteria included minimum required test scores and core academic courses completed. In 1997, however, in response to concerns expressed by the U.S. Department of Justice, the NCAAeliminated specific academic criteria and instead requires only that the prospect submit a test score and academic transcript prior to an official visit.

Junior college transfers who did not meet NCAA initial eligibility requirements upon graduation from high school should sit out a year of competition after transfer.

This recommendation has not been adopted by the NCAA. In 1996, however, the NCAA adopted higher minimum percentage of degree requirements for all junior college transfers in Division I football and men's basketball. These athletes must have completed 35 percent – versus 25 percent – of their degree requirements to be immediately eligible in their third year of collegiate enrollment (see below).

The NCAA should study the feasibility of requiring that the range of academic abilities of incoming athletes approximates the range of abilities of the entire freshmen class.

In its first five-year cycle, the NCAA certification program gathered data related to this recommendation by requiring that institutions compare the academic profiles of all incoming athletes with the rest of the incoming class as a whole. The next certification cycle improves upon this assessment by requiring that comparisons be made on a sport-by-sport basis, as well as by gender and racial subgroups. Significant differences in academic profiles must be noted and explained.

The letter of intent should serve the student as well as the athletics department.

Since 1991, no changes have been made in the national letter of intent program. However, athletes are permitted to appeal the terms and conditions of the letter of intent. Approximately 20,000 such documents are signed each year by prospects planning to attend NCAA Division I and II institutions. During the 1999-2000 academic year – a typical year – 170 letters of intent were appealed: 86 percent of the appeals were approved, 12 percent of the athletes were granted a partial release, and 2 percent of the appeals were denied. These data indicate flexibility in the administration of the national letter of intent program.

Athletics scholarships should be offered for a five-year period.

No action to date.

Athletics eligibility should depend upon progress toward a degree.

The 1992 NCAA convention adopted new Division I requirements stipulating minimum percentages of credits earned toward a specific degree, as well as a minimum grade point average toward that degree, for athletes' third and fourth years of eligibility, effective in 1996. Further, the permissible number of credits earned during the summer to maintain eligibility was capped, and the new satisfactory progress toward degree requirements were made applicable to midyear transfer students after a semester rather than a year on campus.

Graduation rates of athletes should be a criterion for NCAA certification.

NCAA certification incorporates graduation rates as a criterion. In the program's first five-year cycle, however, graduation rates of all athletes were compared with the student body as a whole. The next certification cycle improves upon this assessment by requiring that comparisons be made on a sport-by-sport basis, as well as by gender and racial subgroups. Significant differences in graduation rates must be noted and explained.

FINANCIAL INTEGRITY

All funds raised and spent in connection with intercollegiate athletics programs will be channeled through the institution's general treasury. The athletics department budget will be developed and monitored in accordance with general budgeting procedures on campus.

Implementation of this recommendation requires action on individual campuses. Data concerning its adoption are unavailable. The NCAAcertification program, however, addresses these issues specifically in the first operating principle under the Financial Integrity section of the program's self-study document, which each Division I institution must address in detail.

Athletics costs must be reduced.

Some efforts to reduce costs have been made, such as reducing the number of allowable scholarships in certain sports and limiting assistant coaches' salaries in men's basketball. In the latter instance, however, the salary caps were successfully challenged as a violation of antitrust law; the NCAAsettlement with the coaches cost over $50 million. At the institutional level, athletics costs rose steadily during the 1990s, such that the NCAA's latest financial study reports that roughly just 15 percent of Divisions I and II institutions operate in the black. From 1997 to 1999, deficits at Division I-Ainstitutions where expenses exceeded revenues increased 18 percent.

Athletics grants-in-aid should cover the full cost of attendance for the very needy.

No action to date, although the NCAA's Special Assistance Fund available to needy athletes has increased from $3 million in 1991 to $10 million in 1998, and is scheduled to increase to $10.4 million in 2002. Additionally, in 2002 the NCAA will institute a new $17 million Student Opportunity Fund, which can be broadly used for anything that benefits athletes but not, specifically, on salaries or facilities. Each fund is scheduled to increase annually throughout the duration of the NCAA's 11-year CBS contract.

The independence of athletics foundations and booster clubs must be curbed.

Implementation of this recommendation requires action on individual campuses. Data concerning changes in the numbers of independent athletics foundations and booster clubs are unavailable.

The NCAA formula for sharing television revenues from the Division I men's basketball tournament must be reviewed by university presidents.

The NCAA Executive Committee and the Division I Board of Directors, both composed entirely of presidents, have been actively involved in review of the formula for distribution of revenues from the new $6.2 billion CBS contract. The formula was approved in early 2001 by the NCAA Executive Committee.

All athletics-related coaches' income should be reviewed and approved by the university.

The 1992 NCAA convention adopted legislation requiring annual, prior written approval from the president for all athletically related income from sources outside the institution. That legislation, however, was eliminated in 2000 as part of an NCAAderegulation effort.

Coaches should be offered longterm contracts.

Implementation of this recommendation requires action on individual campuses. While it appears that more longterm contracts are being offered to big-time football and men's basketball coaches, the pressure to win has not diminished.

Institutional support should be available for intercollegiate athletics.

Progress in this regard has been minimal. The NCAA Division I Philosophy Statement, for example, still contains language recommending that its members strive "to finance [their] athletics programs insofar as possible from revenues generated by the program itself." Moreover, several states have laws prohibiting the use of state funds on intercollegiate athletics programs. In Division I-A, institutional support, direct government funding, and student activity fees have increased as a percentage of total revenues from 14 percent in 1993 to 16 percent in 1997.

Appendix B

CERTIFICATION

The NCAA should adopt a certification program for all institutions granting athletics aid that would independently authenticate the integrity of each institution's athletics program.

Division I institutions must undergo NCAA certification of their athletics departments. When the program was first adopted, institutions were meant to be certified once every five years; since then, the cycle has been extended to once every 10 years. Division II institutions, which also award athletics aid, have not adopted the certification program.

Universities should undertake comprehensive, annual policy audits of their athletics programs.

The Division I certification program requires an annual compilation of athletics policy audits and other data.

The certification program should include the major themes advanced by the Knight Commission, i.e., the "one-plus-three" model.

The NCAA certification program substantially incorporates the fundamental principles of the "one-plus-three" model. The four major components of athletics certification are: governance and commitment to rules compliance; academic integrity; fiscal integrity; and equity, welfare and sportsmanship.

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ADDENDUM

In addition to actions taken related specifically to the Knight Commission's recommendations, the NCAAhas also done the following since the release of the Commission's first report in 1991:

❑ Limited costs by reducing the list of printed and video recruiting materials that institutions and conferences are permitted to send to prospective athletes.

❑ Restricted the use of correspondence courses for establishing full-time enrollment and meeting satisfactory progress requirements.

❑ Required prospective athletes who graduate from a two-year college to earn at least 25 percent of their credit hours from the two-year institution awarding the degree.

❑ Limited the use of transferable degree credit hours that partial or nonqualifiers can earn during the summer preceding their transfer from a two- to a four-year college.

❑ Allowed basketball players to receive athletics financial aid to attend summer school prior to their first term of full-time enrollment.

❑ Adopted principles promoting gender equity, student-athlete welfare, and sportsmanship and ethical conduct.

❑ Allowed athletes to earn money from jobs during the academic year.

❑ Strengthened the rules governing Division I men's and women's basketball midyear transfers, who will not be immediately eligible the academic year they transfer, regardless of their academic qualifications, beginning with the 2001-2002 academic year.

Appendix C

Meeting Participants

August 28, 2000

James Isch
Vice President for Finance and
Information Services
NCAA

Kevin Lennon
Vice President for Membership Services
NCAA

Graham Spanier
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October 18, 2000

Percy Bates
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Ohio University

Malcolm Gillis
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Rice University

Murray Sperber
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Andrew Zimbalist
Professor of Economics
Smith College

November 27-28, 2000

Ruben Boumtje-Boumtje
Basketball Player
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William Bowen
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Athletic Director
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James Delany
Commissioner
Big Ten Conference

Carolyn Schlie Femovich
Executive Director
Patriot League

Russ Granik
Vice President
National Basketball Association

Cathy Joens
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Gene Keady
Men's Basketball Coach
Purdue University

Roy Kramer
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Southeastern Conference

Jack Lengyel
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U.S. Naval Academy

Jeffrey Orleans
Executive Director
Ivy League

Appendix C

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Executive Vice President and Legal Counsel
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James Shulman
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Joseph Whitt
Football Player
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January 22-23, 2001

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U.S. Senator
North Carolina

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American Gaming Association

Nils Hasselmo
President
Association of American Universities

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Peter McGrath
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Indiana University

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Appendix D

Acknowledgements

The Commission acknowledges the many individuals and organizations whose support of our work made this report possible.

First we wish to express our profound gratitude to the Board of Trustees of Knight Foundation for their long and steady commitment to creating a new climate for intercollegiate athletics. College sports and higher education both have benefited significantly from the Foundation's decade-long interest.

Hodding Carter III, current Knight Foundation president, has lent invaluable perspective and energy to the reconvened Commission. His predecessor, Creed Black, has been a driving force throughout the Commission's life. His vision and determination have sustained this effort.

It is an understatement to say that this report and the many hearings that preceded it would have been impossible without the tireless, dedicated and thoughtful guidance of the Commission's executive director, Maureen Devlin. She has been our shepherd, patient but persistent goad, and strong right hand.

Larry Meyer was an enormous help with all our communications needs. Susan Gomez flawlessly handled the Commission's meeting arrangements and logistics, and Nada Elia provided important research assistance and administrative support.

John Underwood and James Harvey contributed to the drafting and editing of this document. The report was designed by Jacques Auger Design Associates and printed by Haff-Daugherty Graphics.

Finally, we wish to extend our thanks to the many men and women – university presidents, faculty, conference commissioners, athletics directors, coaches, athletes, authors, professional sports executives, television officials, NCAA representatives, leaders of national higher education associations, and others – who took the time to share their thoughts with us. Their participation was the absolutely essential foundation of all our deliberations.

Appendix E

Statement of Principles

The Commission concluded its first report in 1991 with this Statement of Principles. Upon review, we find these principles to be just as applicable today as they were 10 years ago. We commend them to campus administrators and boards of trustees for their consideration and support.

Preamble: This institution is committed to a philosophy of firm institutional control of athletics, to the unquestioned academic and financial integrity of our athletics program, and to the accountability of the athletics department to the values and goals befitting higher education. In support of that commitment, the board, officers, faculty and staff of this institution have examined and agreed to the following general principles as a guide to our participation in intercollegiate athletics:

I. The educational values, practices and mission of this institution determine the standards by which we conduct our intercollegiate athletics program.

II. The responsibility and authority for the administration of the athletics department, including all basic policies, personnel and finances, are vested in the president.

III. The welfare, health and safety of student-athletes are primary concerns of athletics administration on this campus. This institution will provide student-athletes with the opportunity for academic experiences as close as possible to the experiences of their classmates.

IV. Every student athlete – male and female, majority and minority, in all sports – will receive equitable and fair treatment.

V. The admission of student-athletes – including junior college transfers – will be based on their showing reasonable promise of being successful in a course of study leading to an academic degree. That judgment will be made by admissions officials.

VI. Continuing eligibility to participate in intercollegiate athletics will be based on students being able to demonstrate each academic term that they will graduate within five years of their enrolling. Students who do not pass this test will not play.

VII. Student-athletes, in each sport, will be graduated in at least the same proportion as nonathletes who have spent comparable time as full-time students.

VIII. All funds raised and spent in connection with intercollegiate athletics programs will be channeled through the institution's general treasury, not through independent groups, whether internal or external. The athletics department budget will be developed and monitored in accordance with general budgeting procedures on campus.

IX. All athletics-related income from nonuniversity sources for the coaches and athletics administrators will be reviewed and approved by the university. In cases where the income involves the university's functions, facilities or name, contracts will be negotiated with the institution.

X. We will conduct annual academic and fiscal audits of the athletics program. Moreover, we intend to seek NCAAcertification that our athletics program complies with the principles herein. We will promptly correct any deficiencies and will conduct our athletics program in a manner worthy of this distinction.

John S. and James L.
Knight Foundation

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Exhibit G

From: Mark Emmert [mae@ncaa.org]
Sent: Sunday, October 17, 2010 10:50 PM
To: Young, Diane
Subject: Fw: Looking forwardpls print out. Wally's too wordy for my Blackberry.

From: Renfro, Wally I.
Sent: Sunday, October 17, 2010 05:48 PM
To: Mark Emmert
Subject: Fw: Looking forward

Wally Renfro

From: Renfro, Wally I.
Sent: Sunday, October 17, 2010 12:12 PM
To: Emmert, Mark
Cc: Isch, Jim
Subject: Looking forward

M-

As we begin moving forward and getting you into more speaking opportunities, we need to develop richer messages. You've talked about your three initial areas of focus, but very soon we will need to go deeper. This is a topic we should take up at SMG, but you may want to give thought to this before hand. I've been giving thought to all this and have tried below to begin teasing out some thoughts that might be further developed. Some of this is provocative; some probably not provocative enough.

Two of the topics you've discussed, it seems to me, are broad public issues – the student-athlete experience and engaging the public more broadly in the understanding and support of intercollegiate athletics. The third one, or the middle one as you have spoke on these, is more inside baseball – how do we ensure a sound and effective governance platform. This one may not be something that you will want to push much more into public settings.

So, what does the rubric of the other two more public issues allow you to do. Here are some subtopics that it seems to me are well within the larger topics:

Student-athlete well-being

* Academic success – How do we keep the foot on the gas for academic reform and is it time to move beyond the "reform" stage (we have been reforming for about seven or eight years now). Next step may be embedding academics first as a concept that defines those who play college sports. Maybe we don't call them student-athletes any longer and just refer to them as students (it's a term that Walter Byers created to counter the criticism that we were paying college athletes when we began providing grants-in-aid). Maybe we say there are more than 400,000 students who are athletes in college but most will go pro in something other than sports. On the continuum from student to athlete, let's start moving back toward student.

* Time requirements – We know from a couple of surveys we have done (one with current student-athletes, which was first done about four or five years ago but I think has been updated), and one with students 10 years out of high school), that student-athletes spend as much as 45 hours a week on their sport – more they say, in some cases, than their academics. Some say they wish they had more time for academics; some want more time to develop their athletics skills. Let's assume that student-athletes always want to spend more time on athletics – honing their skills – but should we permit that? Can they have a full student experience under these conditions? What do we want to say about this? I'm torn. We have a 20-hour rule for structured activity. We have a wink-and-a-nod approach to voluntary activity. And we have some student-athletes, especially in individual sports, who are going to do what they are going to do to be a good as they can be. Division II pushes the "balanced" approach, and is working hard to differentiate themselves from the other two divisions on this topic. I'm not sure there is much to press for here that can be successful. But it is a topic that deserves "reminders" from time to time.

* Health and safety – As you have noted, this is the topic that helped create the NCAA originally, and it remains a focus today. Playing rules begin and end with a focus on safety. Concussions is the most recent concern to rise above all the others, and we are making slow progress, but it is progress. We probably don't have enough data to know with certainty what the long-term effect of "brain rattling" will be in a number of sports. We have bigger, stronger, faster student-athletes with better coaching techniques colliding with each other or equipment at ever faster rates of closure. You may want to call for more study, working with other organizations, on concussions.

* Full student experience – Much of the discussion on this topic is caught up in the time demand discussion above, but we should give thought to other ways in which we can encourage a richer experience for student-athletes.

* Commercial exploitation – This is going to be one of the more difficult issues in the near term. There is a general sense that intercollegiate athletics is as thoroughly commercialized as professional sports. Some believe that athletics departments study how to emulate the pros on marketing their sports (primarily football and basketball), and sometimes lead the way. And the public would generally agreed that has all taken place at the expense of the student-athlete whose participation is exploited to make another buck for a bigger stadium, the coaches, the administrators or for other teams who can't pay their own way. It

is a fairness issue, and along with the notion that athletes are students is the great hypocrisy of intercollegiate athletics. What territory will you want to stake out with regard to commercialism and student-athlete exploitation. We have legislation moving toward passage (probably in April) that allows commercial relationships between student-athletes and sponsors and partners that isn't allowed with other commercial entities. Some will charge that that is nothing more than sanctioned commercialism; the granting of a commercial most favored nation status in exchange for corporate relationships and the dollars that go with them. There are some clear, bright lines in this discussion (a student-athlete cannot openly endorse a product and give the appearance of doing so), but other lines are blurred (contrived, non-game photos or video that put student-athletes in close proximity of commercial products). There will come a time when you almost certainly will have to find a place in the sand to draw a line.

* Professional exploitation (agents) – We have always had a cradle-to-grave approach to amateurism. You are born an amateur; but like innocence, once lost it cannot be regained. But our commitment to amateurism (and the commitment of our publics) has often been based on something other than how we define amateurism in our own constitution. In the most romantic sense, we think of amateurism as playing sports for the love of the game, for the camaraderie among competitors, for the pride of victory for school or colors. And then we use this romanticized sense of amateurism to define the entire enterprise of intercollegiate athletics. Our constitution says that those who play sports in college should "primarily be motivated by the education and by the physical, mental and social benefits to be derived." It also says that student participation is an avocation and should be protected from commercial and professional interest. The first part of the definition is a charge to the students; the second is a charge to those of us responsible for the conduct of intercollegiate athletics. I don't take the former to mean that intercollegiate athletics must be conducted on the cheap to avoid undermining the motivation of student-athletes, nor do I believe the later instructs us to keep student-athletes entirely away from the investigation of professional opportunities. We (and you will have to lead the charge) must do a better job of helping put these concepts into perspective, and we are best served in that effort by doing so within the context of higher education. It may be okay for student-athletes to have agents; the avocational nature of student athletics participation prohibits the gathering of monetary benefits in such a relationship.

* Social responsibility (criminal behavior) – There is an ebb and flow to the level of attention this topic attracts. Often, but not always, there is an association between the lack of social responsibility and the abuse of drugs or alcohol that fuels the hubris of elite athletic status. This is another area in which we are data poor, and you may want to more aggressively call for better studies. The most immediate focus is on relationship or domestic violence. Very soon, we will need a plan for moving forward on this topic.

* Really big question – The really big question with regard to student-athlete well-being is what it will trump. What is your commitment? How important is this compared to competitive equity? A former commissioner, whose name I will not mention but whose initials are Roy Kramer, would often stand before the NCAA Convention during the debate on legislation and proclaim that this or that proposal was good for student-athletes or bad for student-athletes. I'm confident Roy believed the position he advocated, but it was relatively easy to figure that whether it was good or bad for student-athletes was almost always related to whether it was good or bad for the SEC. If the well-being of student-athletes is your No. 1 focus, it will be important to define with some precision what that means and where the boundaries are.

Engaging beyond athletics

* Financial underpinning of athletics – In some very important ways, the financial health of intercollegiate athletics is not about the aggregate but about the individual institution. In the aggregate and at the median level, there is not a lot to be worried about. While Divisions II and III may struggle with the rise and fall of economic fortunes, they generally live within their means where "means" is defined as an institutionally acceptable level of subsidization based on perceived and real value received. The top 25 percent of Division I is setting the spending pace for the rest of the division, although the bottom 25 has largely stopped trying to compete and is content with the prestige that comes with being in the same neighborhood. The real issue appears to be at the middle 50 percent. So, what we really see are the "haves" the "have-nots" and the "forget-about-its." Almost all of the public perception about the financing of intercollegiate athletics is driven by the top 25 percent. This is a reputation issue to the degree that it appears to be crassly commercial, and a political issue to the degree that you will be challenged to help find a way for the "have-nots" to close the gap.

* Values-based decision-making – This is taking on all the characteristics of having a tiger by the tail. What the hell do we do with it now that we have its attention? It is a very good idea with what may be a tragic flaw: We don't know with certainty what the values are that we will not abandon when challenged by circumstances and situations that weaken our resolve. I will finish the white paper, but I would rather have had a better feel for presidential commitment to both the concept and the pitfalls of allegiance to it before trying to memorialize the values and what they mean. Give me guidance!

* Commercialism – If we believe in the educational value of athletics in higher education (and if we don't, how will we defend intercollegiate athletics) and believe that students should not be denied the opportunities to participate, then the issue may well be that there isn't enough commercial support of college sports rather than too much. We must better define the acceptable impact of commercialism on the reputation of higher education and we must protect student-athletes from exploitation by commercial interests. This is easy in theory. But as we callous our collective consciences to the incremental intrusion of commercialism, "no you can't do that" begins to be heard less often. On the other hand, we must understand that commercial entities are not in a relationship with us just because they think we're cute. They do and should expect to get something from the support they provide.

* Communications plan – Once we have settled on what the plan is, the most important attribute we will bring to the effort – and the ground over which leadership must stand guard – is discipline to the plan. When the plan breaks down from time to time, it almost certainly will be because of a lack of discipline. The overarching goal of this or any communication plan is to influence or change behavior – both internally and externally.

* Corporate partners and champions – We sell these relationships on the basis of common values. I've always believed there is value to having one of America's signature businesses stand beside you and say we have similar values and we want to be supportive. I contend that nearly all of our public administrations to the relationships with partners and

champions is done with some degree of embarrassment that the relationship even exists. Support us, but don't let anyone see you doing it. If we are going to "engage beyond intercollegiate athletics", we are going to have to come to terms with the necessity reciprocal nature of our corporate relationships. You are positioned to help establish a new public understanding of these relationships.

* Governmental relationships – The best approach for sound governmental relationships is like guarding a big center – keep in touching distance, don't let them get around you, and try to avoid fouling them. We have an opportunity with Secretary Duncan to engage and find common ground. Duncan is well respected and a media darling. The meeting next week will be important in establishing a relationship that we can build on.

* Leadership Advisory Board future – The only benefit I can see for the future of the LAB is the degree to which it helps us engage audiences – especially thought leaders – on the values of intercollegiate athletics. We have never fully exploited this body, but we should give one more good try at it.

Well, this got a lot longer than I anticipated. There is a lot to consider, but very soon we will need to know where to stand on a good many of these topics. I hope you will find this a helpful start.

W

Confidential Subject to Protective Order NCAAPROD00148810

Exhibit H

August 1999

In light of recent events in intercollegiate athletics, it seems particularly timely to offer this Internet version of the combined reports of the Knight Commission on Intercollegiate Athletics. Together with an Introduction, the combined reports detail the work and recommendations of a blue-ribbon panel convened in 1989 to recommend reforms in the governance of intercollegiate athletics. Three reports, published in 1991, 1992 and 1993, were bound in a print volume summarizing the recommendations as of September 1993. The reports were titled Keeping Faith with the Student-Athlete, A Solid Start and A New Beginning for a New Century. Knight Foundation dissolved the Commission in 1996, but not before the National Collegiate Athletic Association drastically overhauled its governance based on a structure “lifted chapter and verse,” according to a New York Times editorial, from the Commission's recommendations.

Introduction

By Creed C. Black, President; CEO (1988-1998)

In 1989, as a decade of highly visible scandals in college sports drew to a close, the trustees of the John S. and James L. Knight Foundation (then known as Knight Foundation) were concerned that athletics abuses threatened the very integrity of higher education. In October of that year, they created a commission on Intercollegiate Athletics and directed it to propose a reform agenda for college sports.

As the trustees debated the wisdom of establishing such a commission and the many reasons advanced for doing so, one of them asked me, "What's the down side of this?"

"Worst case," I responded, "is that we could spend two years and $2 million and wind up with nothing to show of it."

As it turned out, the time ultimately became more than three years and the cost $3 million. But far from having nothing to show for it, the trustees are satisfied that the time and money were well spent.

The Foundation's Interest

To understand the work of the Knight Foundation Commission on Intercollegiate Athletics, it is necessary to look back on the extent to which corruption had engulfed big-time college sports in the 1980s.

Before examining the problem, however, let me emphasize that the Foundation's decision to wade into this swamp did not reflect any hostility toward college athletics.

As Chairman James Knight said at the time, "We have a lot of sports fans on our board, and we recognize that intercollegiate athletics have a legitimate and proper role to play in college and university life. Our interest is not to abolish that role but to preserve it by putting it back in perspective. We hope this Commission can strengthen the hands of those who want to curb the abuses which are shaking public confidence in the integrity of not just big-time collegiate athletics but the whole institution of higher education."

We saw this as a goal worthy of a foundation which identified higher education as one of its primary interests, for the abuses in athletics programs had implications reaching far beyond football stadiums and basketball arenas.

In a cover story shortly before the Commission was created, Time magazine described the problem as "an obsession with winning and moneymaking that is pervading the noblest ideals of both sports and education in America." Its victims, Time went on to say, were not just athletes who found the promise of an education a sham but "the colleges and universities that participate in an educational travesty -- a farce that devalues every degree and denigrates the mission of higher education."

Please note that I have referred to big-time athletics programs. There are about 2,200 four-year institutions of higher education in this country, and the problem we set out to address centered around -- but was not entirely limited to -- about 1,900 schools in football and about 200 in basketball. Those were the institutions fighting for the big bucks that television exposure and bowl games and NCAA tournaments brought.

But the fact that a majority of colleges and universities were not involved could not support the argument, still heard in some quarters, that there were just a few bad apples in the barrel. Except for the Ivy League, the schools which were involved were the most visible institutions of higher education in the country. Their athletics programs, furthermore, were the most visible of their activities. And the picture emerging from those programs was not pretty.

Here are some of its broad outlines:

- In the 1980s, 109 colleges and universities were censured, sanctioned or put on probation by the National Collegiate Athletic Association.
- That number included more than half the universities playing at the NCAA's top competitive level -- 57 institutions out of 106.
- Nearly a third of present and former professional football players responding to a survey near the end of the decade said they accepted illicit payments while in college, and more than half said they saw nothing wrong with the practice.
- Another survey showed that among 100 big-time schools, 35 had graduation rates under 20 percent for their basketball players and 14 had the same low rate for their football players.

At times it seemed that hardly a day passed without another story about recruiting violations, under the table payoffs, players who didn't go to classes or who took courses like "recreational leisure" and "advanced slow-pitch softball." Even crime sprees in some athletic powerhouses were added to the list.

It was small wonder that eight out of ten Americans questioned in a Louis Harris poll in 1989 agreed that intercollegiate sports had gotten out of control, that the athletics programs were being corrupted by big money, and that the many cases of serious rules violations had undermined the traditional role of universities as places where young people learn ethics and integrity.

There was the tragedy of it. "Cynicism," as one commentator wrote during this period, "is nowhere more corrosive to society than in education."

That point had been driven home to me in 1986 in a letter received from a distinguished faculty member at the University of Kentucky after the Lexington Herald-Leader, of which I was then publisher, ran a shocking series on payoffs to basketball players there. He wrote:

> If the institution and their supporters are prepared to wink at -- if not also to participate in -- cheating against the rules by athletes, can the schools stand against cheating anywhere else?
>
> Is it OK for students to cheat in class? Does anybody want to be represented by a lawyer who cheated to get through law school -- or to be operated on by a surgeon who had to cheat to pass the medical school exams?
>
> Can colleges and universities continue their traditional posture of upholding the highest values of personal character and integrity when they themselves display so little of either?

The questions answered themselves. Yet the madness in big-time college athletics continued to escalate. And as if that hadn't already done enough damage to American education, a 1989 series in The New York Times raised another warning flag:

> High school athletics have become the latest entree on the American sports menu, served up to help satisfy the voracious appetite of the fan. As a result, scholastic athletes are on the verge of becoming as important to the billion-dollar sports industry as their college brothers and sisters -- and just as vulnerable to big-time exploitation.

Somehow, Knight Foundation concluded sanity had to be restored to this bleak scene and values put back into their proper place.

We were under no illusions that it would be easy. As far back as 60 years ago, another major American foundation -- the Carnegie Foundation for the Advancement of Teaching -- had published a study on college athletics which concluded that recruiting had become corrupt, professionals had replaced amateurs, education was being neglected and commercialism reigned.

That was 1929, not 1989. The problem had become even worse in the intervening years because the millions of dollars television was pouring into college athletics had raised the stakes -- and put an even higher premium on winning.

This money had also put colleges and universities into the entertainment business in a much bigger way. Many of the most vocal and partisan fans are not students or parents or alumni but just plain old sports nuts. That had become clear to me during my days in Lexington when one of the first protests we had after our series on cheating in the Kentucky basketball program came from an employee in our own mailroom who called to cancel his free subscription.

Such people want to be entertained -- and winning, of course, is more fun than losing. My personal observation, furthermore, is that they don't care how many rules have to be broken to produce a winner. Education means nothing to them.

We were not convinced, however, that all was lost. The good news was that it was still possible to point to major colleges and universities which ran successful athletics programs without sacrificing either their ethical standards or their academic integrity. The challenge of the 1990s was to develop and win acceptance of realistic reforms that would bring all institutions under that tent.

The Work Of The Commission

As its contribution to meeting that challenge, the Knight Foundation Commission on Intercollegiate Athletics produced three seminal reports that helped channel the head of steam building up behind college sports reform in the 1990s:

- *Keeping Faith with the Student-Athlete: A New Model for Intercollegiate Athletics,* released in March 1991.
- *A Solid Start: A Report on Reform of Intercollegiate Athletics,* issued one year later.
- *A New Beginning for a New Century: Intercollegiate Athletics in the United States,* released in March 1993.

The release of the third report concluded the primary work of the Commission. As they finished, the members of the Commission agreed their reports would be more accessible in the future if collected within the covers of one volume. This is that volume.

In preparing this compendium, we have taken only one editorial liberty: An appendix lists each of the 20 specific recommendations advanced by the Commission in 1991 and indicates how the athletics community has to date, responded. As Timothy V. Franklin wrote in a 1992 doctoral dissertation completed at Virginia Polytechnic Institute and State University, although scorecards can be poor measures of policy effectiveness, the Knight Commission's record in this regard is impressive. Despite the fact that it held no formal authority, nearly two-thirds of its specific recommendations had been endorsed by the National Collegiate Athletic Association by 1993.

As gratifying as this was, no scorecard can measure the full impact. It does not reflect the self-examination and changes implemented on their own by numerous institutions which heeded the Commission's admonition that reform "must take root on individual campuses; it cannot be imposed from without." Nor does it reflect underlying change in the fundamental environment and culture surrounding college athletics.

The Commission's first report laid out an analysis of the problems facing college sports and proposed a "new model for intercollegiate athletics." This analysis was straightforward: Following decades of presidential neglect and institutional indifference, big-time college sports were "out of control." The reform agenda Commission members proposed was equally straightforward, the "one-plus-three" model -- presidential control directed toward academic integrity, financial integrity and independent certification. This model would become a kind of road map for athletics reform.

It is clear from the Commission's reports that members felt no obligation to propose solutions for every single problem on every campus. The Commission had no interest in rewriting the

NCAA manual, proposing new rules or suggesting new sanctions. It was marching to the beat of a different drummer. The commissioners kept their eye on the big picture.

No claim was made that their recommendations would solve all the problems tarnishing college sports, or even that all problems would ever be solved to everyone's satisfaction. "Reform is not a destination but a never-ending process," said the Commission's last report, "A Race Without A Finish." But Commission members expressed confidence that their work had helped create a framework to rein in today's abuses and deal with tomorrow's. In submitting their third and final report, the Commission co-chairmen -- Father Theodore Hesburgh and William Friday -- said they were "confident that we have accomplished what we set out to do."

The concluding paragraph of the Commission's final report left the presidents of America's colleges and universities with a challenge:

> The final words of the members of the Knight Foundation Commission on Intercollegiate Athletics to the nation's colleges and universities are an echo from long ago. In 1929, the Carnegie Foundation for the Advancement of Teaching published a landmark study taking presidents to task for their failure to defend the integrity of higher education. There can be no doubt that presidents today have the opportunity to put that long-standing criticism to rest. A genuine assessment of the value of the current reform movement cannot be made of today's observers. The true test will be applied by historians of the future, because they will ask whether today's presidents employed their power wisely and chose well.

The Stakes Involved In Reform

A. Bartlett Giamatti, the man who left the Yale presidency to become president of the National Baseball League and ultimately the Commissioner of Baseball, put the critical importance of reforming college sports in perspective in a brilliant small volume, *A Clean and Ordered Space*. His background as a scholar, academic administrator and nationally known sportsman provided him with a unique vantage point from which to consider the implications of corruption in intercollegiate athletics. That is what he had to say:

> "Athletic programs of a certain kind are so visible, such surrogates for their institutions, that those programs do get the public's attention. Except now the athletic programs are communicating failures of nerve and failures of principle and purpose that threaten to engulf the whole institution of higher education in ways unfair and dangerous. What was allowed to become a circus -- college sports -- threatens to become the means whereby the public believes the whole enterprise is a sideshow."

The John S. and James L. Knight Foundation agrees: Public faith in higher education cannot be sustained if college sports are permitted to become a circus, with the institution itself little more than a supporting sideshow. The members of the Knight Foundation Commission on Intercollegiate Athletics clearly understood this. They showed no failure of nerve or purpose. On the contrary, they demonstrated that success in sports reform depends on standing behind a first principle: Athletics competition must be grounded in the academic tradition that created and nurtured it.

Listen again to what Mr. Giamatti had to say about the stakes involved in reform of college sports:

> "To reform intercollegiate athletics is to begin to approach, again, a true examination of American higher education's nature and purpose. To reform that valuable dimension of an education is to begin to remember that an education institution teaches far, far more, and more profoundly, by how it acts than by anything anyone within it ever says."
>
> "To reform the abuses of athletics would begin to earn again the public's broad-based, deeply rooted faith in collegiate education, without which neither public nor private institutions, neither the large nor the small, can survive or flourish in ways they must if they are to fulfill their basic mission, to serve America and keep her as they themselves should be - civil, cohesive and free."

On behalf of the Foundation's Board of Trustees, I express our appreciation for the work of the Commission. The commissioners -- public officials, corporate executives, and major academic leaders in the United states -- believed that restoring the public's "deeply-rooted faith in collegiate education" depended on restoring the public's trust in the integrity of

college sports. The members of the Commission, its co-chairmen and staff director Christopher Morris and his associates, acted on that belief with conviction and skill.

Foundation Chairman Lee Hills spoke for all the trustees when he told the Commission at its final meeting:

> "The Commission has done a tremendous service -- not just for college sports, but for higher education and our nation as well. Your work has been a credit to the Foundation, and we thank you for it."

Creed C. Black, President
John S. and James L. Knight Foundation
(1988-1998)
September 1993

Appendix: Action On Knight Commission Recommendations

I. PRESIDENTIAL CONTROL

Trustees should explicitly endorse and reaffirm presidential authority in athletics governance, delegate authority over finances, affirm the president's authority for personnel and annually review athletics program.

Implementation of this recommendation requires action on individual campuses. Although no detailed records are available, more than 100 institutions and organizations have reported adoption of this principle.

Presidents should act on their obligation to control conferences.

The 1992 NCAA convention addressed the issue of presidential control, amending Article 5 of the NCAA Constitution so to require presidential approval of conference-sponsored legislative initiatives.

Presidents should control the NCAA.

Legislation passed at the 1993 NCAA convention formalized the governance role of presidents within the organization by the creation of a Joint Policy Board comprised of officers of the NCAA and the Presidents Commission.

Presidents should commit their institutions to equity in all aspects of intercollegiate athletics.

The 1992 NCAA convention delayed reductions in financial aid for Division I women's sports. Also, the NCAA appointed a Gender-Equity Task Force which issued its findings and recommendations in the Summer of 1993. Additional gender equality legislation is anticipated for the 1994 NCAA convention.

Presidents should control their institution's involvement with commercial television.

The 1992 NCAA convention directed that the Special Committee on Financial Conditions in Intercollegiate Athletics examine the issue of media revenues, among other financial considerations.

II. ACADEMIC INTEGRITY: "NO PASS, NO PLAY"

▪ **The NCAA should strengthen initial eligibility requirements: By 1995, initial eligibility should be based on a 2.00 average in 15 units of high school academic work and a combined score of 700 on the SAT or 17 on the ACT.**

The 1992 NCAA convention established core curriculum requirements of 13 units, and an initial eligibility index of 2.5 GPA in the core combined with an SAT score of 700 (ACT score of 17).

▪ **High school student-athletes should be ineligible for reimbursed campus visits (or signing a letter of intent) until they show reasonable promise of being able to meet degree requirements.**

The 1992 NCAA convention prohibited official visits prior to the early signing period in Division I sports if student-athletes do not present as SAT score of 700 (ACT score of 17) and a minimum 2.00 GPA in seven core courses. Under current bylaws, prospects may visit campus after the early signing period even if they do not meet SAT or ACT minimum requirements.

▪ **Junior college transfers who did not, on graduating from high school, meet proposition 48 requirements, should "sit out" a year of competition after transfer.**

This recommendation is substantially incorporated in a new progress toward degree requirement adopted at the 1992 NCAA convention (see below).

▪ **The NCAA should study the feasibility of requiring the range of academic abilities of incoming athletes to approximate the range of abilities of the entire freshman class.**

The NCAA's new certification program (see section IV below) requires institutions to compare academic performance of incoming athletes with the rest of the freshman class.

The letter of intent should serve the student as well as the athletics department.

No action to date.

Athletics scholarships should be offered for a five-year period.

No action to date.

Athletics eligibility should depend on progress toward a degree.

The 1992 NCAA convention created new Division I requirements governing: mid-year transfer students, credits to be earned during the regular academic year, proportion of credits toward a specific degree, and minimum GPA toward that degree. The credit and GPA requirements govern athletics eligibility in years 3 and 4.

Graduation rates of athletes should be a criterion for NCAA certification.

The certification process (below) incorporates graduation rates as a major criterion.

III. FINANCIAL INTEGRITY

Athletics cost must be reduced, and cost control measures adopted in 1991 must not be "fine tuned" out of existence.

The 1992 NCAA convention reduced the allowable number of grants-in-aid. Also, the NCAA appointed a special Committee to Review Financial Conditions in Intercollegiate Athletics which issued a report in June 1993. Based upon the recommendations of the Special Committee, additional "cost-cutting" legislation will be introduced at the 1994 NCAA convention.

Athletics grants-in-aid should cover the full cost of attendance for the very needy.

No action to date.

The independence of athletics foundations and booster clubs must be curbed.

The 1992 NCAA convention directed the Special Committee to Review Financial Conditions in Intercollegiate Athletics to examine the role of booster clubs, among other financial considerations;

The NCAA formula for sharing television revenue from the national basketball championship must be viewed by university presidents.

The Presidents Commission reviewed the revenue-sharing formula, approved it, and recommended reserving additional moneys for the membership fund.

All athletics-related coaches' income should be reviewed and approved by the university.

The 1992 NCAA convention required annual written approval from the institution's CEO for all athletically related income.

Coaches should be offered long-term contracts.

Implementation of this recommendation requires action on individual campuses.

Institutional support should be available for intercollegiate athletics.

Implementation of this recommendation requires action on individual campuses.

IV. CERTIFICATION

The NCAA should extend the certification process to all institutions granting athletics aid.

The 1993 NCAA convention adopted a new athletics certification program for Division I institutions.

Universities should undertake comprehensive, annual policy audits for their athletics program.

The NCAA certification program entails an annual compilation of this and other data.

The certification program should include the major themes advanced by the Knight Commission, i.e., the "One-Plus-Three" model.

The NCAA certification program substantially incorporates the fundamental principles of the "One-Plus-Three" model.

Exhibit I

May 14, 2014

Dear Colleagues:

We are writing to you, our colleagues at the member institutions of the Pac-12's four peer conferences, because we believe that the events of the last few months have underscored the urgency with which we must move forward in reforming the rules that govern intercollegiate athletics, and because we believe that bold rather than incremental action must be taken now.

Due in no small part to the support you and your conferences have provided, the NCAA Governance Steering Committee and the NCAA Board have made great progress toward supporting the autonomy our five conferences have been seeking to implement important reforms. Nevertheless, we remain concerned that the process remains vulnerable to inertia or attempts to override, disagreement over details, and incrementalism, all of which may contribute to harmful delay. Because it is essential that the issue of autonomy, *and the specific reforms we intend to enact once given that autonomy*, be clear coming out of the NCAA meeting in August, we believe this is a crucial time – as we all head into our respective Board meetings in the coming weeks – to ensure that we are all advocating for substantial and meaningful change.

We need not have every last detail worked out. Our conference and campus experts can work on those details in the coming months, but we as CEOs must set and announce the substance of our reform agenda as soon as possible. It is clear from the recent statements of any number of individuals that, while they may share our view that labor unions are not the answer, the time has come for a meaningful response both to the student-athletes' grievances and to the need to reassert the academic primacy of our mission.

We are confident that you share our sense of urgency. A loss of momentum at this crucial time could leave the field to more extreme viewpoints that seek either to do away with college athletics entirely or professionalize them to such an extent as to have the same result. Thousands of student-athletes in those sports – the vast majority of whom will go on to careers outside of their sport – could lose their access to a system that has supported the education of generations of students, and strengthened bonds among students, alumni, and our communities.

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For these reasons, we have outlined below our principal objectives for reform, addressing *both* the need to increase the funding for student-athlete driven initiatives and the restoration of academic primacy to the mission of intercollegiate athletics:

1. Permit institutions to make scholarship awards up to the full cost of attendance.

2. Provide reasonable on-going medical or insurance assistance for student-athletes who suffer an incapacitating injury in competition or practice. Continue efforts to reduce the incidence of disabling injury.

3. Guarantee scholarships for enough time to complete a bachelor's degree, provided that the student remains in good academic standing.

4. Decrease the time demands placed on the student-athlete in-season, and correspondingly enlarge the time available for studies and full engagement in campus life, by doing the following:

a. Prevent the abuse of organized "voluntary" practices to circumvent the limit of 20 hours per week.

b. More realistically assess the time away from campus and other commitments during the season, including travel time.

5. Similarly decrease time demands out of season by reducing out-of-season competition and practices, and by considering shorter seasons in specific sports.

6. Further strengthen the Academic Progress Rate requirements for post-season play.

7. Address the "one and done" phenomenon in men's basketball. If the National Basketball Association and its Players Association are unable to agree on raising the age limit for players, consider restoring the freshman ineligibility rule in men's basketball.

8. Provide student-athletes a meaningful role in governance at the conference and NCAA levels.

9. Adjust existing restrictions so that student-athletes preparing for the next stage in their careers are not unnecessarily deprived of the advice and counsel of agents and other competent professionals, but without professionalizing intercollegiate athletics.

10. Liberalize the current rules limiting the ability of student-athletes to transfer between institutions.

While each of our conferences likely has additional items on its agenda, we believe these are the core objectives toward which we all are striving. We acknowledge this agenda could prove to be expensive and controversial, but the risks of inaction or moving too slowly are far greater. The time for tinkering with the rules and making small adjustments is over.

We are confident that you will join us in this final push to enact the NCAA reforms described above, and we would very much appreciate hearing from you so that we can accurately gauge the level of alignment among our five conferences and 65 institutions.

Please let us know your response on this reform agenda by June 4 by reply to this email message or through your conference commissioner. It is important to know where everyone is on these specifics before our colleagues meet together in Dallas on June 16.

With best wishes,

President Ann Weaver Hart
University of Arizona

President Michael Crow
Arizona State University

Chancellor Nicholas Dirks
University of California Berkeley

Chancellor Philip DiStefano
University of Colorado

President Michael Gottfredson
University of Oregon

President Edward Ray
Oregon State University

President John Hennessy
Stanford University

Chancellor Gene Block
UCLA

President C.L. Max Nikias
USC

President David Pershing
University of Utah

President Michael Young
University of Washington

President Elson S. Floyd
Washington State University

Exhibit J

From: Jean S Frankel [jsfrankel@comcast.net]
Sent: Monday, December 02, 2013 9:59 PM
To: Berst, David
Attachments: Group of Five-Restructuring Testimony (2).docx

Jean S. Frankel, President

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Presentation to NCAA Division 1 Board of Directors

Subcommittee on Restructuring the NCAA

By

President Bernie Machen, University of Florida (SEC)

Chancellor Harvey Perlman, University of Nebraska-Lincoln (Big Ten)

November 25, 2013

Introduction

We offer the following testimony on behalf of the Presidents/Chancellors, Athletic Directors of the Group of Five Conferences (ACC, Big Ten, Big 12, Pac 12, and SEC). .

This testimony sets out commonly held views of why we seek structural change. We also seek to clarify how the envisioned structure might be implemented. The Five Conferences make this proposal with the intention of rebuilding a strong national organization in support of intercollegiate athletics, but one that also recognizes the diversity of institutions that comprise its membership. While the Presidents of the Group of Five Conferences have agreed on a set of principles and objectives, we acknowledge that some of the details of operation and implementation remain to be considered .

Why do we seek structural change?

Intercollegiate athletics is an important component of the institutions we represent. Athletic competition builds institutional support among alumni and fans, support that most often extends beyond athletics to our academic programs. Athletic competition is an integral part of the campus environment that attracts students to our campuses. We continue to believe athletic competition builds leadership, teamwork, and other critical skills necessary for our student athletes to become successful adults and is thus consistent with our efforts on behalf of all students. Intercollegiate athletics has been a pathway to higher education for many students who otherwise would not have had the opportunity for a degree. We should not minimize the fact that particularly football and men's basketball, as played by our institutions, perform important cultural roles in uniting the country and giving it a common source of interest and pride. A large segment of the American community unite around the bowl games and the National Football Championship and the Final Four in Basketball brings together all areas of the country to a common focus. They are, for many, an important part of the fabric of American life.

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It is also clear that currently intercollegiate athletics is the subject of considerable criticism (emphasizing how important it is to American society). Our institutions are accused of exploiting student athletes for our own financial gain. Some believe that athletics undermines the values of higher education, or that our institutions have lost control of the enterprise. The mechanism we use to enforce the rules of engagement among our membership or to protect student athletes is seen as often inconsistent, arbitrary, and subject to manipulation. We see radical proposals for reform that in our view are inconsistent with the nature of intercollegiate athletics within a context of higher education. And we are subjected to litigation and potential legislation that may have dramatic and uncertain consequences for our programs.

These criticisms, and any reforms they may provoke, will have a differential impact on the institutions of our five conferences. We operate the most visible and the most competitive programs. Because of this we generate the most revenue, revenue that not only benefits our own institutions but also supports the enterprise of intercollegiate athletics across the landscape of higher education. We have the most to lose if ill-advised reforms are imposed. Most (but certainly not all) of the student athletes with realistic professional opportunities are in our programs as are most of the student athletes that achieve national attention. Yet at the same time, we do not have the ability, within the current NCAA structure, to control our own destiny, to adopt reforms that respond to these concerns without creating unintended consequences, to build a regulatory structure that respects the demands on student athletes in the 21st century. Most of our institutions are blessed with considerable revenue from our successful programs. However because of efforts to create "a level playing field" we can spend these resources in almost any way we want EXCEPT to improve support for student athletes. Too often, our efforts to improve the lives of student athletes have been deflected because of cost implications that are manageable by our institutions but not by institutions with less resources. This cannot continue without jeopardizing the entire enterprise of intercollegiate athletics.

What do we want?

At its most basic level, we want to be able to control our own destiny so that we may create a modern system of intercollegiate athletics which in turn will preserve the enterprise for all institutions and provide appropriate support for our student athletes. Yet we also want to participate as colleagues within an NCAA that embraces the full range of institutions and works to promote and improve intercollegiate athletics within the context of higher education. We believe this can be accomplished in the following way:

1. The current rules regarding access to NCAA Basketball Championships and the distribution of NCAA revenue would be maintained. We seek control of our own destiny with the least disruption to the expectations of other institutions.
2. The Five Conferences would have legislative autonomy over areas of regulation that are most sensitive to the differentiation of institutions and resources. Such areas would include:
    - **a.** The definition of what constitutes a full scholarship so that if the five conferences could agree, it might expand the current definition to include but not exceed the cost of attendance.
    - **b.** The definition of permissible benefits that institutions could offer to student athletes. Such benefits might include:
        - **i.** A life time scholarship to obtain an undergraduate education after their playing eligibility expires;
        - **ii.** Insurance or other financial support to address the health and safety needs of student athletes;
        - **iii.** Support in recruiting to permit families of student athletes to accompany and advise student athletes on official visits.
        - **iv.** Relaxation of rules restricting food and other support provided to student athletes during their playing careers.
    - **c.** Defining the context of a student athlete's athletic participation to permit their access to opportunities available to other college students such as study abroad programs and employment internships.
    - **d.** Authorizing a more comprehensive support for academically at-risk student athletes with enhanced criteria for playing eligibility.
    - **e.** Redefining rules governing agents and advisors to assure student athletes have access to good advice relating to their future careers.
3. The Group of Five would have the authority to create its own independent process for considering and adopting legislation in its area of autonomy separate from the current NCAA legislative process. There is considerable interest in developing a process that is simplified and is managed by athletic directors, faculty athletic representatives, and others who best understand the realities of competition at the highest level. Presidential control would remain a feature of such a process. Such a separate process would also facilitate conversations among the affected institutions to achieve consensus. Legislation adopted by the Group of Five within its exclusive authority would not be subject to override or modification by any process that involved more than Group of Five institutions.

We have not, as yet, come together on a procedure for considering legislation within our exclusive authority. One procedure could be a Management Council consisting of

athletic directors and Faculty athletic representatives that would develop legislation for presentation to a Board of Presidents after consultation with coaches, compliance officers, and other levels of athletic administration on the campuses. Another might be more elaborate and would create a Board of Presidents, a Joint Council consisting of representative practitioners (Commissioners, ADs, FARs and others) which would be primarily responsible for leading and managing work done by three cabinets (Academic, Athletics, and Compliance). While we would work with the other conferences to consider reform of the governance structure of the NCAA generally, we would continue to propose a separate structure for consideration of legislation within the Group of Five and Group of Ten authority).

4. Legislation adopted within this authority would be applicable only to those institutions in the Five Conferences. Other institutions or conferences could comply at their individual discretion.
5. The Ten Conferences (Group of Ten) comprising the Bowl Subdivision would have legislative autonomy over rules governing specified football issues, with the Group of Five exercising a two-thirds voting majority on football legislation. As above, a process would be established to consider such legislation and it would apply only to those institutions in the Group of Ten. Other institutions or conferences could adopt the practice at their individual discretion.
6.

While the Group of Five has not addressed other issues associated with governance at this time, there are matters that we would want to discuss within the broader NCAA structure. We would seek clarification of the allocation of authority between the Division 1 Board and the current Executive Committee. We would expect the Division 1 Board to have primary authority over those matters that differentially impact Division 1 schools

There are issues of implementation of our proposals we have not yet addressed but we regard them as matters of detail with the core of our proposal stated above. For example, there will be questions about what matters are allocated to which regulatory process, that is what areas of regulation should be governed by the Group of Five. We believe that the Group of Five must have the autonomy to determine the scope of its authority, subject to those areas where it is agreed in advance should be universal.

There are some regulations that we clearly believe should be applied universally across Division 1. We applaud the academic reform efforts and have no intention of reducing academic eligibility requirements. However, because of the intensity of athletic competition at our institutions and the demands on student athletes, we believe it appropriate that we would

have the authority to adopt more stringent requirements than those generally applicable. There may be other regulations on which there could be broad agreement in favor of their universal application. These are open questions.

We also believe our institutions have a more significant stake in the enforcement process. Unfortunately but understandably, our member institutions are often the targets for enforcement, are the most visible when infractions occur, and have the most to lose if violations are found. We have the strongest stake in fashioning an enforcement mechanism that is and is perceived to be fair and even-handed. There are other models for enforcing regulatory regimes that should be examined. We intend to impanel expertise from outside the NCAA to help us fashion a modern enforcement process and we would want the authority to adopt it for enforcement of rules against our institutions. Again, if this process were found appropriate by other institutions, it could be adopted across the NCAA.

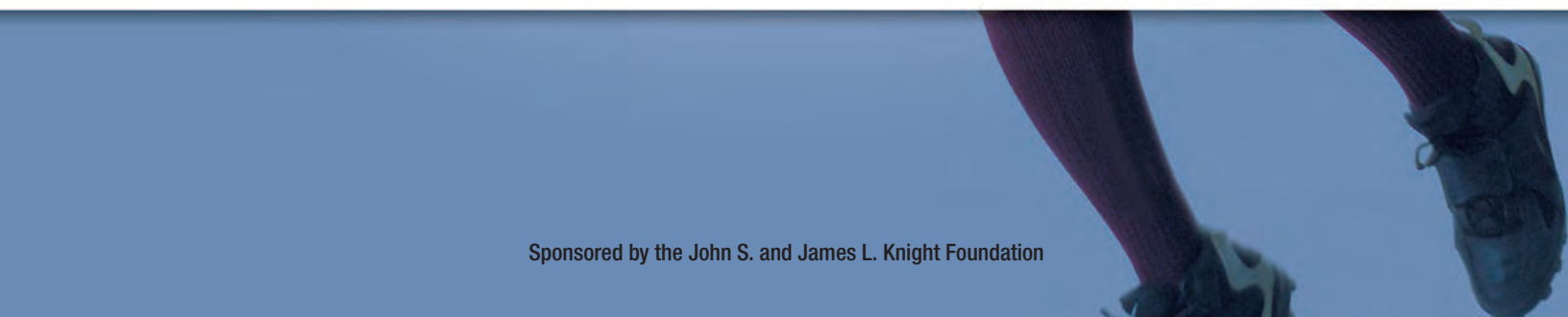
As with many restructuring efforts, issues will arise in the process of implementation and we are prepared to engage with our colleagues within Division 1 on how best to resolve them. Our primary operating principle is to be free to create for those student athletes who compete at the highest and most visible level, a regulatory structure that responds to the realities and demands of the 21st Century and yet is consistent with the values associated with higher education.

Exhibit K

RESTORING THE BALANCE

Dollars, Values, and the Future of College Sports

Knight Commission
On Intercollegiate Athletics



Sponsored by the John S. and James L. Knight Foundation

This report sets forth reforms that are achievable and that, if implemented, will create a foundation upon which future reforms can build. Our blueprint for restoring educational values and priorities begins with strengthening accountability for intercollegiate athletics in three ways:

1. Requiring greater transparency and the reporting of better measures to compare athletics spending to academic spending
2. Rewarding practices that make academic values a priority
3. Treating college athletes as students first and foremost—not as professionals

For additional content and video, see the multimedia version of this report at
restoringbalance.knightcommission.org

Knight Commission
On Intercollegiate Athletics

LETTER OF TRANSMITTAL

Alberto Ibargüen
President and Chief Executive Officer
John S. and James L. Knight Foundation
200 South Biscayne Blvd., Suite 3300
Miami, FL 33131

Dear Mr. Ibargüen:

Almost 20 years ago, the Knight Commission on Intercollegiate Athletics released a landmark report about major college athletics. It criticized low athlete-graduation rates, questionable academic standards, and the increasing tendency of athletics programs to operate independently of university oversight. The trustees of the Knight Foundation feared that these persistent problems, found in all too many major college sports programs, threatened the very integrity of higher education. The report created a detailed roadmap for reforming college sports and was quickly embraced by higher education leaders.

Since then, presidents and other leaders of Division I institutions have done much to improve governance policies and to raise academic expectations. The result has been better classroom outcomes for athletes and greater accountability for their coaches, teams, and institutions. Yet while we are proud that the Commission's 1991 report and its subsequent work have had a positive impact, we are acutely aware of how much remains undone.

Most urgent of the remaining goals set out in the Commission's 1991 report is financial reform. The costs of competing in big-time intercollegiate sports have soared. Rates of spending growth are breathtaking. This financial arms race threatens the continued viability of athletics programs and the integrity of our universities. It cannot be maintained.

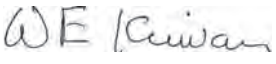
Despite our deep concern about this problem, we believe firmly that—at their best—intercollegiate sports bring enormous benefits to their universities and communities. Indeed, we take as our starting point the mission articulated by James L. Knight, Chairman of the Knight Foundation in 1989: "We recognize that intercollegiate athletics have a legitimate and proper role to play in college and university life. Our interest is not to abolish that role but to preserve it by putting it into perspective."

This report sets forth reforms that are achievable and that, if implemented, will create a foundation upon which future reforms can build. Our blueprint for restoring educational values and priorities begins with strengthening accountability for intercollegiate athletics in three ways:

1. Requiring greater transparency, including better measures to compare athletics spending to academic spending
2. Rewarding practices that make academic values a priority
3. Treating college athletes as students first and foremost—not as professionals

We express our deep gratitude for the continuing support Knight Foundation has provided to this effort. We hope that our recommendations, like those of previous Commissions, will significantly advance much-needed policy changes in college athletics.

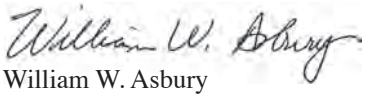
Sincerely,



William E. Kirwan
Co-Chairman
Chancellor
University System of Maryland

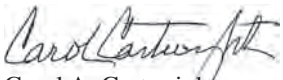
R. Gerald Turner
Co-Chairman
President
Southern Methodist University

Val Ackerman
Adjunct Professor, Columbia University
Founding President, Women's National Basketball Association



William W. Asbury
Vice President Emeritus for Student Affairs, Pennsylvania State University

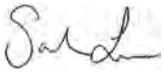
Nicholas A. Buoniconti
Board of Trustees, University of Miami



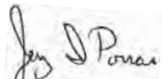
Carol A. Cartwright
President, Bowling Green State University

John J. DeGioia
President, Georgetown University

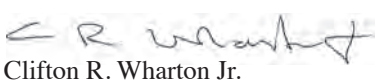
Elson S. Floyd
President, Washington State University



Sarah Lowe
Graduate Student, Department of International Development, St. Antony's College, University of Oxford

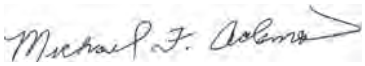


Jerry I. Porras
Lane Professor of Organizational Behavior and Change Emeritus, Stanford University

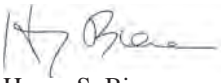


Clifton R. Wharton Jr.
President Emeritus, Michigan State University
Former Chairman and CEO, TIAA-CREF

Charles E. Young
President Emeritus, University of Florida
and Chancellor Emeritus, University of California, Los Angeles

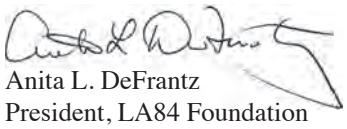


Michael F. Adams
President, University of Georgia



Henry S. Bienen
President Emeritus, Northwestern University

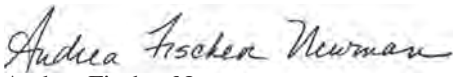
Hodding Carter III
University Professor of Leadership and Public Policy, University of North Carolina, Chapel Hill



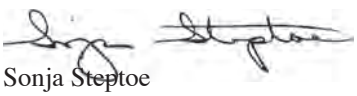
Anita L. DeFrantz
President, LA84 Foundation

Leonard J. Elmore
Chief Executive Officer, iHoops

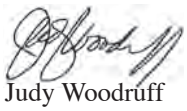
Janet Hill
Vice President, Alexander & Associates Inc. and Trustee, Duke University



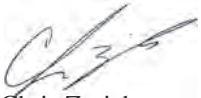
Andrea Fischer Newman
Senior Vice President - Government Affairs, Delta Air Lines, and Board of Regents, University of Michigan



Sonja Steptoe
Former Journalist, *Time, Sports Illustrated, The Wall Street Journal*



Judy Woodruff
Senior Correspondent, *The PBS NewsHour* and Trustee Emerita, Duke University



Chris Zorich
Manager of Student Welfare and Development, The University of Notre Dame

INTRODUCTION

At the nation's most prominent universities, intercollegiate athletics have always played a dual role in campus life. On the one hand, they are managed for the benefit of student-athletes. On the other, they inspire the interest and passions of thousands, if not millions, of fans. For most teams at most institutions, these roles can be reconciled. But in high-profile sports, tensions often surface between the core mission of universities and commercial values.

These tensions have grown significantly over the past two decades. The pursuit of television contracts and slots in football bowl games, together with the quest to win championship tournaments in basketball, have had a destabilizing influence on athletics programs. Among other worrisome developments, the intensely competitive environment at the top levels of college sports has prompted four rounds of realignment among athletic conferences since 1994; a bidding war for prominent coaches; and accelerating expenses across the board.

The growing emphasis on winning games and increasing television market share feeds the spending escalation because of the unfounded yet persistent belief that devoting more dollars to sports programs leads to greater athletic success and thus to greater revenues.

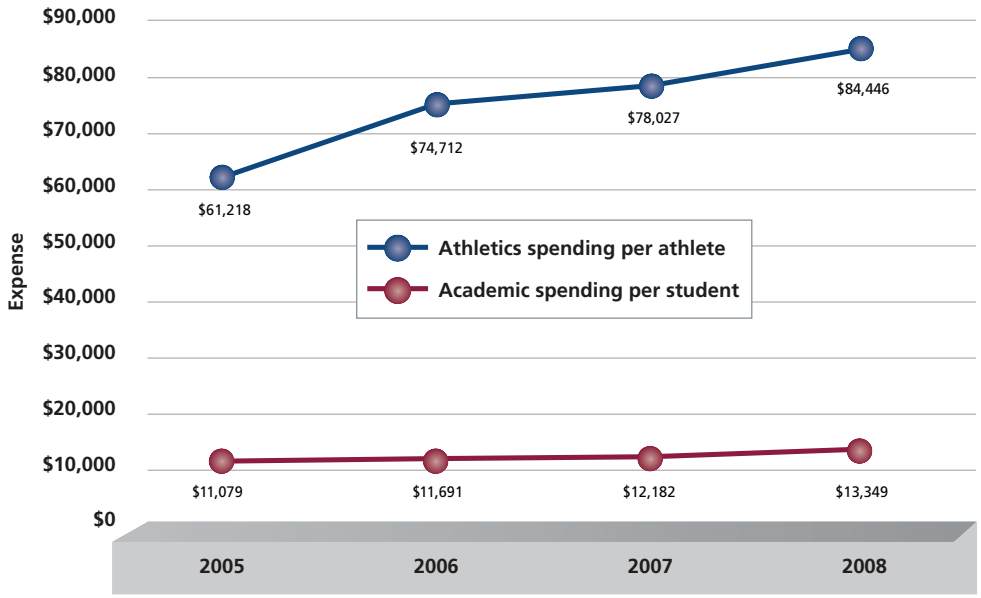
In fact, only a tiny number of college athletics programs actually reap the financial rewards that come from selling high-priced tickets and winning championships. According to a *USA Today* analysis, just seven athletics programs generated enough revenue to finish in the black in each of the past five years. This reality is often obscured by headlines about money in college sports, such as the recent 14-year, $10.8 billion television rights deal for the NCAA men's basketball tournament, and yet another round of conference realignments and expansions designed to increase television market share.

The growing emphasis on winning games and increasing television market share feeds the spending escalation.

Figure 1:

Athletics spending rises while academic spending is flat

Medians for academic spending per student compared to athletics spending per athlete, Football Bowl Subdivision institutions, 2005-2008



This figure compares growth in median athletics spending per athlete to median academic spending per student at 97 of the 103 public institutions in the FBS. The growth over time for athletics spending was 37.9 percent compared to 20.5 percent for academic spending. All figures are in current dollars. Academic spending reflects the full cost of education measure, which includes spending for instruction, student services, and shared overhead costs for academic, instructional, and operations support averaged per full-time equivalent student. Athletics spending includes all athletics operating expenses averaged on a per athlete basis. More detailed data grouped on a conference basis are available in the online report at restoringbalance.knightcommission.org.

Source: See endnotes.

Nevertheless, the pursuit of those elusive goals by many programs creates a cost spiral that causes athletics spending to rise at rates often exceeding those on academic spending. At many universities, institutional spending on high-profile sports is growing at double or triple the pace of spending on academics. This is due to much more than multimillion dollar salaries for football and basketball coaches. Less-publicized trends also play a significant role, including a steep increase in the number of expensive non-coaching personnel devoted to individual sports.

In some instances, there are legitimate reasons for athletics spending to outpace education-related spending on a per-student basis. Health insurance for student-athletes is a unique and large expense, for example. But expenses like this cannot account for the lopsided spending patterns seen at some universities. Median athletics spending per athlete at institutions in each major athletics conference ranges from 4 to nearly 11 times more than the median spending on education-related activities per student (see Figure 2).

Median athletics spending per athlete at institutions in each major athletics conference ranges from 4 to nearly 11 times more than the median spending on education-related activities per student.

Figure 2:

Academic and athletics spending by conference

Medians for academic and athletics spending on a per capita basis, Football Bowl Subdivision conferences, 2008

FBS Conference	Academic Spending per FTE Student 2008	Athletics Spending per Athlete 2008	Athletics Spending per Athlete Outpacing Academic Spending per Student by 4 to 11 times
Southeastern (SEC)	$13,410	$144,592	10.8
Big 12	$13,741	$124,054	9.0
Big Ten	$17,025	$115,538	6.8
Atlantic Coast (ACC)	$15,911	$105,805	6.6
FBS Median	**$13,349**	**$84,446**	**6.3**
Pacific-10	$15,149	$94,545	6.2
Conference USA	$11,222	$64,508	5.7
Mountain West	$13,404	$69,000	5.1
Western Athletic (WAC)	$12,251	$62,634	5.1
Big East	$17,504	$84,887	4.8
Sun Belt	$9,691	$41,895	4.3
Mid-American (MAC)	$12,032	$48,139	4.0

This figure shows academic and athletics spending on a per capita basis using median expenses in 2008. Academic and athletics spending data reflect the measures described in Figure 1.

Source: See endnotes.

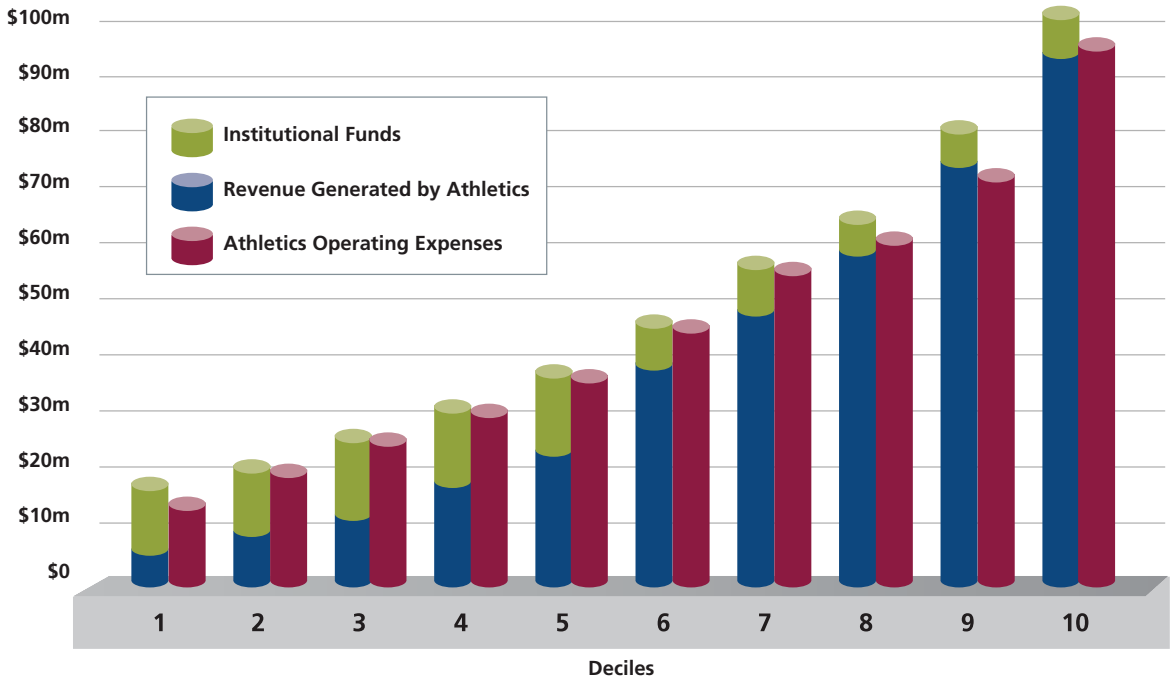
At most institutions, these expenditures require a redistribution of institutional resources. Because sports revenues so often fall short of meeting the needs of athletics programs, almost all programs must rely on allocations from general university funds, fees imposed on the entire student body, and state appropriations to meet funding gaps (see Figure 3). This is a significant concern at a time when economic woes have devastated state budgets and institutional endowments alike. Conflicts over funding between academics and athletics are growing.

Indeed, reliance on institutional resources to underwrite athletics programs is reaching the point at which some institutions must choose between funding sections of freshman English and funding the football team. And student-athletes in non-revenue sports risk seeing their teams lose funding or be cut entirely. These threats extend well beyond universities with high-budget athletics programs: it is clear that the spending race that too often characterizes major football and basketball programs is creating unacceptable financial pressures for everyone.

Figure 3:

Institutional funds needed to balance budgets

Average expenses compared to average revenue generated by athletics and institutional funding, Football Bowl Subdivision institutions, 2008



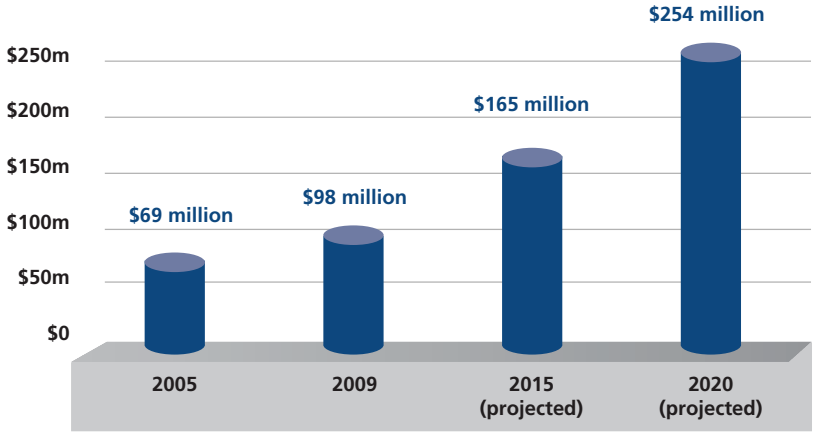
In this figure, generated revenue consists of funds the athletics program earned from external sources, such as ticket sales and broadcast revenues. Institutional funds consist of student fees, transfers from general fund sources, state appropriations, and other sources internal to the institution. This figure shows that most institutions require institutional funding to balance their athletics operating budget. These **2008** data represent the average operating expenses of all FBS institutions, including private institutions. Deciles are ranked according to **2007** athletics operating expenses. According to 2008 expenses, the institutions in Decile 1 had average athletics operating expenses of $14.7 million, and institutions in Decile 10 had average athletics operating expenses of $96.7 million. The table displaying the exact dollar amounts represented in this figure can be found in the online report at restoringbalance.knightcommission.org.

Source: NCAA

Figure 4:

Top athletics budgets exceed $250 million in 2020

Budget projections for the top ten public institutions spending the most on athletics, 2015 and 2020



Average Budgets for Top Ten Spenders on Athletics

This figure shows future projections for the average athletics operating budget for the ten public institutions spending the most on athletics in 2009. The growth rate projections are based on the "smoothed" annual rates of change for total operating expenses during the following periods: 2005-2009, 2006-2009 and 2007-2009.

Source: *USA Today* NCAA athletics database using data reported by each institution on NCAA financial reports.

It is clear that the spending race that too often characterizes major football and basketball programs is creating unacceptable financial pressures for everyone.

In brief, if the business model of intercollegiate athletics persists in its current form, the considerable financial pressures and ever-increasing spending in today's college sports system could lead to permanent and untenable competition between academics and athletics. More broadly, this model could lead to a loss of credibility not just for intercollegiate sports but for higher education itself.

The current financial downturn should be a wake-up call for all programs. It has significantly refocused academic priorities and even forced some institutions to ratchet back spending on sports—primarily by paring teams in lower-profile sports, thus curtailing opportunities for student-athletes. However, even with this new reality, top programs are expected to have athletics budgets exceeding $250 million by 2020, based on data from the past five years. Even for the largest and best-positioned universities, a $250 million athletics budget serving an average of 600 student-athletes is untenable (see Figure 4).

In the Commission's view, addressing misplaced spending priorities requires answering some searching questions: Are financial incentives at the national, conference, and institutional levels rewarding behaviors that are aligned with the core values of higher education, institutions' educational missions, and amateur athletic competition? Or are they creating a "winner take all" market in which there are very few winners? More often we see the latter.

Changing course will not be easy. But we know that some institutions have been able to achieve a healthy balance between academic and athletics spending. We believe that the reforms laid out in this report can help all college athletics programs do the same.

Academic reform hit a tipping point when graduation rates were first shared publicly. We believe the same will be true for financial reform when there is far greater openness about spending on college sports.

Presidents of universities with major football programs clearly recognize the need for change. In a 2009 Knight Commission survey, a large majority said that they believe today's revenue and spending trends are not sustainable for athletics programs as a whole. Nearly half expressed concern about the proportion of institutional resources being used to support athletics programs, and a similar proportion said they feared that economic pressures might force them to discontinue a sport.

Presidents also understand the urgency of acting together. To be sure, some institutions have been able to achieve financial stability, taking advantage of significant revenue opportunities while exercising prudent management. But it is clear that the vast majority of Division I institutions will not be able to do so without a shared structure that provides athletics programs and universities with the information, expectations, and incentives needed to achieve a better balance in their spending priorities.

The Commission believes that the first step among the many actions needed to redress the imbalance in athletics spending is to make financial data in intercollegiate sports, both for public and private institutions, readily available to the general public and to trustees, state legislators, students, parents, and the media. Academic reform hit a tipping point when graduation rates for student-athletes were first shared publicly. We believe the same will be true for financial reform when there is far greater openness about spending on college sports—in absolute dollars, in growth levels, and in comparison to academic budgets.

We applaud the NCAA's good work over the past five years in improving the accuracy of financial data and organizing that information into a database accessible to all presidents. These valuable efforts provide a solid foundation on which to build. But much more needs to be done.

We believe that more data, better data, and more transparent data will mean greater accountability for college sports, both on campus and in the public eye.

After all, at a time when all of U.S. higher education is under unprecedented pressure to be more transparent to the public and more accountable for the results it achieves, intercollegiate athletics cannot expect to be immune to the same standards. Moreover, as with other parts of higher education, heightened scrutiny of college sports should not be viewed as a threat but as an opportunity. With the spotlight already on intercollegiate athletics, more effective disclosure of finances—and of financial priorities—will enhance the long-term prospects of college athletics by ensuring that they remain part of, not apart from, the central mission of colleges and universities.

Our recent survey of college presidents shows that they are united in their desire for greater transparency in athletics spending. Given the diversity and complexity of the challenges they face, however, they are understandably wary of one-size-fits-all solutions. Backers of constructive change face a considerable practical challenge—marking a path to financial reform in a system characterized by great diversity in resources, funding models, institutional practices, and state laws. These concerns are legitimate, but we believe they can be overcome.

In the recommendations that follow, the Commission outlines how the influence of big money in high-profile college athletics can and must be reduced. We aim not only to foster much-needed discussion but, above all, to stimulate reform.

With the spotlight already on intercollegiate athletics, more effective disclosure of finances—and of financial priorities—will enhance the long-term prospects of college athletics by ensuring that they remain part of, not apart from, the central mission of colleges and universities.

PRINCIPLES AND RECOMMENDATIONS

Knight Commission Principles

Before detailing our specific proposals, we begin with two broad principles that have guided our discussions and informed our final recommendations:

- **Academics first.** Each institution must make decisions regarding athletics budgets with a view to how they will affect its academic mission and values. Spending on educational activities should not be compromised to boost sports funding.

- **Responsible spending.** Fiscal discipline in athletics programs must be a top priority for the NCAA, for individual conferences, and for colleges and universities themselves. At every level of oversight of college sports, financial policies should aim to strengthen each institution's broader educational mission; to preserve and promote college athletes' educational and athletic opportunities; and to strengthen the capacity of colleges and universities to offer extensive and equitable participation opportunities for men and women.

Knight Commission Recommendations

Our blueprint for restoring educational values and priorities calls for strengthening accountability for intercollegiate athletics in three ways:

I **Requiring greater transparency, including better measures to compare athletics spending to academic spending**

II **Rewarding practices that make academic values a priority**

III **Treating college athletes as students first and foremost —not as professionals**

I REQUIRING GREATER TRANSPARENCY, INCLUDING BETTER MEASURES TO COMPARE ATHLETICS SPENDING TO ACADEMIC SPENDING

Real long-term progress in athletics financing across all NCAA Division I institutions requires the availability of clear, comparable, and complete financial data, together with strategies to improve accountability.

A. Transparency

All Division I institutions should publish accurate and comparable information about revenues and expenses in athletics every year.

1. **Make NCAA financial reports public.** These standardized reports on athletics spending and revenues are already used by the NCAA to provide presidents and chancellors with a set of metrics in the form of "dashboard indicators" to assess their athletics programs' financial health and their revenue and expense patterns relative to peer institutions. However, these institutional data are rarely seen by the general public.

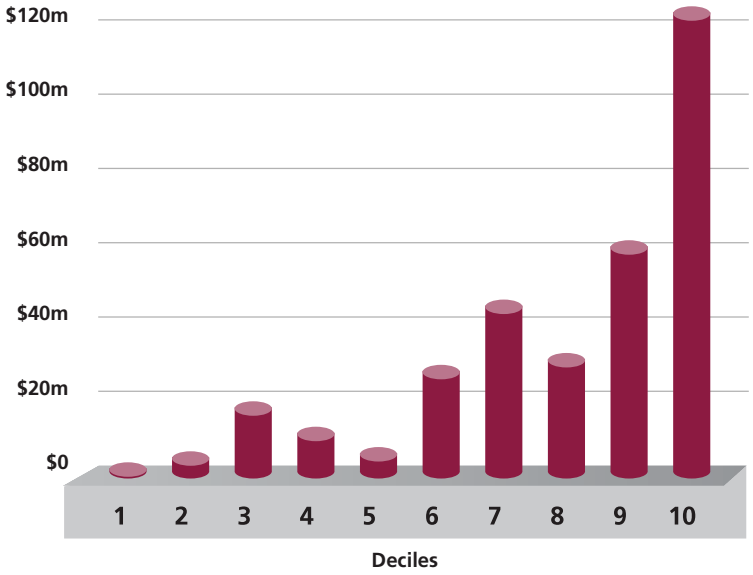
   Colleges are also required to file separate financial and participation reports annually with the U.S. Department of Education in compliance with the Equity in Athletics Disclosure Act of 1994 (http://ope.ed.gov/athletics). But the financial data in these reports lack comparability because the law requires colleges to report information in overly broad categories, permitting wide variation from institution to institution.

   We recognize that data in the NCAA's standardized reports are not perfect. For example, they do not account for varying budget treatment of tuition waivers for scholarship athletes, which can make it difficult to compare spending between institutions. However, these audited reports represent the most accurate athletics financial reports available and, as such, the data should be publicly reported. The NCAA should work with outside auditors to improve the accuracy and campus-to-campus comparability of the NCAA financial reports and the summary indicators they produce. Updates and modifications to the reports and indicators should be made regularly as needed.

Figure 5:

Athletics debt for big-time programs

Medians for overall athletics debt grouped by operating expense budget, Football Bowl Subdivision institutions, 2008



This figure updates the athletics debt data revealed in the Knight Commission's *College Sports 101* report that ranked every FBS institution according to 2007 operating expense budgets and grouped them in the appropriate spending decile. According to 2008 operating expenses, the institutions in Decile 1 had median athletics operating expenses of $14 million and institutions in Decile 10 had median athletics operating expenses of $95 million. Using those deciles, this figure shows the medians for overall athletics debt reported for 2008 by all FBS institutions, including private universities.

Source: NCAA

Because of the large role facilities expansion and debt play in athletics spending, we believe that these new public financial reports should compare capital debt in athletics to overall institutional capital debt.

2. **Publish additional information about long-term debt and capital spending.** Because of the large role facilities expansion and debt play in athletics spending, we believe that these new public financial reports should compare capital debt in athletics to overall institutional capital debt. They should also compare annual athletics debt service to overall operating expenses in athletics. Such comparisons would usefully illustrate the level of risk to the long-term financial security of the university if there is a downturn in the athletics revenues that cover debt service payments.

3. **Report annually on growth rates in academic and athletics spending.** Each institution should publish comparisons of the growth rate in athletics spending and in education-related spending, both calculated using improved assessment measures. (More information about these measures as well as data showing how conferences stack up against each other on these measures can be found in the Commission's online report: restoringbalance.knightcommission.org.)

B. Strengthened oversight

Along with implementation of the transparency agenda outlined above, institutions that fail to give precedence to core academics values over athletic goals must face more substantial consequences. We recommend the following:

1. **Reform the NCAA Division I certification process.** In 2004, the NCAA dropped financial integrity as a principle in certification. We strongly recommend its reinstatement. Specifically, the certification process should require colleges to evaluate their athletics programs along the lines recommended in this report.

2. **Strengthen accreditation.** Regional accreditation should include an assessment of institutional and overall spending on intercollegiate athletics, including studies of how institutions oversee and regulate athletics expenditures.

3. **Reinforce board responsibilities.** College and university trustees also play a key role in ensuring the integrity of athletics programs. The Commission reiterates its endorsement of a 2007 report by the Association of Governing Boards. Among the guidelines for oversight boards to follow, the report called for close attention to the appropriate level of revenues and spending on athletics; to transparency and accountability; and to whether academic values are properly reflected in spending decisions.

After all, at a time when all of U.S. higher education is under unprecedented pressure to be more transparent to the public and more accountable for the results it achieves, intercollegiate athletics cannot expect to be immune to the same standards.

II REWARDING PRACTICES THAT MAKE ACADEMIC VALUES A PRIORITY

A. Strengthening eligibility standards for participation in championships

We repeat the Commission's 2001 recommendation that a team should be on track to graduate at least 50 percent of its players to be eligible for postseason championships. While we support the NCAA's effort to improve its academic accountability measures, the Commission believes that current standards remain too low and that it takes far too long—typically several years—for postseason bans based on poor academic results to be enforced. The Commission now recommends that eligibility for championships be determined at the start of each new academic year and conditioned upon teams achieving an Academic Progress Rate (APR) that predicts at least a 50 percent graduation rate under the NCAA's graduation measure. (The APR was adopted by the NCAA in 2004 to track academic success and retention semester to semester. An APR of 925 predicts a graduation rate of approximately 50 percent.)

Such a standard would have a significant impact on revenue distribution because successful men's basketball tournament teams can earn financial rewards even when their academic records are dismal. For example, teams that failed to meet the Commission's recommended standard for tournament eligibility, as described above, during one or more of the past five tournaments (2006 to 2010) will earn their conferences at least $54 million next year under current revenue distribution policies. If the Commission's recommendation is adopted, these tournament slots, and the financial rewards that accompany them, will be reserved for teams that meet legitimate academic standards.

B. Distributing revenues according to educational values and priorities

Beyond the need to make tournament eligibility contingent on reaching core academic benchmarks, the Commission believes that the detailed formulas by which shared revenues are distributed must also be more closely aligned with academic values. In addition to the shared revenues that all NCAA Division I member institutions receive, primarily through the NCAA's media contract for the postseason basketball tournament, the 120 institutions in the Football Bowl Subdivision (FBS) also receive distributions from their conferences' postseason football bowl media contracts. These include the lucrative Bowl Championship Series (BCS) contract, whose financial proceeds flow primarily to six major conferences.

We recommend that these financial rewards no longer be based so heavily on winning, but instead on maintaining the right balance between athletics and academics.

To preserve the integrity of the revenue distribution system, the NCAA and athletic conferences should change their allocation formulas as follows:

1. **Change revenue distribution formulas to prioritize educational values over winning.**

   a. **Reduce the funding provided for winning and link new funding to academic success.** The current NCAA revenue distribution formula rewards men's basketball teams on the basis of both appearances and wins in the NCAA men's basketball postseason tournaments. The allocation vehicle for these revenues, known as the Men's Basketball Fund, distributed $167 million in 2010.

   The Commission recommends that the allocation to this fund be substantially reduced. Specifically, the current percentage of shared revenues provided in the Fund for tournament success should be cut at least by half (from 40 percent to 20 percent) and savings should be reallocated to the new Academic-Athletics Balance Fund described below. This revision would ensure that at least 80 percent of the shared revenues will be allocated based on educational values rather than on wins.

   b. **Reallocate some postseason football revenues on the basis of academic values.** Currently, revenues for FBS postseason football activities and media contracts are controlled by the participating conferences, not the NCAA. Consistent with the principles in this report, we believe a portion of the revenues from these activities and contracts should be allocated to restoring an appropriate balance between investments in athletics and academics. Thus, as a starting point, we recommend that at least 20 percent of the overall funds available for annual conference distributions from the BCS be allocated equitably to each FBS conference and designated as the Academic-Athletics Balance Fund. The conferences then would take this allocation and distribute the funds to its members according to the criteria specified for the Academic-Athletics Balance Fund discussed below.

2. **Academic-Athletics Balance Fund.** The Commission recommends that the NCAA and individual FBS conferences establish a new stream of revenue allocation through the actions described in 1(a) and (b) above. All Division I institutions would be eligible for this revenue if they met the following two conditions:

   a. **All teams must maintain an average APR that predicts at least a 50 percent graduation rate** as measured by the NCAA's own graduation rate metric; and

   b. **Each institution must demonstrate an appropriate balance** between institutional investments in athletics and education. The Commission recommends that the NCAA Board of Directors develop criteria to monitor this balance, drawing upon the metrics recommended in this report. For example, one requirement might be that the growth rate in the athletics budget measured on a per-athlete basis over a five-year period must not exceed the growth rate in educational spending on a per-student basis over the same period.

Note: The NCAA's Academic-Athletics Balance Fund would be distributed to all Division I members. The allocation to conferences from BCS funding would be distributed only to FBS members (or directly from BCS administration if they are not affiliated with a conference).

If the Commission's recommendation is adopted, these tournament slots, and the financial rewards that accompany them, will be reserved for teams that meet legitimate academic standards.

III TREATING COLLEGE ATHLETES AS STUDENTS FIRST AND FOREMOST—NOT AS PROFESSIONALS

The following recommendations are focused on treating college athletes as students first and foremost through budgeting, policies, expectations, and in the staffing devoted to their athletic development. While these recommendations aim to restore academic values, there are significant cost considerations in each of these areas as well.

Some high-profile college programs, particularly in football and basketball, have evolved into elaborate operations that rival professional sports teams in the numbers of coaching and support personnel as well as compensation for those staff. Expectations and time demands on college athletes have risen alongside these investments in their athletic development. Additionally, as financial pressures mount to cover these increasing costs, institutions face increasing tensions over the commercial interest in using college athletes for commercial gain. Our objective is to ensure that pursuit of revenues does not infringe upon athletes' rights and their academic obligations. We also wish to identify areas where significant action is needed to curb escalating costs resulting from spending on infrastructure and on staffing levels that approach those of professional sports teams.

A. Ensuring that athletes are students first by limiting intrusions on academic responsibilities and limiting commercial activities

1. **Structure all postseason competitions to benefit and protect student-athletes.** The NCAA principle governing postseason competition must be followed to ensure that the benefits from competing are provided to all participants, that "unjustified intrusion on the time student-athletes devote to their academic programs" is prevented, and that student-athletes are protected "from exploitation by professional and commercial enterprises."

   Given the NCAA's stated principle, we note our disappointment that the current football postseason structure has been extended so that games now occur well into the second term, especially in institutions that operate on the quarter system, and thus create conflicts with academic obligations.

   We recommend that all post-season competition for football end by a set date very early in January, before the beginning of winter term or quarter classes.

2. **Reduce length of seasons and number of events.** Ever-lengthening sports seasons have a corrosive effect on student-athletes' ability to focus on academics and also drive up costs substantially. Yet the pressure to extend the competitive season continues unabated. We believe the length of seasons must be curtailed, both by reducing the number of regular season games or competitions and by eliminating or reducing nontraditional seasons, such as fall baseball. We note that the majority of presidents supported these concepts in the 2009 Knight Commission presidential survey, as did the Division I-A Athletic Directors Association.

3. **Prevent use of athletes' identities to promote commercial entities or products.** As amateurs, college athletes cannot benefit financially from the commercial use of their names or images. NCAA rules should not allow commercial sponsors or other third parties to use symbols of the athletes' identities for financial gain or to promote commercial entities.

Our objective is to ensure that pursuit of revenues does not infringe upon athletes' rights and their academic obligations.

B. Curbing the trends toward professionalization of athletics staffing devoted to athletic development. As noted earlier in this report, growth in athletics spending is outpacing growth in academic spending at many universities. Key contributors to the growth imbalance have been rising coaches' compensation and growth in the number of non-coaching support personnel positions, particularly in football and basketball.

1. **Enforce current coaching limitations**. Over the past decade, some positions have been added in ways that circumvent regulations intended to limit the number of coaches at each university. We recommend that the NCAA strongly enforce regulations forbidding non-coaching personnel from performing coaching duties.

2. **Establish new rules on the number of non-coaching personnel.** The NCAA should limit the number of staff members assigned to a particular sport whose duties do not involve either academic support or health and safety, such as "directors of sport operations" and video personnel. The majority of presidents in the 2009 Knight Commission presidential survey supported creating policies to address this problem.

3. **Coaches' compensation.** In the 2009 Knight Commission presidential survey of college presidents, campus leaders called escalating coaches' salaries the single largest contributing factor to the unsustainable growth of athletics expenditures.

   Because of federal antitrust laws, including rulings directly involving the NCAA and member institutions, the NCAA cannot create caps on coaches' salaries, and colleges cannot act together to restrain those salaries. The Commission examined whether compensation for football and basketball coaches should be addressed by seeking a change in the federal antitrust laws.

The NCAA should limit the number of staff members assigned to a particular sport whose duties do not involve either academic support or health and safety.

We concluded that securing such an exemption from the antitrust laws for any reason is a complicated, time-consuming, and expensive endeavor that is by no means assured of success. The Commission thus recommends that an exemption not be sought, at least at this time, and instead that the higher education community focus on developing and implementing the transparency and accountability systems and the financial incentives and structures that we are recommending. Reform of collegiate athletics financing can and must be more immediate and comprehensive than any reform provided through a limited and specific exemption secured through the legislative process.

However, the Commission does reiterate two simple principles from its prior reports that will provide for more effective accountability with regard to compensation of all athletics department staff members.

a. **Colleges and universities should consider coaches' compensation** in the context of the academic institutions that employ them. Their compensation should reflect the values of the amateur athletics programs that they oversee, not the values of professional sports teams whose major objectives are winning championships and earning profits.

b. **Institutions should not permit athletics staff members** (including, but not limited to, coaches) to have separate contracts with companies that reward staff members financially for requiring team members to wear or use specific equipment, apparel, or shoes that display the company logo or brand. Associating a corporate brand with university trademarks, on uniforms, through apparel that college athletes are required to wear, should be done through contracts between the university and the company and not through contracts with individual staff members (including coaches).

C. Examining scholarship offerings to assess whether costs can be reduced without eliminating equitable participation opportunities for men and women

The last comprehensive examination of the appropriate number of scholarships that should be permitted in each sport was conducted by the NCAA nearly 30 years ago. The sports landscape has changed drastically since then. Additionally, more complete injury data exist to provide a more complete consideration of the actual number of players needed in relation to the playing opportunities available. The Commission encourages the NCAA Board of Directors to review these expenditures soon. As a starting point, the Commission reiterates its 2001 recommendation to reduce the total number of football scholarships at Football Bowl Subdivision schools. We believe a conservative reduction would be eight to 10 fewer scholarships from the current 85. Even with this reduction, football would still have a much higher ratio of scholarships to playing opportunities when compared with other sports. Such a reduction may require a change in the maximum number of scholarships for football programs that compete in the Football Championship Subdivision or in Division II.

CONCLUSION

It is time for colleges and universities to resist the never-ending pressure to increase spending on intercollegiate athletics. Even as this report goes to press, high-profile athletic conferences are expanding their memberships in an effort to boost television market share and revenues they hope will follow. Such changes will likely make it harder than ever for the vast majority of colleges to keep up with continued escalation in spending on coaches' salaries, facilities, and other trappings of athletic prestige.

The predictable result: increased subsidy of athletics programs at the cost of academic programs, higher mandatory athletics fees for all students at many institutions, and a reduction in sports offerings—including dropping of teams that are not generating revenues. Such outcomes are indefensible for an enterprise that exists for the benefit of student participants and should serve to strengthen the academic mission of the university.

We recognize the value of intercollegiate athletics, including "big-time" college sports, to student-athletes and to their universities. But to maintain the health of the system we have built over the past 150 years, we believe that a renewed commitment to sustained financial reform is necessary. The reforms outlined in this report provide a foundation upon which to build. We look forward to helping individual institutions, their conferences, and the NCAA make this commitment. Never before have the stakes been so high.

To maintain the health of the system we have built over the past 150 years, we believe that a renewed commitment to sustained financial reform is necessary.

ENDNOTES

1. Data Source for Figures 1 and 2: Figures 1 and 2 were produced by analysts with The Delta Project on Postsecondary Education Costs, Productivity, and Accountability using data from the following sources: *USA Today* NCAA athletics finance database using each institution's NCAA financial report for athletics revenues and expenses; NCES Integrated Postsecondary Education Data System (IPEDS) for full cost of education spending per full-time equivalent student; Office of Postsecondary Education Equity in Athletics database for athlete participation counts only; participation data provided by two institutions independently because their data were not included or were reported incorrectly in the EADA database. Note: The data in these figures do not include data for 17 private universities that are members of the Football Bowl Subdivision. Also excluded are data for the three military academies and the three state universities in Pennsylvania that are not subject to Freedom of Information Act requests for financial data.

2. All figures reflect current dollars.

3. The Knight Commission consulted with antitrust counsel from the law firm of Skadden, Arps, Slate, Meagher & Flom regarding the recommendations set forth in this report. Counsel advised that these recommendations, which are designed to promote amateurism and to preserve a balance between expenditures on athletics programs and the core educational goals of all universities, are consistent with antitrust principles.

4. Individuals are encouraged to cite this report and its multimedia content at restoringbalance.knightcommission.org. In doing so, please include the following attribution: *Knight Commission on Intercollegiate Athletics. (2010, June). Restoring the balance: Dollars, values, and the future of college sports. Miami, FL: John S. and James L. Knight Foundation.*

ACKNOWLEDGMENTS

The Knight Commission acknowledges the many individuals and organizations whose contributions of time, talent, and experience made this report possible.

Since the Commission reconvened in fall 2003, numerous experts, leaders in higher education and college sports as well as college athletes have informed the Commission's work. A complete list of these individuals can be found in the online report restoringbalance.knightcommission.org.

The Commission is grateful to 95 presidents who contributed their time and opinions to the presidential survey conducted in fall 2009. Their thoughtful responses and concerns contributed significantly to the framework of this report.

The Commission owes deep gratitude to its founding co-chairmen, William Friday and Theodore Hesburgh, whose leadership and integrity continue to inspire all who are committed to our nation's goals of achieving excellence in higher education. The Commission is also grateful to the leaders who have guided the group's efforts over the past five years – the late Thomas K. Hearn Jr., Clifton Wharton Jr., and the current co-chairmen, William E. "Brit" Kirwan and R. Gerald Turner.

Knight Commission Executive Director Amy Perko and Communications and Research Associate Scott Hirko were assisted by consultants Jeffrey Orleans and David Welch Suggs Jr. in providing primary support to the Commission as it worked to develop this report. This team also contributed to the drafting and editing of the print and multimedia reports. Dennis Kramer II provided research assistance and Ted Leland provided advice during the project. Ben Wildavsky was the primary author of the report, and was aided by Rodney Ferguson of Lipman Hearne. The report was designed by Widmeyer Communications. Katie Reardon and Stacey Finkel also with Widmeyer Communications coordinated the communications efforts.

The Knight Commission would like to thank the NCAA research staff, particularly Nicole Brachen and Todd Petr, for providing revenue and expense data gathered from institutional reports and grouped by decile. The Commission also thanks *USA Today* staff for providing athletics revenue and expense data collected from financial reports.

Colleen Lenihan and Jane Wellman of The Delta Project for Postsecondary Education Costs, Productivity, and Accountability conducted data integration and analysis for the academic and athletics spending data for each Football Bowl Subdivision (FBS) institution and for each FBS conference. Andrew Zimbalist, the Robert A. Wood Professor of Economics at Smith College, produced projections for 2015 and 2020 spending, and provided advice and analysis on various data examined during this study.

The Commission thanks the John S. and James L. Knight Foundation staff that has provided assistance and support for Commission activities over the years. The Commission expresses special thanks to Knight Foundation President and CEO Alberto Ibargüen, an ex-officio member of the Commission, and to Paula Ellis, Vice President for Strategic Initiatives, for their leadership.

Fiscal discipline in athletics programs must be a top priority for the NCAA, for individual conferences, and for colleges and universities themselves. At every level of oversight of college sports, financial policies should aim to strengthen each institution's broader educational mission; to preserve and promote college athletes' educational and athletic opportunities; and to strengthen the capacity of colleges and universities to offer extensive and equitable participation opportunities for men and women.

For additional content and video, see the multimedia version of this report at
restoringbalance.knightcommission.org

Knight Commission
On Intercollegiate Athletics

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Exhibit L

From: Lennon, Kevin [klennon@ncaa.org]
Sent: Thursday, August 25, 2005 1:29 PM
To: Kerin, Bo; Mallonee, Steve
Cc: Ferris, Ellen; Walters, Wendy
Subject: Re: EA Sports NCAA Football

I think it makes sense to pull the group together to continue the discussion. (I also thought that before taking on the EA type issues, we needed to further examine the sale of items w likenesses, etc.)

All the more reason to continue to discuss and procced cautiously.
Kcl

Sent by Kevin's Blackberry

-----Original Message-----
From: Kerin, Bo <bkerin@ncaa.org>
To: Mallonee, Steve <smallonee@ncaa.org>; Lennon, Kevin <klennon@ncaa.org>
CC: Ferris, Ellen <eferris@ncaa.org>; Walters, Wendy <wwalters@ncaa.org>
Sent: Wed Aug 24 21:26:27 2005
Subject: Re: EA Sports NCAA Football

Steve makes some good points, which I will selfishly use for my next platform!! I think it is time to bring the group back together to discuss these issues per Myles' instructions. My thought is 3-4 meetings this fall to brainstorm and discuss the issue with the thought of submitting a recommendation for sponsorship at the January BOD meeting. Not sure anything drastic may be considered noncontroversial, but I think we'll have a good sense after discussing and finding out the group's position. At the latest, we're looking at an 06-07 cycle proposal. It may be a bit bold, but let's take a shot. Interested in your thoughts on this course of action.

Bo

This message is being sent to you from my blackberry. If necessary, I will respond further when I return to the office.

-----Original Message-----
From: Mallonee, Steve <smallonee@ncaa.org>
To: Lennon, Kevin <klennon@ncaa.org>
CC: Kerin, Bo <bkerin@ncaa.org>
Sent: Tue Aug 23 09:00:57 2005
Subject: RE: EA Sports NCAA Football

Hey boss. I had a phone conversation with David about this issue. You may have seen the article in the Sunday paper on this very topic. There were statements to the effect that NCAA rules need to get in line with technological advancements. I do think this is an interesting issue and one that needs to be examined carefully. The new proposal that is being float really just allows for a little more flexibility in advertising by commercial sponsors in permissible promotional activities. It does not allow s-as to be involved in a commercial promotion or actually be the commercial item itself.

Having said that, since our current rules/interpretations only preclude the actual use of the s-as name, picture or physical likeness in commercial promotions/activities, these

computerized video games are basically allowed to do what they are doing. The jersey number along with the position and vital statistics is clearly an attempt to have the public make the association with the current student-athlete.. And it appears to be working..The Best Damn Sports Show was aired several weeks ago and had Matt Leinart and Reggie Bush acknowledging that they were in the video game.

That then raises the issue of whether getting in line with technology means being more restrictive or lenient with our rules. The article would imply that we might relax our rules a bit. The biggest concern I have is that such a position really does allow for the maximum commercial exploitation of the s-a and if that occurs, will it be long before we can defend not giving them a piece of the profits?

Hope this is helpful to you.

-----Original Message-----
From: Lennon, Kevin
Sent: Tuesday, August 23, 2005 6:31 AM
To: Berst, David; Mallonee, Steve; Kerin, Bo
Subject: Re: EA Sports NCAA Football

Bo,

Please share the current analysis with the Ivy group, noting our continuing discussions w EA. Perhaps send recent article from Indy star?

Thanks
Sent by Kevin's Blackberry

-----Original Message-----
From: Berst, David <dberst@ncaa.org>
To: Lennon, Kevin <klennon@ncaa.org>; Mallonee, Steve <smallonee@ncaa.org>
Sent: Mon Aug 22 15:53:42 2005
Subject: FW: EA Sports NCAA Football

Do we have an answer? sdb

-----Original Message-----
From: Brian Barrio [mailto:bbarrio@Princeton.EDU]
Sent: Monday, August 22, 2005 3:49 PM
To: Berst, David
Subject: EA Sports NCAA Football

David-

Hello, I am the new compliance coordinator at the Ivy League, and Jeff Orleans suggested I contact you. Jeff, Carolyn Campbell-McGovern, and I were discussing the EA Sports NCAA Football 2006 video game this afternoon. Specifically, we were wondering about potential liability stemming from the identifiable characteristics of the individual student-athletes represented within the game. In the most recent version of the game, rosters are accurate for all Division I-A football teams (although we hadn't checked the Division I-AA teams, which include the Ivy League). Each player is identified by school, uniform #, position, height, weight, and hometown/home state, all consistent with published team rosters. They also possess physical characteristics such as complexion, hair color, and facial hair, which

in most cases are accurate for the selected student-athlete. The only missing attribute is first and last name, so, for example, Matt Leinhart of USC would be listed in the game as USC's starting quarterback, wearing #11, with the same height and weight as he maintains in real life. It seems that there is a limited bank of hometowns, but the home state is accurate for the players we checked. His name would be "QB #11."

The question we could not answer was: is this a potential source of liability for the NCAA? This seems to go beyond the plausible deniability inherent in selling a jersey with a uniform number but no name on the back. Is anyone at the NCAA tracking on this issue? We wanted to make sure there is an awareness of the level of identification in this game, given that it is presently one of the highest-selling video games on the market. I worked at the Ohio State compliance office last summer, and the same question came up in informal conversation there, so I suspect there may be other administrators who share our concerns regarding this matter.

Just something that Jeff wanted to have me check with the NCAA on. No rush for a response.

Thank you,

Brian M. Barrio
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Council of Ivy Group Presidents
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NCAAPROD00391556

Exhibit M

National Collegiate Athletic Association

NCAA News Archive - 2006

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Brand charts course for collegiate model's next century

Jan 16, 2006 1:01:16 AM

NCAA President Myles Brand kicked off the Association's Centennial celebration by reiterating the values of the collegiate model to delegates during his January 7 State of the Association address. "Armed with this framework," he said, "we can begin to look ahead to the future of intercollegiate athletics, how we might be affected by it and how we might influence its directions." Photo by Trevor Brown Jr.

Following is the full text of NCAA President Myles Brand's State of the Association speech entitled, "The Principles of Intercollegiate Athletics." Brand delivered his remarks during the January 7 opening business session of the 2006 NCAA Convention in Indianapolis.

We all have heard the story.

The 1905 football season resulted in 18 deaths and 149 serious injuries, at a time when there were far fewer college teams playing. The public was outraged, and rightly so.

President Theodore Roosevelt summoned the leadership of Harvard, Princeton, Yale and other football powerhouses to the White House to press the point that the sport had become too violent. Roosevelt was a man who advocated for the vigorous life and who was favorably inclined toward sports; but college football had simply become unsafe.

Fix it or end it, he said.

After some wrangling by the sports community, Henry MacCraken, chancellor of New York University, called together the entire leadership of the football-playing schools, which numbered more than 60. From this conference, and with the strong leadership of Capt. Palmer Pierce of the U.S. Military Academy, a new organization was born — the Intercollegiate Athletics Association of the United States. Its purpose was to oversee college sports. Some years later the name was changed to the National Collegiate Athletic Association, best known today by its initials "NCAA."

Today, with this opening business session, the NCAA begins its Centennial celebration. Our first century is in the books.

Just to put the NCAA Centennial in perspective, consider these other birth dates. Oklahoma did not become a state until 1907; the American Civil Liberties Union (ACLU) wasn't founded until 1920; the first winter Olympics weren't held until 1924, the same year of the first Macy's Thanksgiving Day Parade; and the first Oscars weren't awarded until 1927.

Several key ideas were embodied in the founding of the NCAA, which persist today. The games are college athletics events, played under the auspices of America's institutions of higher education. The ultimate responsibility for intercollegiate athletics lies with the university leadership, the presidents and chancellors. The games are to be conducted in a fair way, with integrity, and one that attends to the safety and well-being of the students who participate. And there needs to be a neutral, objective governing body to provide operational oversight.

Those were the bedrock principles of 1906, and they are the bedrock principles of 2006.

I will not try to summarize the rich and complex history of college sports over the 100 years since the founding of the NCAA. Suffice it to say that its evolution took many turns, often because of a changing external environment, but sometimes because of power struggles within the college sports community.

During this period, one central point became clear. Sports, especially college sports, both shape and are shaped by American culture. Who we are as Americans, our attitudes and ambitions, our beliefs and interests, are influenced by the role of sports in society. We are the only country in the world that integrates sports with education at the secondary and collegiate levels. With the growth of women's sports, and with the immense popularity of sports for the broadcast media, the competitive framework of sports pervades virtually all that we do.

Some applaud the infusion of sports in our culture; others decry it; and still others barely notice. But the fact of the matter is that what began 100 years ago in the marriage of sports with college, is as American and as celebrated by Americans as apple pie and the Fourth of July.

Given the relationship between sports and culture, it behooves us to get it right. The NCAA — the voice and conscience of college sports — has a distinctive obligation for normative leadership; leadership that is value-based.

The NCAA, of course, does not have the luxury to redesign the enterprise from scratch. We inherit the history of college sports, and we represent those who are engaged in it — coaches and administrators, certainly — but most especially those who participate, the student-athletes. We must all be singularly aware that college sports does not exist in vacuum, a Platonic heaven, so to speak, uninfluenced by the dynamics of the real world. The popularity of college sports, with its attendant serious financial interests, affects what we can and should do.

We need to better understand what we have wrought. To be the voice and conscience of college sports, to be true to the intent of those in our universities who founded our organization and continue to provide leadership, and yet to be appropriately pragmatic, we need a conceptual framework for college sports that is aspirational, value-based, but realistic. And a Centennial is an appropriate milestone at which to reaffirm the underlying structure. I have been calling this framework "The Collegiate Model of Athletics."

In the past, I have tried to differentiate the collegiate model from other models. Today I will try to articulate its central principles. Armed with this framework, we can begin to look ahead to the future of intercollegiate athletics, how we might be affected by it and how we might influence its directions. Clearly, there are forces beyond our control that affect intercollegiate athletics in substantive ways; but we are not without influence, and we must exercise that influence with forethought and care.

There are three key principles that constitute the collegiate model, namely ones that pertain to the participants, the contests, and the enterprise as a whole.

* Principle No. 1 — Those who participate in intercollegiate athletics are to be students attending a university or college.

* Principle No. 2 — Intercollegiate athletics contests are to be fair, conducted with integrity, and the safety and well-being of those who participate are paramount.

* Principle No. 3 — Intercollegiate athletics is to be wholly embedded in universities and colleges.

These first principles — these axioms — should dictate the fundamental nature of college sports. I will examine them in detail.

Principle No. 1

The participants

The collegiate model rests on the principle that those who participate are university and college students. It is a student-centered enterprise. Student -athletes come first. This is the heart of the matter.

Since the participants in college sports are students — individuals whose first order of business is acquiring an education — their academic success is of central importance. You have all heard our refrain, "There are more than 360,000 student-athletes, and almost all of them will go pro in something other than sports." Those who participate in our games are the future doctors, lawyers, teachers, business people and elected officials. They are future family members and community leaders. A few will play professional sports; but they, too, should receive an education from our fine universities and colleges. The fact of the matter is that a college education is the best preparation for a successful, fulfilling, happy life, and acquiring that education should be primary.

Understanding the importance of education in student-athletes' lives, presidents, conference commissioners, directors of athletics, coaches, faculty representatives and athletics administrators have committed themselves to providing genuine opportunities to college athletes to receive an education. While that has no doubt been a goal in the past, there is a recent redoubling of effort. The result has been nothing less han the beginning of a dramatic reform The goals of this comprehensive reform effort have been to bring to campus freshmen who are better prepared to do college level work while increasing access to higher education, and to move enrolled student-athletes toward a degree — not just keep them eligible.

The central idea of this academic reform in Division I is to emphasize the importance of team academic performance, thereby involving both the leadership of coaches and peer pressure. The details of these reform efforts have been well documented, and I will not take the time to reiterate them here. The new standards, new metrics and new sanctions will improve academic performances across all divisions and all sports. At the same time, anyone who has thought seriously about changing behavior understands that there must also be positive reinforcements. The Division I Committee on Academic Performance is in the process of detailing the procedures for sanctions and articulating a program of incentives.

Fairness in implementation of sanctions requires a carefully nuanced set of specific rules and a timely waiver process. There is too much variability among sports and institutions, and too many special circumstances for there to be only a few simple, high-level rules. The committee, the NCAA staff and Board of Directors are working to ensure that the waivers for specific cases and exceptions to the general rules do not undermine the goals of this academic reform.

Divisions II and III are engaged in similar reform efforts with the common goal to ensure that every student-athlete in every sport has a genuine opportunity for a full and fine college education. In athletics, good enough is never good enough. Coaches and student-athletes alike strive to maximize their athletics performance. Similarly, we want every student-athlete to realize his or her full academic potential. Good enough academically also fails to be good enough. Given the discipline, the motivation to achieve, and the level of academic support, we expect — and student-athletes should expect of themselves — high levels of academic performance.

The academic-reform movement should not only raise the floor, but also raise the level of academic performance for all student-athletes. Increasing academic performance will continue to be an emphasis for our future.

There is another aspect of the first principle — the participant — that deserves attention as we move into our second century. Critics of college sports never tire of asking why we do not pay college athletes. Blogs and talk radio almost assume that college athletes should be paid — if not every athlete, then at least those stars who attract thousands to the stadiums and millions to televised games.

Sometimes, in response, pragmatic issues are brought forward. Can we legally, or in practice, pay only some of the participants? Does, for example, Title IX raise the potential for litigation? Do universities have the funds to do so, given that the large majority of universities already are subsidizing intercollegiate athletics?

Though these pragmatic issues raise problems for compensating college athletes, they can, I presume, be resolved if we wanted to compensate participants.

The fundamental reason we do not pay student-athletes to play is because they are students. This commitment is captured in the first principle of the collegiate model. The participants in intercollegiate athletics are students. They are not, in their roles as athletes, employees of the university. They are students who participate in athletics as part of their educational experience. This is the heart of the enterprise.

Today's iteration of intercollegiate athletics often is criticized for having abandoned the concept of amateurism to commercialism and big paychecks, while failing to include student-athletes in the perceived financial bonanza. The problem is we have romanticized the concept of amateurism as an unobtainable cross between its roots in the class distinctions of 19th century England, where sport was to be reserved for those whose wealth permitted participation as a leisure activity, and a halcyon ideal that college sports can operate without commercial support and indifferent to the realities of a modern business model.

I will address this latter point in greater detail in a moment, but in the end, the best way to articulate the collegiate model is to emphasize the initial principle, that those who participate in college sports are regular students. Anything else is professional sports.

Principle No. 2

The contests

The second principle of the collegiate model pertains to the contests, that is, the games and competitions. Tracing back our roots to the founding of the NCAA, these contests must respect the health and well-being of the students who participate. No more flying-wedge formations, or their modern-day equivalents. In addition, these contests must also demonstrate integrity. They must be fair.

These are the two central values underlying the second principle: student-athlete well-being and integrity.

The integrity of the game requires, to use a metaphor, a level playing field. That means no team or individual participant is permitted an unfair advantage. It is the skill, strategy and hard work of the team and each player that determines the victory. Rules must be established to ensure fairness and they must be enforced.

The NCAA has the key role in establishing and enforcing the rules. And by the NCAA, I mean the Association. Rules are set not by the NCAA staff, but by representatives of the membership.

Unfortunately, to ensure that no one receives a perceived advantage, whether or not it is an actual advantage, rules have proliferated and become complex. Member representatives, not to mention the media and the public, complain about the proliferation and complexity of the rules. But then these same member representatives spend innumerable hours setting new rules. This year alone Division I has well over 100 new rules in progress — each put forward by the membership.

Critics argue that personal responsibility should reign, and most of the rules, and the rules-making process, should be eliminated. But the problem is that some of those engaged in college sports do not always trust each other to act with self-restraint and not take advantage of the situation for their own benefit. Their trust has been diminished, frankly, by the lessons of experience.

Human nature being what it is, I do not think that there will be, or can be, an agreement among all parties to eliminate or even greatly simplify the rules and trust all parties to act responsibly. Nonetheless, improvement of the current level of rule prolongation is possible. Over the next few years, let us all think carefully how best to delimit rule making and to build the underlying trust that is necessary for integrity.

The NCAA staff has worked diligently to be more flexible and considerate in the application of its rules when they are broken inadvertently and when they do not create major competitive advantages. We have been particularly attentive to giving student-athletes the benefit of the doubt when they are not at fault or when their actions are inadvertent.

However, in the case of major infractions, we will be "tough as nails." The NCAA has nearly doubled the number of enforcement investigators and we decreased by half the average time it takes us to develop major infraction cases. The national office is completing an extensive external review of our infractions processes. This review, which will be made public shortly, will confirm our overall approach, while recommending a number of changes to ensure quality control.

Principle No. 3

The college athletics enterprise

The third principle that defines the collegiate model concerns the enterprise as a whole. The central point is that intercollegiate athletics is embedded, is part of, the university. That is the most fundamental principle of the collegiate model. Everything else rests on it.

One critical consequence of this principle is that intercollegiate athletics inherits its values from the university. The same values that underlie the modern American university and college ought to underlie their athletics programs.

Our universities take pride in being meritocracies in which success depends on hard work and natural ability, and not on factors such as race, gender, religion or ethnic background. Universities are places where each and every person is to be respected. This ideal is not always recognized, not to mention adopted in our society — certainly not historically, and not today. Universities take it upon themselves not only to educate future generations to this ideal, but to promote it and exemplify it on campus, and that should, of course, include the athletics department.

We expect merit will determine who will play and who will lead. Coaches put the best players on the floor, independently of race and ethnic background. But coaches and athletics administrators themselves are not always selected, it would appear, entirely on their merits.

Though there has been some modest recent progress, there is an intolerable lack of head football coaches who are African-Americans in Division I, II and III, including especially the high-profile Division I-A level. There is an egregious lack of women and minority athletics directors and conference commissioners in all divisions. While I do not have all the answers to this frustrating problem, it is clear that we must do a better job in recruiting and selecting persons to these leadership positions.

Diversity and inclusion are values of the university. They also must be the values and practices of intercollegiate athletics programs.

The Black Coaches Association (BCA) has created an annual report card to assess the openness and fairness in the hiring process. After two years' data, it is clear that some schools do considerably better than others during the search process. I support the efforts of the BCA to change the means by which coaches are selected. I support, too, in the strongest way, the efforts by a number of groups, both inside and outside the NCAA, who emphasize the vital importance that women gain opportunities for leadership positions in col lege athletics.

To better address these issues in the membership, the NCAA recently created the office of diversity and inclusion. Over the next several years, we can expect that office to identify ways in which the NCAA can better assist universities in the hiring of women and people of color into leadership positions and to prepare those who in the future will move into these positions. But we also must produce an inclusive climate that seeks out divergent opinions and experiences that we go beyond a "head-count exercise" and get to the real goal — full involvement in the decision-making process.

As we identify specific barriers to success for women and people of color to leadership positions, we will take appropriate steps to correct the problem. For example, women face difficulty in balancing work and home responsibilities. I am pleased to announce that we are appointing a task force to address this issue of balancing work and home responsibilities for women athletics administrators and coaches. We anticipate productive recommendations from this task force in the near future.

Title IX has been influential in opening up post-baccalaureate education to women in the professions, including medicine, law and business. As we all know, this federal law also applies to college athletics. While there has been good progress in increasing the participation rate of women in college sports — five-fold since its passage in 1972 — much remains to be accomplished. Young women still do not have the same proportion of participation opportunities as young men.

As I have said in the past, Title IX is one of the most important pieces of civil-rights legislation in the second half of the 20th century affecting higher education. We must — all of us — do all that we possibly can to protect Title IX from those who seek to weaken or destroy it, and to advocate for it to the very best of our ability.

In the university, the lead decision-maker, under the oversight of the institution's board, is the president or chancellor. By extension, the lead decision-makers of the membership-driven NCAA are the university and college presidents.

The exercise of presidential leadership has varied over the history of the Association. But starting in the 1990s, and encouraged by a seminal report of the Knight Commission, presidents became again more involved in the direction of the NCAA.

This change of role for the presidents is having some effects on the NCAA governance systems. In Division III, it has resulted in a set of academic reforms, with some push back from others who do not share the presidents' perspective. In Division II, it has led to a reframing of the mission of the division, driven by 140 of the division's presidents who came together in a summit last June. In Division I, the result has been some minor changes in the way new legislation is processed, and, perhaps, a sense that some governance restructuring is warranted. The overall goal in any such governance change is to ensure that the presidents are adequately informed by the expert and experienced members of the athletics community in making their decisions.

The Division I presidents have certainly been active in academic reform. To effect strategic directions in complementary areas, I initiated a task force, consisting of nearly 50 presidents and chancellors.

The Division I Presidential Task Force on the Future of Intercollegiate Athletics was created to bring presidential leadership to important strategic issues. This task force and similar bodies do not pass legislation — that remains within the purview of the governance bodies; rather, they recommend future directions for action. These task forces help set the agenda. In the case of the Division I Presidential Task Force, that discussion already has begun. In fact, at this Convention, the several subcommittees of the task force are presenting their early and preliminary findings to obtain feedback before taking the next steps.

Let me return to one final major issue that pertains to the third principle of the collegiate model, namely the underlying financial structure of intercollegiate athletics. There is significant misunderstanding not only of the financial model for athletics, but how it mirrors the approach for the rest of higher education.

Despite differences among the divisions in grants-in-aid, fan bases and expenditure levels, and despite variations within divisions among conferences and institutions within conferences, the underlying business plan for all athletics programs is basically the same. That business plan, moreover, is basically the same as the university as a whole.

It is this: Universities attempt to maximize their revenues and redistribute those resources according to their educational mission. Universities are nonprofit corporations, and as such, they do not generate profits for private owners or shareholders. But they do have an obligation to generate significant amounts of revenue to pursue their mission.

The sources of revenues for universities are primarily federal funds, and for public universities, state funds; student tuition and fees; sale of services, such as room and board; philanthropic gifts and earnings from them; and sometimes corporate gifts and collaborations. It is critical to note that those areas that generate revenue are not necessarily the ones that spend it. As an old philosophy professor, I recognized the fact that my department expended more revenue than it generated through student enrollment. I was well aware that the graduate program depended not only on undergraduate tuition, but also on monies generated by other areas, such as service courses in English, math and the social sciences. The basic business plan for the university is one of massive redistribution of revenues on the basis of the institution's mission and strategic directions. There is nothing wrong with this financial approach; indeed, without it, the modern, comprehensive university, as we know it, could not exist.

On a smaller but similar scale, the business plan for the athletics department mirrors that of the university. Revenue is maximized to meet the mission and strategic emphasis of the department. Athletics departments accrue far more revenue, as a proportion of their budget, from sales of tickets and media rights than the rest of the university. In Divisions I and II, tuition cost is an athletics department expenditure in that it is paid into the general university fund rather than being a revenue source. In almost every case, the athletics department receives some subsidy from the university, either directly or indirectly through student fees or relief from some costs. But generally speaking, there is no difference in the business plan between the athletics department and the university. Revenues from all sources are redistributed to provide participation opportunities in a broad range of sports.

In Division I, the revenue sports — most often only football and men's basketball — generate resources that are needed to conduct all the other sports in the program. The goal is to maximize the number of student-athletes participating at a competitive level across sports. That is the goal because athletics participation enhances the educational experience of students, and the institution's goal is to provide the best educational experience to the greatest number of enrolled students.

That is critical to understanding the relationship of athletics to higher education, and it bears repeating. We want to maximize the number of student-athletes competing at a competitive level, and we do this because athletics participation enhances the educational experience and enhancing the educational experience of students is the goal of higher education. That is the collegiate model of athletics.

This is the reason that divisions have requirements for a minimum number of sports, rather then simply permitting institutions to mount only the one or two revenue sports.

Let me put it provocatively. Athletics, like the university as a whole, seeks to maximize revenues. In this respect, it has an obligation to conduct its revenue-generating activities in a productive and sound business-like manner. Anything less would be incompetence at best and malfeasance at worst. That is, on the revenue side, the in-put side, athletics, like the university itself, must follow the best business practices. On the expenditure side, the out-put side, as it were, athletics must follow its nonprofit mission. Like the university as a whole, athletics must maximize the best experiences of the students, including maximizing the number of participation opportunities.

None of this should be surprising. In the case of professional sports, there also is an attempt to maximize revenues, for example through ticket and media rights sales. But on the out-put side, the mission of professional sports is to maximize the bottom line, to maximize profits for the owners. Professional sports has no obligation to redistribute revenues for other purposes, no matter the social value of those purposes — in fact, it has a prima facie obligation not to redistribute revenues.

So while intercollegiate athletics is often criticized for looking like professional sports on the in-put side — generating revenue — it is rarely understood that intercollegiate athletics and higher education behave like classic nonprofits on the out-put side in the way they redistribute those revenues to support their missions. The business of college sports is not a necessary evil; rather, it is a proper part of the overall enterprise.

There are cautionary tales to consider and danger of a different kind lurking. We must not let the interest in the "business" of college sports become so alluring or enticing that it diverts us from the primary purpose of intercollegiate athletics — providing athletics opportunities for students that enhance their academic experience. We must never lose sight of the academic purpose while we are conducting the necessary business of college sports.

The third principle, however, places a crucial constraint on how an athletics department functions in generating revenues. By being embedded in institutions of higher education, intercollegiate athletics departments inherit their values from their universities. The business activities of the athletics department must be informed and be in conformity with the values of the university, and higher education in general.

Commercial activity, meaning, for example, the sale of broadcast rights and logo licensing, is not only acceptable, but mandated by the business plan, provided that it is done so in a way that fully respects the underlying principles of the university. Instances in which advertising is offensive, in which it is crass or overwhelming, are incompatible with these values. But commercialism per se is not. It depends entirely on how the commercial activity is conducted.

utions in the conduct of intercollegiate athletics, and that includes carrying out commercial activity. For example, on behalf of its members, the NCAA negotiates and manages broadcast media contracts for its postseason championships. The NCAA has an obligation, derived from its members, to maximize the revenue from these contracts and to manage them following the best business practices.

In the past, and indeed currently, there is some ambivalence about business issues. To some extent, it is felt that it is improper, not quite right, for the NCAA to be engaged in business activity. Amateur sports should be above all that. Athletics departments need the revenue, but working too hard to generate revenue somehow taints the purity of college sports.

Nonsense! This type of thinking is both a misinterpretation and a misapplication of amateurism. "Amateur" defines the participants, not the enterprise.

It is the obligation of the NCAA to maximize revenues for its members, provided of course that that business activity is informed by the values of higher education. Athletics directors and conference commissioners are fully aware of this NCAA obligation, and work to support it. For they know that it takes revenue to run a successful athletics program. We should not be ambivalent about doing the business of college sports. We should do it well, but always in conformity with the principles of higher education.

The national office is undertaking strategic steps to assure that the business activities are conducted according to these best practices. To do so, it will require the national office to organize itself somewhat differently. For example, the timeliness needed to be successful in a business environment sometimes exceeds the NCAA's ability to act through its standard processes. We will need to create more flexibility in operational decisions to be successful in this arena. Of course, and again, the controlling factor in all that is undertaken to enhance revenue is that decisions and actions are informed by those values most important to higher education.

The men's National Invitational Tournaments — the NIT — is a recent example of this strategic approach. As a means toward the legal settlement and with the objective of developing a revenue-producing center, the NCAA purchased the tournaments. With the approval of the Executive Committee, a Limited Liability Corporation (LLC) was created to operate the NITs. The NCAA, through the Executive Committee, has oversight and the LLC financial accountability will be included within the NCAA's normal budgetary processes. But this structure provides the flexibility required to meet the property's cost and over time to return net revenues.

It is difficult to predict other steps that will be necessary to enhance revenue generation. But all such steps will always be value-based and under the oversight of the appropriate NCAA governing body. Let us end the ambivalence and do the best job we can developing revenue for our athletics departments.

Equal attention, at a minimum, must be given to the expenditure side. If expenditures increase more rapidly than revenues in athletics, then no matter how hard we work on the revenue side, serious problems cannot be avoided. The underlying problem is that in Division I over the past several years, on average, the rate of expenditures in athletics has been increasing two to three times the rate of expenditures of the general university. That is not a long-term sustainable approach. These problems mean that the universities will have to increase its subsidy to athletics. Some subsidy,

in almost all cases, is required, and that is acceptable. But the greater the subsidy, the less funding is available for core academic activities of the university. Continued growth of athletics department budgets is fully appropriate, but the rate of growth needs to be moderated in many cases. Issues surrounding athletics expenditures in Division I are the subject of a subcommittee of the Presidential Task Force.

The key take-away point is that we need to follow the best financial practices on both the revenue and expenditure sides. The immediate goal is to identify those best practices and articulate them in a way that will assist our members in managing the enterprise.

n n n

Ours is an awesome and grand trust — yours and mine, and everyone engaged in intercollegiate athletics. We are trusted with the future of college sports. One hundred years ago, President Roosevelt set us on our course. These 100 years are a prelude for the future. We must build on our past successes and eschew repeating our failures.

The future will no doubt hold new challenges. For the most part, we cannot predict what these challenges will be. While we can already sense that new media will cause us to look differently on how we present our games to fans, and that the next generations of students will have different perspectives and attitudes from today's student-athletes, that only scratches the surface.

The future is unknown because it is not fixed. To a significant extent, the future is open, and we have the ability to influence and shape it. What will happen is, in part, up to us. What we do now and how we react to changing events and conditions determines what the future will be for intercollegiate athletics. The trust we have entails an obligation to create the best future.

Of this, I am certain: We must be guided by the three principles fundamental to collegiate athletics. The student-athlete is to be at the center of all that we do. The participants of intercollegiate athletics are students enrolled in our universities and colleges. The contests in which they compete are to be safe and undertaken with integrity. And intercollegiate athletics is to be embedded into the mission of higher education on each of our campuses, and within the NCAA. The values of higher education are to be the values of intercollegiate athletics.

Ours is indeed an awesome and grand trust. We accept it knowingly and with pride. This trust carries the obligation to act on the basis of our values, the values of higher education. This trust binds us all together, and together we will protect, build and celebrate intercollegiate athletics.

This trust, too, must lead us to recognize that at the very core of intercollegiate athletics is the student-athlete. Let us celebrate all the participants, the literally millions and millions of young women and men who played, now play and will play in our athletics contests and who attend our institutions of higher learning. Cheers to all of them, past, present and future.

Let's celebrate the student-athlete!

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Exhibit N

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

EDWARD C. O'BANNON, JR. on behalf of himself and all others similarly situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA); ELECTRONIC ARTS, INC.; and COLLEGIATE LICENSING COMPANY,

Defendants.

Case No. 4:09-cv-3329 CW

PLAINTIFFS' OPENING POST-TRIAL BRIEF

Judge: The Honorable Claudia Wilken
Courtroom: 2, 4th Floor
Trial: June 9-27, 2014

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GLOSSARY OF ABBREVIATIONS

ACC	Atlantic Coast Division I athletic conference
APs	Antitrust Plaintiffs
AQ	Automatic qualification for FBS post-season berths
Big Ten	Big Ten Division I athletic conference
Big 12	Big 12 Division I athletic conference
CLC	Collegiate Licensing Company
CUSA	Conference USA Division I athletic conference
DX ___	NCAA Trial Exhibit
EA	Electronic Arts, Inc.
FBS	NCAA Division I Football Bowl Subdivision
FCS	NCAA Division I Football Championship Subdivision
GIAs	Grants-in-aid
MLB	Major League Baseball
NAIA	National Association of Intercollegiate Athletics
NCAA	Defendant National Collegiate Athletic Association
NBA	National Basketball Association
NFL	National Football League
NIL	Name, image, and likeness
Pac-12	Pac-12 Division I athletic conference
PX ___	APs' Trial Exhibit
RoP	Right of Publicity
SEC	Southeastern Conference
Tr. __	Trial Transcript
USC	University of South Carolina
UT	University of Texas

After three weeks of trial, several conclusions are clear. The NCAA cartel and its members engage in a restraint of trade by refusing to permit payment to current and former Division I men's basketball and FBS football players ("Players") for the use of their NILs. That restraint has anticompetitive effects in the relevant markets identified by the APs' expert, Dr. Roger Noll. The NCAA's proffered justifications for the restraint either have no logical connection to it, operate in different markets, or are based on speculative and unsubstantiated lay and expert opinion. Even if any justifications were valid, the goals sought to be achieved by them could be satisfied through less restrictive alternatives. None of the claimed benefits outweigh the substantial anticompetitive effects of the restraint in question. As a consequence, injunctive relief is appropriate.

I. THE NCAA'S MARKET POWER IN THE RELEVANT MARKETS

Relevant markets. The relevant product markets are twofold: (1) the higher education services market in which Division I colleges and universities compete to recruit Players; and (2) the collegiate licensing market in which the rights to make commercial use of the NILs of college athletes are acquired, which includes a submarket for group licenses to use the NILs of all college athletes on particular Division I men's basketball and FBS football teams in live game broadcasts, archival footage, and videogames. Tr. 107:7-110:12. The relevant geographic market is the United States. Tr. 126:22-127:10.

Noll is the only expert who provided competent testimony about the contours of the relevant product and geographic markets. Tr. 133:2-25. His testimony is consistent with the caselaw.[1] The NCAA's expert, Dr. Lauren Stiroh, suggested that other collegiate sports associations—particularly the NAIA—might be included in any market, but she was unfamiliar with the NAIA and its ability to compete with NCAA conferences (Tr. 2825:21-2827:7), and her

[1] *In re NCAA I–A Walk–On Football Players Litig.*, 398 F. Supp. 2d 1144, 1150 (W.D. Wash. 2005) (plaintiff adequately alleged a relevant labor input market for Division I-A college football); *Rock v. NCAA*, No. 1:12-cv-1019-JMS-DKL, 2013 WL 4479815, at *10-14 (S.D. Ind. Aug. 16, 2013) (plaintiff adequately pleaded a relevant market of Division I college football); *White v. NCAA*, No. 2:06-cv-999-RGK, 2006 U.S. Dist. LEXIS 101366, at *6-8 (C.D. Cal. Sept. 20, 2006) (finding allegation of relevant market of Division I-A football was "legally sufficient" and a relevant product market "on its face").

testimony is inconsistent with prior case law.[2]

To identify the relevant markets, Noll relied on a well-accepted methodology for market identification by inquiring into customer conduct in response to a "small but significant nontransitory increase in price" ("SSNIP"), *i.e.*, whether a supplier could impose a SSNIP (usually 5%) on the product or service under review without customers responding by purchasing substitute products. Tr. 107:8-15, 108:8-23, 109:25-110:12, 128:7-17.[3] He supported his analysis by showing: (a) statements by one of the NCAA's own executives recognizing Division I as an elite, national entertainment environment; (b) evidence that Division I football and basketball conferences compete against each other (and not Division II or Division III schools) for the available qualified recruits, as reflected in win-loss records; and (c) evidence that Division I conferences competed for the highest quality recruits as graded under media-sponsored "star" or quality rating systems. Tr. 111:12-23, 113:2-118:22; PX 2529, 2530. As for the geographic market, the NCAA and its member institutions recruit athletes and play games throughout the United States, and college recruits who get offers from Division I schools and foreign institutions are far more likely to choose the former. Tr. 126:22-127:10.

In the higher education market, Noll testified that schools sell education services in bilateral transactions with athlete-recruits for their athletic skills and their commitment to compete.[4] Tr. 101:11-13, 109:5-14, 130:6-17, 146:6-148:12. In response to questioning by the

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[2] *See Ass'n for Intercollegiate Athletics for Women v. NCAA*, 558 F.Supp. 487, 497 (D.D.C. 1983)("'It is only from [the] NCAA that necessary services and benefits for conduct of a Division I men's intercollegiate athletic program are available to institutions. The only other organization offering men's intercollegiate governance, as opposed to open amateur governance, is the NAIA. NAIA is not a realistic option: it offers neither Division I calibre program[s] nor the direct and indirect financial rewards of NCAA membership. It has no network television contracts and its member schools do not run spectator oriented programs.'"), *aff'd*, 735 F.2d 577 (D.C. Cir. 1984).

[3] This approach was first articulated in the 1982 United States Department of Justice Merger Guidelines and has been utilized in this Circuit. *See Theme Promotions, Inc. v. News America Mktg. FSI*, 546 F.3d 991, 1002 (9th Cir. 2008); *United States v. Oracle Corp.*, 331 F. Supp. 2d 1098, 1112 (N.D. Cal. 2004).

[4] Thus, while there have been statements that the APs get a "free education," which is a "privilege" and for which they should be "thankful" (Tr. 39:21, 599:3, 1074:14-16), this assertion is incorrect; as Britton Banowsky, the Commissioner of CUSA, testified, "without the student-athletes, we wouldn't be able to actually have any events." Tr. 2340:25-2341:1. Thus, the higher education market is a consumer market, as Dr. Noll emphasized. Tr. 101:21-102:1, 105:24-106:9. *See* Tr. 1839:3-13.

Court, Noll agreed that the market could alternatively be characterized as one where the Division I colleges are buyers of the recruits' labor services. Tr. 129:18-130:17. In this market, regardless of who is buyer or seller, the restraint prevents Players from receiving any compensation for use of their NILs as part of the transaction for obtaining their athletic services. Noll testified that how one views the higher education market is unimportant; under either characterization, the APs are the "harmed party." Tr. 143:21-144:7.[5]

In the group licensing submarket of the larger collegiate licensing market, college athletes are the sellers of the rights to use their NILs, and schools, conferences, and the NCAA (or their licensees bound by NCAA rules, such as videogame makers, video clip distributors, or broadcasters) are the buyers. Tr. 144:10-18.[6] The restraint has foreclosed the group licensing submarket altogether because the college athletes cannot participate—thus depriving the APs of licensing royalties that they otherwise would have received.[7]

NIL Rights in the Group Licensing Submarket. The NCAA contended at trial that no group licensing market can exist because the APs have no NIL rights to sell, as reflected in the testimony of its expert, Neal Pilson. This argument fails.

The APs' expert, Edwin Desser, persuasively explained that licensing agreements explicitly or implicitly transfer a bundle of rights that includes the NIL rights of game participants (such as the college athletes) from the event organizer (here, the NCAA, conference or school) to

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[5] Walter Byers, the former Executive Director of the NCAA, also testified that GIAs are contracts for performance. Byers Dep. 53:12-54:18; PX 424-2. Thus, contrary to the NCAA's argument, the education services market is not a zero price market; athletic scholarships do not cover the cost of attendance for four years *or* additional years necessary to graduate. Even if it were a zero price, moreover, schools sell education services at the price of athletic scholarships so that they are attractive platforms to other students who pay tuition Tr. 860:10-863:9, 1566:20-1567:8. Stiroh, for example, agreed that schools were sellers of education services when they offer full academic scholarships. Tr. 2850:25-2851:19.

[6] Documents from CLC and the NCAA itself support the existence of this market. PX 1133, PX 682 (corporate sponsors wanting to increase use of SA NILs); *see* Tr. 895:16-899:8. They may be considered by the Court in finding a market definition. *Olin Corp. v. FTC*, 986 F.2d 1295, 1299 (9th Cir. 1993).

[7] This Court has previously ruled that neither the First Amendment nor state RoP laws preclude such group licensing efforts. *In re NCAA Student-Athlete Name & Likeness Licensing Litig.*, No. C 09-1967 CW, 2013 WL 5778233, at *7 n.9 (N.D. Cal. Oct. 25, 2013) ("*NCAA I*"); *In re NCAA Student-Athlete Name & Likeness Licensing Litig.*, No. C 09-1967 CW, 2014 WL 1410451, at *7-9 (N.D. Cal. Apr. 11, 2014) ("*NCAA II*"); *Keller* Dkt. No. 1091 at 3-4.

the broadcaster. He pointed to several examples involving the NCAA or conferences where "rights of publicity" or NIL "rights" are explicitly referred to as part of the bundle of rights being licensed. Tr. 651:9-25, 658:8-19, 703:13-20, 707:14-708:9; PX 400, 2104, 2116, 2162, 2230. Desser noted that these contracts were typical of those he reviewed. Tr. 644:23-645:21. Other contracts had implied conveyance of NIL rights, achieved through a combination of transfer, warranty, clearance, and indemnification clauses. Tr. 629:10-631:12, 644:23-645:21; PX 730-40 (NCAA presentation stating that "[a] student-athlete has the right of publicity, whereby another may not use a name, picture, likeness or photo for commercial activity without permission."). Desser also noted that these rights exist, regardless of whether they might be affected by a specific state statute. Tr. 706:14-24; *see also* Tr. 1016:1-1017:2 and PX 1005, 2266- 15, 2273 (release forms).

Pilson admitted that broadcast contracts implicitly convey NILs, but differentiated them from NIL rights. Tr. 797:20-799:15. His testimony, however, ignored contracts with specific language concerning NIL *rights*. *E.g.*, PX 400, 2162. It also ignored PX 2230, which states in Section 6.2.3 that the "[c]onference shall be solely responsible for securing all clearances with respect to all officials and other persons participating in or otherwise connected with each Event, and such clearances shall include FOX having all rights or consents necessary or contemplated for the exercise of their rights under this Agreement, including, without limitation, *all name and likeness* ***rights*** *of all participants, officials, competing teams and any other persons* connected with the Events that are reasonable or necessary for the Telecast of the Events and the promotion and advertising thereof." *Id*. at 2230-10 to 2230-11 (emphasis added).[8]

Market Power. It is undisputed that the NCAA possesses market power within the higher

[8] The Big Ten had a broadcast agreement with its network that similarly referred to clearances of the "name and likeness rights of all participants." PX 3078-4. Its commissioner, Jim Delany, called this common "boilerplate" language. Tr. 2103:16-24. The Big Ten secures these clearances from college athletes by having them assign to it the "right" to use their NIL "for any purpose." PX 1005; Tr. 2103:5-2107:17; *see also* PX 2488-3 (2009 e-mail from Christine Plonsky, Athletic Director of UT, saying that "if a s-a [student-athlete] can sue the ncaa for these two things—one of which (the ea sports game) only uses school marks and names, not s-a names, then what's to prevent all players from suing us to get a piece of every broadcast rights fee—since clearly we use their names and images in those telecasts?").

education and collegiate licensing markets. Once the relevant markets are identified, the obvious corollary is that the NCAA possesses a monopoly (or, from an alternative perspective, a monopsony) within those markets. Tr. 128:1-3, 129:18-130:17, 142:24-144:7. The NCAA exercises that power because it unilaterally changes the value of athletic scholarships or the ability of college athletes to license their NILs with no effect on the number of scholarships to be distributed. Tr. 128:4-129:13, 130:19-131:9. As Byers testified, the members of the NCAA "operate a monopoly business and as an exploitation of the young athlete[s] that are engaged in those [athletic] programs." Byers Dep. 62:8-10.

II. THE NCAA'S CHALLENGED CONDUCT IS A RESTRAINT OF TRADE

It is undisputed that the NCAA and its members agree not to compensate college athletes for use of their NIL. *Keller* Dkt. No. 1071 at 6; Tr. 1742:15-1743:12, 1851:23-1852:9; Beebe Dep. 73:9-24; Berst Dep. 82:2-25, 83:9-84:1. The Court has previously determined that this agreement restrains former college athletes who seek to license their NILs. *NCAA II*, 2014 WL 1410451, at *5.

Noll testified at length that the practices challenged here are the product of the NCAA's anticompetitive cartel. Tr. 134:3-24, 135:8-19, 138:2-8. He noted that there is a general consensus among economists who have studied the NCAA that it is a cartel. Tr. 134:3-24, 135:8-19, 136:17-137:16, 138:11-14, 139:8-14. The NCAA's own expert witness, Dr. Daniel Rubinfeld, has authored a textbook on microeconomics that has maintained for over 25 years that the NCAA is a cartel that restricts competition by, *inter alia*, "reducing the bargaining power of college athletes through creating and enforcing rules regarding eligibility and terms of compensation." Tr. 139:15-142:2, 3062:4-3064:23. Although Rubinfeld now prefers to label the NCAA a "joint venture," which he deems to be a subcategory of cartels, he admitted repeatedly at trial that the challenged conduct, no matter its label, was a restraint of trade. Tr. 2921:8-9, 3039:22-3040:6, 3061:22-24, 3072:13-16.[9] Rubinfeld's definition of cartel as a type of joint venture distinct from a

[9] In *Bd. of Regents of Univ. of Okla, v. NCAA*, 546 F. Supp. 1276 (W.D. Okla. 1982), *aff'd in part and rev'd in part*, 707 F.2d 1147 (10th Cir. 1983), *aff'd*, 468 U.S. 85 (1984) ("*BoR*"), the district court concluded that the NCAA was not a joint venture for purposes of its television contracts, but was instead a cartel. 546 F. Supp. at 1306. Indeed, the district court called the NCAA a

Footnote continued on next page

classic cartel contradicted his own textbook's definition of a cartel. Tr. 3067:8-16.

III. THE RESTRAINT IS ANTICOMPETITIVE AND INJURES THE APs

"[I]n order to seek injunctive relief under §16, a private plaintiff must allege threatened loss or damage 'of the type the antitrust laws were designed to prevent and that flows from that which makes defendants' acts unlawful.'" *Cargill Inc. v. Monfort of Colo., Inc*., 479 U.S. 104, 113 (1986) (quoting *Brunswick Corp. v. Pueblo Bowl–O–Mat, Inc*., 429 U.S. 477, 489 (1977)). The required showing is a "'cognizable danger'" of injury. *Datagate, Inc. v. Hewlett-Packard Co*., 941 F.2d 864, 870 (9th Cir. 1991) (citation omitted).

At trial, the APs proved a cognizable threat of: (a) causal injury (b) brought about by the anticompetitive effects of the restraint (antitrust injury). The NCAA's witnesses reaffirmed the scope of the association's rules that prohibit payment for the use of the NILs of Players now, in the past, and in the future.[10] This cognizable threat of injury caused by the restraint exists in both markets.[11] The APs were deprived of compensation for the use of their NILs in both markets. The harm to the markets and resulting injury to the APs are analogous to the unlawful practice in the

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"classic cartel" with "an almost absolute control over the supply of college football." *Id*. at 1300. In its appellate brief to the Tenth Circuit in *BoR*, the NCAA referred to itself as a cartel. 707 F.2d at 1151. And in *Law v. NCAA*, 134 F.3d 1010, 1022, 1023 (10th Cir. 1998), which involved the NCAA's monopsonistic practices with respect to certain coaches' salaries, the appellate court reasoned that "[l]ower prices cannot justify a cartel's control of prices charged by suppliers, because the cartel ultimately robs the suppliers of the normal fruits of their enterprises." Moreover, just because a defendant is a joint venture does not mean the antitrust laws do not apply to it. As the federal antitrust enforcement authorities have noted, "labeling an arrangement a 'joint venture' will not protect what is merely a device to raise price or restrict output; the nature of the conduct, not its designation, is determinative." Federal Trade Commission and United States Department of Justice, Antitrust Guidelines For Collaboration Among Competitors at 9 (April 2000) (available at http://www.ftc.gov/sites/default/files/documents/public_events/joint-venture-hearings-antitrust-guidelines-collaboration-among-competitors/ftcdojguidelines-2.pdf). Courts have found the Rule of Reason can be violated even when the conduct is undertaken by a formal joint venture. *Polygram Holding, Inc. v. FTC*, 416 F.3d 29, 34 (D.C. Cir. 2005).

[10] The three APs who testified, and who are representative of the injunctive class, noted various uses of their NILs in telecasts or EA NCAA-themed videogames since July 2005 (within four years of the filing of the *O'Bannon* complaint). Tr. 26:12- 28:11, 565:24-566:8, 568:9-569:21, 1059:23-1061:9, 1061:12-22.

[11] In the higher education services market, Noll also identified an "inefficient substitution" effect where money that would be spent on college athletes for use of their NILs is instead spent on coaches and facilities; Noll opined that this market distortion also harms the APs. Tr. 177:16-183:10. This is further evidence that Player compensation for NIL rights is feasible (should schools elect to offer it) without fundamentally altering collegiate athletics.

Law case where the NCAA and its members agreed to limit the compensation of certain coaches. It is also analogous to numerous cases involving NFL players who sued to challenge limits imposed on their salaries[12] or agreements among corporations to restrict the wages paid to employees.[13]

The NCAA responded at trial by having Stiroh (not a university professor or peer-reviewed author) argue that monopsony cases differ from monopoly cases, and in the former, an anticompetitive agreement directed at sellers of a good or service is not actionable under the antitrust laws unless there is evidence of adverse effects on output in the downstream consumer market. Tr. 2763:12-15, 2841:11-2848:8. This would permit buyer cartels to fix prices paid to sellers, and criminal cartels to collude without punishment, absent satisfaction of Stiroh's additional requirement. Tr. 2848:15-2850:23, 2853:3-2863:3. She also explained that her astounding theory would be the same with respect to seller's cartels where demand is inelastic, such as in the case of a life-saving drug needed by a family. Tr. 2881:18-2884:19. Stiroh's economic analysis is incorrect on several grounds.

First, the United States Supreme Court has noted that "[t]he kinship between monopoly and monopsony suggests that similar legal standards should apply to claims of monopolization

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[12] *Smith v. Pro Football, Inc.*, 593 F.2d 1173, 1175 n.2 (D.C. Cir. 1978) ("athletes have standing to challenge player restrictions in professional sports since these restraints operate directly on, and to the detriment of, the employee"); *Mackey v. NFL*, 543 F.2d 606, 620-23 (8th Cir. 1976), *cert. dismissed*, 434 U.S. 801 (1977) (rights of first refusal and compensation restraints found to violate § 1 of the Sherman Act); *Brown v. Pro Football, Inc.*, Civ. A. No. 90-1071 (REL), 1992 WL 88039, at *5 (D.D.C. Mar. 10, 1992), *recon. denied*, 812 F.Supp. 237 (D.D.C. 1992), *rev'd on other grounds*, 50 F.3d 1041 (D.C. Cir. 1995), *aff'd*, 518 U.S. 231 (1996); *McNeil v. NFL*, No. 4-90-476, 1992 WL 315292, at *1, *5-6 (D. Minn. Sept. 10, 1992) (jury found injury to the named football players arising from the NFL's implementation of its Plan B Right of First Refusal Compensation Rules).

[13] *E.g.*, *Todd v. Exxon Corp.*, 275 F.3d 191, 195, 214-15 (2d Cir. 2001) ("*Todd*") (vacating dismissal with respect to allegations that oil and petrochemical companies violated the Sherman Act by sharing information regarding compensation paid to nonunion managerial, professional, and technical employees, and using that information to set salaries for such employees at artificially low levels); *Cason-Merenda v. Detroit Med. Ctr.*, 862 F. Supp. 2d 603, 607, 649 (E.D. Mich. 2012) (denying summary judgment on Rule of Reason claim that health care providers were engaged in a conspiracy in violation of Sherman Act to hold down the wages of registered nurses); *In re High-Tech Emp. Antitrust Litig.*, 856 F. Supp. 2d 1103 (N.D. Cal. 2012) (denying dismissal of action involving allegations of a conspiracy by high-tech companies to eliminate competition between them for skilled labor by fixing and suppressing employee compensation and restricting employees' mobility).

and to claims of monopsonization." *Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co.*, 549 U.S. 312, 322 (2007).

Second, Stiroh's views are at odds with a long line of cases involving buyer-side price-fixing. *See, e.g., Mandeville Island Farms, Inc. v. Am. Crystal Sugar Co.*, 334 U.S. 219, 235 (1948), quoted in *Todd*, 275 F.3d at 201 ("It is clear that the agreement is the sort of combination condemned by the [Sherman] Act, even though the price-fixing was by purchasers, and the persons specially injured . . . are sellers, not customers or consumers.") (footnotes omitted). In the professional player cases cited above, no showing of downstream market output effects was necessary for a finding of anticompetitive harm. As one leading treatise has noted, "[a]ntitrust law addresses employer conspiracies controlling employment terms precisely because they tamper with the employment market and thereby impair the opportunities of those who sell their services there. . . . It would be perverse indeed to hold that the very object of the law's solicitude and the persons most directly concerned—perhaps the only persons concerned—could not challenge the restraint." 2A Phillip Areeda, Herbert Hovenkamp, Roger Blair, & Christine Durrance, *Antitrust Law: An Analysis of Antitrust Principles and Their Application* ¶ 352c at 254-55 (3d ed. 2007).

The APs have also demonstrated causal antitrust injury in the submarket for the group licensing of their NIL rights. It is undisputed that had the NCAA not enforced its rules prohibiting Players from licensing their NILs, EA, for example, would have entered into group licenses with Players for use of their NILs in its NCAA-themed videogames. Tr. 1669:24-1670:9. Joel Linzner, EA's Executive Vice President, Business and Legal Affairs, testified that the ability to use college athletes' names and images is important to consumers and overall game quality, and that there remains an unfulfilled demand (emblematic of a market) for collegiate sports videogames today. Tr. 1670:10-1671:7; *see also* Sitrin Dep. 140:16-141:20.[14] Stiroh was completely unaware of Linzner's testimony. Tr. 2779:1-5. NCAA President Dr. Mark Emmert testified that EA's contract was not renewed because the use of NILs in its videogames strayed too close to the line

[14] Emmert also stated that the NCAA withdrew from its website a portal that allowed consumers to buy numbered jerseys searchable by the names of college athletes because he also deemed that to be impermissible. Tr. 1896:16-1897:10.

of what he deemed permissible. Tr. 1846:2-20. Thus, enforcement of the NCAA's rules against licensing of NILs by college athletes harmed competition not only by depriving APs of compensation for use of their NILs, but also by *decreasing* output and consumer choice. Tr. 183:16-186:11.[15]

IV. THE NCAA'S PROCOMPETITIVE JUSTIFICATIONS ALL FAIL

As the United States Supreme Court noted in *BoR*, the NCAA bears the "heavy burden of establishing an affirmative defense which competitively justifies" its restraint. 468 U.S. at 113. "[M]erely offering a rationale for a . . . restraint will not suffice; the record must support a finding that the restraint. . . does indeed have a pro-competitive effect." *Graphic Prods. Distribs. v. ITEK Corp.*, 717 F.2d 1560, 1576 (11th Cir. 1983).[16]

At the outset, the defenses fail due to the testimony of the NCAA's own experts. Rubinfeld testified that whether NIL payments would have an effect on amateurism or competitive balance depends on how "substantial" the payments are. Tr. 3017:16-22. He said that payments of $5,000 (an amount in excess of $300 million when applied to all Players over four years) or an unknown number above $5,000 would not affect amateurism or competitive balance. Tr. 3114:2-3117:4. Pilson said he was comfortable with individual payments at a number somewhere between $5,000 and $1 million. Tr. 771:4-7. Stanford Athletic Director Bernard Muir drew the line at NIL compensation totaling six or seven figures. Tr. 2545:6-18.

Amateurism. The NCAA's witnesses have relied on a supposed longstanding principle of amateurism to justify the practices at issue here. *E.g.*, Tr. 1731:19-1732:16, 1822:6-1825:25. In a Rule of Reason antitrust case, a court may consider the history of the challenged restraint in

[15] Loss of consumer choice can be an anticompetitive harm. *Kentucky Laborers Dist. Council Health & Welfare Trust Fund v. Hill & Knowlton, Inc.*, 24 F. Supp. 2d 755, 765 (W.D. Ky. 1998).

[16] The Court previously rejected a justification based on viability of sports other than Division I men's basketball and FBS football. *NCAA II*, 2014 WL 1410451, at *16-17. The NCAA argued at the close of trial that benefits in markets other than those in which the restraint operates can be considered, but the caselaw clearly rejects its position. *See United States v. Topco Assoc., Inc.*, 405 U.S. 596, 610 (1972); *Paladin Assocs., Inc. v. Montana Power Co.*, 328 F.3d 1145, 1157 n.11 (9th Cir. 2003); *Los Angeles Mem'l Coliseum Comm'n v. Nat'l Football League*, 726 F.2d 1381, 1392 (9th Cir. 1984); *Law v. NCAA*, 902 F.Supp. 1394, 1406 (D. Kan. 1995), *aff'd*, 134 F.3d 1010 (10th Cir. 1998).

assessing its validity.[17] Thus, it is appropriate to consider the history of the NCAA's contradictory and changing meanings of amateurism.

History of Amateurism and Payments to College Athletes. The early history of the NCAA is set forth in *O'Bannon* Dkt. No. 189 at 1-6 and summarized here. The predecessor to the NCAA was created in 1906, and it enacted a bylaw requiring its members to follow the "principle of amateurism" to distinguish upper class athletes. PX 2292-11, -12. Yet, up to 1948, that principle was ignored. College athletes were routinely paid and college presidents inveighed against this commercialism. A 1929 report by the Carnegie Foundation could have been written today; it describes inducements to college athletes ranging from open payrolls to no-show jobs at movie studios. The fundamental issues, the report's authors argued, were twofold: "commercialism and a negligent attitude toward the educational opportunity for which a college exists." The defects identified in athletics programs included heavy burdens on the athletes, disproportionate time requirements, isolation from the rest of the student body, and highly compensated "professional" coaches whose focus often was not on the education of their players.

In 1948 the NCAA enacted the "Sanity Code" to "alleviate the proliferation of exploitive practices in the recruitment of student-athletes." The Sanity Code required that financial aid be awarded without consideration for athletics ability. In 1951, Judge Saul Streit of the New York Court of General Sessions mounted a probe into the college athletics gambling scandal. In his findings, he concluded that commercialism in football and basketball was "rampant," and those sports were "no longer amateur sports." Athletes were "bought and paid for." Academic standards were evaded through "trickery, devices, frauds, and forgery." The Sanity Code was eliminated in 1951. At that point, Byers became the Executive Director of the NCAA and adopted the term "student-athlete" to circumvent judicial decisions (such as *University of Denver v. Nemeth*, 257 P.2d 423, 429-30 (Colo. 1953)) that suggested college athletes might be entitled to employment benefits. Tr. 1239:16-1240:12; *see also* PX 424-2.

In 1956, the NCAA enacted a national standard governing athletic scholarships. This

[17] *Leegin Creative Leather Prods. v. PSKS, Inc.*, 551 U.S. 877, 885 (2007); *State Oil Co. v. Khan*, 522 U.S. 3, 10 (1997); *Bd. of Trade of Chicago v. United States*, 246 U.S. 231, 238 (1918).

standard defined a full GIA as an award to a college athlete for "commonly accepted educational expenses," subsequently defined as tuition, fees, room, board, books, and laundry expenses; athletic scholarships of up to four years were permitted. Tr. 880:12-20, 888:19-889:5, 1229:12 – 1230:23, 1268:18-21; *see* Byers Dep. 21:17-22:14. Laundry money as part of that package was later rescinded. Tr. 1230:8-16. In succeeding years, how GIAs were calculated, their duration, and their number were often modified by vote of the NCAA.[18]

The NCAA Constitution today states "the Principle of Amateurism" as follows: "[s]tudent-athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation by professional and commercial enterprises." PX 2340-18 (Principle 2.9).[19] The term "commercial exploitation" is undefined, however. Tr. 1807:13-15.

In January of 2008, David Berst, Vice President for the NCAA's Division I, stated that, in a study he previously had conducted, NCAA amateurism had "a definition that was not steeped in any sacred absolute principle that had to be preserved. It continues to be a balancing of vocation vs. avocation influences and can be modified as views change while preserving the line between us and the pros." PX 2027-1.

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[18] Pell Grants were initially offset against GIAs, but that was later discontinued. Tr. 161:10-162:4. In 1975, the NCAA eliminated certain incidental expenses from GIAs as an economic move. Byers Dep. 37:10-20, 40:18- 42:13, 47:6-21. The number of football team GIAs per Division I school went from 105 to 95 to 85, while those for basketball went from 18 to 15 to 13. Tr. 200:2-13, 272:12-273:5, 3069:13-3070:2. Schools were initially allowed to offer four-year GIAs, then only one-year athletic scholarships were allowed. Byers testified that this rule change was not necessary to promote either amateurism or competitive balance. Byers Dep. 74:12-17. In 2011, the ability to offer four-year GIAs was reinstated, although relatively few schools have done so. Tr. 1202:20-1203:14. Coaches still exercise great discretion over whether or not to renew athletic scholarships. *See Heike v. Guevara*, 519 F. App'x 911, 914-15, 922 (6th Cir. 2013). In recent years, a $2000 stipend for Division I players was enacted, then promptly rescinded. Tr. 1820:12-1821:9.

[19] The term avocation (a hobby) made no sense to any NCAA witness, including Pilson. Tr. 766:1-8. The "motivation" of athletes, the large majority of whom are seeking professional careers, is ignored by the NCAA. Tr. 1840:6-13. And the NCAA's only effort to protect Players from commercial exploitation is to prevent direct promotions (*i.e.* holding up a can of cola); anything else is fair game. Tr. 1420:10-1421:10, 1807:13-1811:13. Emmert defined the principle of amateurism as athletes are not "paid," a concept not found in the rules but which he called their "intention." Tr. 1851:16-1852:3.

The NCAA has acted inconsistently with its stated notion of amateurism. In his 2006 State of the Association speech, NCAA President Myles Brand stated that the NCAA and its members had romanticized the notion of amateurism in connection with a "[h]alcyon ideal that college sports can operate without commercial support and indifferent to the realities of a modern business model." PX 2011-15. In the same speech, Brand went on to say that "'[a]mateur' defines the participants, not the enterprise." *Id.* at -36. He used the term "collegiate model" to describe this situation. PX 2011-14 to -16, -20, -27 to -28; *see* Tr. 1237:21-1239:6.

The NCAA itself expressed the view that this emphasis on commercialization was impairing the principle of amateurism. *See, e.g.*, PX 2017-36 (2006 NCAA Presidential Task Force on the Future of Division I Intercollegiate Athletics report: "at many institutions, athletics often still appears oriented more toward entertainment, and the educational value of athletics participation and competition plays a secondary role to the win-loss column. . . . The drift of the collegiate model toward the professional approach — in both fact and fiction — has given credence to the concern"); 2065-12 ("[T]here is a general sense that 'big time' athletics is in conflict with the principle of amateurism."); 2065-11 ("There has emerged a strong sense among some. . . that the development of increased dollars acquired through corporate relationships does not square with the principle of amateurism, especially when images of student-athletes – even through the use of game video – are used in proximity to commercial products"). As Wallace Renfro, Chief Policy Advisor to the NCAA's President, summed it up in a 2010 e-mail, there is a "general sense" that intercollegiate athletics is as "thoroughly commercialized as professional sports" at the "expense of the student-athlete whose participation is exploited," resulting in a "great hypocrisy." PX 424-2 to -3.

Consistent with this new attitude, the exploitation of college athletes' NILs has become rampant. In April 2008, the Presidential Task Force on Commercial Activity in Division I Intercollegiate Athletics ("Commercial Task Force") produced a "Fact Sheet" on use of college athletes' NIL by the NCAA and its members. PX 2033-29 to -30. Other internal NCAA documents generated in the 2005-2008 period also refer generally to the use of college athletes'

NILs or to the use of their NILs in EA videogames.[20] *E.g.*, PX 826-2 ("The jersey number along with the position and vital statistics is clearly an attempt to have the public make the association with the current student-athlete. . . . And it appears to be working"; a representative from Princeton questioned whether this violated the NCAA's rules); PX 2012-1 ("I don't think we have any argument for student-athlete likeness in regard to these games as I even think there is sharp resemblance to the SAs."); PX 2062-1 ("I still worry about the likenesses. . . . it's pretty obvious to me"); PX 2026-2 (The "presidents have been professing that they do not want [to] support commercialism, most especially when student athletes' images are involved. Of course, the conferences and the schools are already doing that—for example, the Pontiac ads that they complain about are a staple in the fall football season, which they control."); PX 270-1 ("It is primarily because of the need for additional revenue that institutions—and the national office—are seeking ways to commercialize their rights, and those of SAs.").[21]

The evidence at trial demonstrated numerous examples of such exploitation.[22] Emmert expressed discomfort when confronted with these examples. Tr. 1961:12-14. Muir, when shown that one could buy current college athlete photographs on Stanford's website, testified he would have to report this to his compliance officer. Tr. 2549:4-23.

In light of how colleges and conferences have been exploiting college athletes' NILs, there were various efforts within the NCAA to modify the amateurism rules and let the athletes themselves profit from the use of their NILs. None succeeded.

For example, the NCAA Division I Amateurism and Agents Subcommittee in 2000 proposed to revamp the "antiquated" amateurism rules. PX 2281-6. In 2004, the NCAA again considered revising its bylaws, noting that "NCAA member institutions may license the use of

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[20] Jeremy Strauser, a videogame producer at EA, testified that while EA did not use the names of college athletes in its NCAA-themed videogames, it would use all of their individual attributes of performance, as well as height, weight, and skin tone. Strauser Dep. 30:2-31:22, 35:3-36:10. For similar testimony, see Battle Dep. 30:23-31:16, 50:12-18, 192:6-195:17; Davis Dep. 127:17-128:2.

[21] Byers testified that the NCAA's rules do not actually promote intercollegiate athletics as an avocation or protect college athletes from commercial exploitation. Byers Dep. 67:12-24.

[22] Tr. 1809:12-1810:11, 1896:16-1897:10, 1897:22-1898:25, 1900:7-1901:18, 1959:10-1960:10, 1961:3-20, 2012:21-2013:7, 1983:24-1984:5, 1460:16-1461:12.

student-athlete jersey numbers, names and/or likenesses for retail sale" at campus stores. PX 2000-2. The "concern" was "[i]s it right to derive revenue from the sale of such products? Where is the line drawn—licensed product, television rights, sponsorships, etc.?" *Id*. One suggestion was that revenue from such sales "be placed in a trust to benefit all student-athletes." *Id*. The concern raised by this option was "[d]oes this open the door to future claims from those student-athletes contributing the most to the funds? Are we creating the 'NCAAPA?'" *Id*.

In 2008, the Presidential Task Force on Commercial Activity in Division I Intercollegiate Athletics was created, chaired by then-Penn State University President Graham Spanier. Brand stated in a January 2008 e-mail that the Task Force should examine the issue of compensating college athletes for use of their NIL, noting: "[t]he media and our critics (and Byers in his book) argue that student-athletes should receive a share of the royalties on jerseys and other goods sold with their number. Similarly, it should be possible to sell goods with their name on it and for the student-athletes to receive a share of the royalties." PX 2029-1. In Task Force minutes from October 2008, a member stated that "consideration should be given to redirecting funds obtained from commercial activities . . . into a fund available for student-athletes." PX 2045-4; *see* Tr. 1447:1-10.

In an October 2008 e-mail, Elizabeth Altmaier of the University of Iowa, who was a member of the Task Force, stated that "I remain committed to the idea of some return (financial) to the student athletes themselves." PX 2046-2; *see* Tr. 1450:13-20. Spanier wrote in response: "I disagree strongly with her idea that we compensate athletes for the use of their images. I wouldn't put this in the report at all—not even a hint of the possibility." PX 2046-1. The final Task Force report omitted Altmaier's concerns.

The inescapable conclusion from this history is that the NCAA has no firm conception of amateurism. It is constantly evolving and changing, and that evolution continues to this day. Tr. 222:7-22, 223:2-7. Nor has the concept of amateurism always been tied to not paying a college athlete any more than the GIA. As the APs' experts have noted, the NCAA's own bylaws provide that prohibited "pay" is whatever the NCAA says it should be on any given day. PX 2340-72 (Bylaw 12.02.7); *see* Tr. 163:6-20, 908:16-909:14, 1229:12-1230:6, 1231:3-19. In a recent State

of the Association speech, Emmert conceded that the definition of amateurism is ambiguous. PX 2299-4.

Survey Evidence. To justify the alleged procompetitive justification of amateurism, the NCAA also relies on a smattering of consumer surveys on peoples' views about paying college athletes, including one prepared by its expert, Dr. J. Michael Dennis. For several reasons, this evidence should be given no weight.

First, the APs' survey expert, Hal Poret, established that the survey evidence outside of this litigation measured peoples' attitudes toward paying college athletes generally or paying them salaries, as opposed to compensating Players for use of their NIL; thus, they test questions not relevant to this case. Tr. 2703:8-2706:22. These surveys do not "address the topic that Professor Rubinfeld is opining about" and are "irrelevant." Tr. 2703:13-17. Indeed, Rubinfeld himself repeatedly used the imprecise term "pay to play" to cover all payments over and above a college athlete's cost of attendance, including compensation for use of NILs. Tr. 2941:18-2942:1.

Second, the Dennis survey had no questions directed specifically to NIL payments or to deferred compensation. Tr. 2669:10-18, 2686:18-21, 2687:21-25; 2709:6-2712:9. Underscoring this deficiency, some respondents thought college athletes should not be paid because they thought the questions inquired about illicit payments (191) or payments of salaries (83). PX 2629, 2630; Tr. 2672:12-2673:14, 2679:13-25, 2682:25-2683:20, 2703:8-2704:12, 2714:6-2715:10. Thus, the Dennis survey suffered from the same flaws as the other polls and surveys: it was not designed to fit the facts of this case. In fact, as Poret stated, there was a "dramatic disconnect" between the survey questions and the APs' claims. Tr. 2706:7-22.[23]

Third, the survey results relied on by Rubinfeld are not necessarily reflective of what

[23] Poret also testified that Dennis used an initial "priming" question that affected subsequent answers, as shown by initial responses about illicit payments and payments of salaries. PX 2629, 2630; Tr. 2714:6-2715:10. The survey also yielded internally inconsistent results showing just how costless it is to check a box forecasting a change in behavior. Totals of 453 and 611 respondents watched no college football or basketball games, respectively, but said they were likely to cut down on their viewing; 83 who favored payment to college athletes said they would view fewer games, while 33 who opposed payment said they would watch more. Tr. 2729:4-11, 2729:25-2730:9. All of this caused Poret to opine that the Dennis survey was deeply flawed and of no assistance. Tr. 2703:8-2704:12, 2732:24-2733:19, 2704:13-2705:12.

consumers will actually do. Poret noted that surveys are not useful predictors on such topics. Tr. 2720:15-2721:10. The APs' economic expert, Dr. Daniel Rascher, agreed. Tr. 913:18-918:5. Fans of Division I men's basketball and FBS football will not abandon those sports because college athletes are paid for use of their NILs. If fans were alienated by the commercialism of "amateur" sports, they logically would have ceased watching them long ago in the face of repeated scandals of Division I basketball and FBS football players being paid under the table by colleges and universities. *See* Tr. 438:11-25; PX 2531. They have not done so. Tr. 886:5-899:8.

This point is underscored by PX 2074, an October 2010 NCAA Strategic Communication Plan. The document states that as perceived by the public and the media, "[o]ne of the most damaging criticisms [the NCAA] face[s] is the hypocrisy in which we operate." PX 2074-11. The document then presents a "long list of issues that affect how intercollegiate athletics is viewed," including questionable recruitments, conference realignments that are perceived as a "money grab," multi-million dollar coaching salaries, violations of NCAA rules, misconduct by coaches and college athletes, the "facilities 'arms' race," and academic integrity. *Id*. Yet, nearly four years later, the record does not show that these many issues caused people to stop attending or viewing Division I men's basketball and FBS football games.[24]

History shows that the NCAA's amateurism rules do not drive consumer demand. Rather, as the Court observed, college sports are popular because they are *college* sports, played by athletes who attend *schools* that claim the loyalty of millions of fellow students, alumni, and local and regional fans. The NCAA's evidence showed many other reasons that consumer demand is not driven by amateurism, including the love of sports, the multitude of television channels, commercial sponsorships, the March Madness tournament, and other factors. Tr. 752:5-754:14. As Rascher has also noted, fans still flocked to watch Ohio State University play in the 2010 Sugar Bowl despite the fact that six of its athletes had been fined for profiting from the sale of championship memorabilia, and the 2013 game in which Texas A&M University's Johnny

[24] During the period from 1956-76 when stipends for incidental expenses were paid to Division I men's basketball and FBS football players, this additional sum did not decrease popularity or demand for intercollegiate sports. Byers Dep. 24:6-17, 25:15-26:8, 26:14-17.

Manziel was suspended for one half for allegedly selling his autograph finished 61% above the average ESPN rating for comparable telecasts. Tr. 893:3-895:15.

There are instructive examples from other sports as well. After free agency was introduced in MLB in 1976, numerous consumer surveys noted that fans deemed higher player salaries to be excessive or problematic, yet MLB revenues continued to climb steeply. Tr. 901:8-903:24. The same was true after professionals were allowed to play in certain sports in the Olympics. Tr. 904:22-905:18.[25] Put simply, even if they were relevant, surveys about what consumers might do if college athletes were paid are of little value in determining what those individuals would actually do. Tr. 913:18-914:15, 915:5-916:4. Rubinfeld expressed a similar view, in testimony his counsel later tried to repair unsuccessfully. Tr. 2969:7-16 ("people may be complaining about a lot of things but that doesn't mean they're not going to attend the sports and enjoy them").

Competitive Balance. The Court previously noted that the NCAA had not presented any evidence to suggest that NCAA restrictions on compensation prevent disparities in competitive balance. *NCAA II*, 2014 WL 1410451, at *13-15. Nothing changed on this point at trial. The NCAA offered no evidence establishing that: (1) the restraint is responsible for producing the current level of balance, (2) the current level of balance is responsible for the popularity of Division I men's basketball and FBS football, and (3) lifting the restraint will affect the current level of balance in either sport. The evidence instead establishes that competitive balance does not presently exist because the power conferences dominate the field.

Rubinfeld asserted that the current level of competitive balance is sufficient to maintain growing demand, but his analysis amounted to the obvious: college sports are popular today. Tr.

[25] The NCAA attempted to counter this evidence by showing that MLB television ratings have slipped in recent years. But, as Rascher noted, (a) while ratings may have fallen, the number of viewers has increased, and (b) sports programs generally have suffered ratings declines due to the explosion of viewing options made possible by cable broadcasters and other forms of telecast competition. Tr. 988:24-990:4, 1019:20-1020:9, 1024:9-1026:7. Rubinfeld agreed that the number of viewers of sporting events has increased. Tr. 3097:21-3098:1-3. The NCAA's counsel attempted to impeach Rascher's testimony by showing Nielsen ratings for the Super Bowl over the last few decades, but those indicated a flattening out, which supports Rascher's opinion. Tr. 1024:9-1026:7.

2988:2-12. He did not demonstrate that current competitive balance levels support future demand. Nor did he even attempt to show that the NCAA's restrictions on sharing of NIL revenues contribute to a level of competitive balance necessary to maintain demand. The record is to the contrary. PX 2049-1 ("competitive advantage or disadvantage doesn't appear to have any rational connection to the principle of amateurism"). The NCAA also did not show that, in the absence of the restraint, high-revenue schools would have any more of a competitive advantage than they already do as a result of, *inter alia*, large recruiting budgets and extravagant facilities. The NCAA and Rubinfeld also failed to estimate how lifting the restraint would harm competitive balance and how any diminished balance would affect demand.

Like amateurism, the NCAA has advanced various inconsistent definitions of competitive balance not based on its rules. NCAA Principle 2.10 speaks only of "competitive equity," defined as "promot[ing] opportunity for equity in competition to assure that individual athletes will not be prevented unfairly from achieving the benefits inherent in participation in" athletics. PX 2340-18; *see also* PX 2083-3. The NCAA has acknowledged that "an impartial observer would likely conclude" that "competitive equity has failed." PX 2083-5. It also has recognized that competitive balance within conferences, or groups of conferences—not, as asserted at trial, balance across FBS schools or Division I—is the appropriate goal to protect the popularity of college sports. PX 2081-7 ("'[c]ompetitive equity' should be defined as fundamentally conference-based"); PX2084-35 ("Greater emphasis should be placed on permissive rules that govern institutions with similar resources.").

At trial, Emmert supplied a new NCAA definition of competitive balance, meaning simply a "chance to win." Tr. 1773:24-1774:22. Rubinfeld also testified that competitive balance was linked to the "idea of having the teams that perhaps don't have the same resources have a real chance to upset the teams that do." Tr. 3125:21-3126:8. Using this definition, the NCAA and Rubinfeld provided no evidence, other than anecdotes about upsets in games, of the current "chance to win" or how or to what extent lifting the restraint would affect the "chance to win" and reduce upsets, much less the ultimate relationship to consumer demand.

In contrast, based on statistics concerning wins and losses, revenue, rankings (including

persistence), margin of victory, and betting spreads, the evidence from Noll and Rascher showed that the NCAA lacks competitive balance. PX 2556, 2557, 2558; Tr. 234:12-236:16; Tr. 933:10-939:5. The statistical analysis "basically proves there isn't balance." Tr. 235:21-24, 236:8-16.

Both Noll and Rascher also testified that the consensus in economics literature is that restraints on payments to college athletes do not contribute to competitive balance; rather, the opposite is true because the restraints prevent schools from competing. Tr. 231:1-234:2; 921:1-922:16. This examination of the literature illustrated a difference between the experts at trial. Noll and Rascher are experts in the field of sports economics; Noll is even a founder of the field. Rubinfeld's only experience with sports economics prior to this case were the sections of his textbook devoted to the NCAA cartel and MLB's reserve clause, which undercut his testimony here.

NCAA documents also recognize, based on revenues and the results of games and championships, that "the teams from the six FBS AQ conferences [are] dominating competition on the field." PX 2080-2, -3, -4; PX 2615-3 (transcript of NCAA video presentation noting that "[o]bviously, such differences [in revenues] have large impacts on the competitive equity within [FBS]"); *see also* PX 424-4 (discussing "the 'haves' the 'have-nots' and the 'forget-about-its'"). Byers testified that "competitive balance is an elastic term that can be stretched in any direction you want to justify a present circumstance." Byers Dep. 48:21-23. In sum, as Delany of the Big Ten testified, "[i]t is painfully obvious it's not all a level playing field." Tr. 2119:10-18.[26]

In his supplemental analysis created on the eve of trial, Rubinfeld analyzed the relationship between revenues and rankings. Inexperienced in sports economics, he used the wrong rankings (the Colley rank) for basketball, but even his analyses showed a high correlation between revenues and football and basketball rankings. Tr. 942:3-13; PX 2559, 2560. Rascher confirmed the high correlation using both Colley and Sagarin rankings and offered an unrebutted

[26] Todd Petr of the NCAA likewise noted that the wide disparities in revenues among NCAA member schools have led to continued examination of the sustainability of the current intercollegiate model and whether competitive balance exists. Tr. 2263:12-2264:24. The evidence showed that NCAA rules make matters worse by distributing funds predominantly to big conferences, including the "Basketball Fund," which is distributed based on victories in the March Madness tournament. Tr. 2140:21-2141:8; DX 3308-9.

regression analysis to show a correlation between revenue and winning at a 95% confidence level. PX 2559, 2560; Tr. 933:5-935:9, 939:12-945:25. Without accounting for limits on athletic scholarships in men's basketball and FBS football, Rubinfeld also analyzed potential movements by recruits between schools if they made offers based on Rascher's 50% fully pooled model (which the NCAA always argued was baseless), and those offers were not matched. As Rascher showed, in testimony that was also unrebutted, the actual results of Rubinfeld's analysis showed potential switching of players within and among major conferences, and small numbers of changes between low- and high-revenue schools. PX 2561; Tr. 947:14-951:4.

Integration. The NCAA's defense of integration of athletics and academics fails because it is not procompetitive, and, even if it were, the NCAA offers no way to measure this benefit to justify the restraint. Moreover, there was no proof that the restraint is what produces integration or that lifting it will harm integration. With or without the restraint, Players will remain scholarship students. And the NCAA's steady stream of evidence on its ongoing and hoped-for educational reforms all showed that there are alternatives that could better serve the goal of integration.

The APs' expert, Dr. Ellen Staurowsky, supported by other witnesses and stipulated facts, described the big business of college football and basketball and enormous revenues that they generate.[27] She explained how these forces place an emphasis on athletics first and academics second—to the point where, as the KC and the 2006 Presidential Task Force concluded, these sports have become an entertainment industry that is "the antithesis of academic values." Tr. 1165:24-1166:12, 1171:8-1174:24. Noll testified on the same point from an economic perspective. Tr. 523:22-524:23. Pilson even talked about a "win at all costs" mentality of the schools. Tr. 788:21-789:18. Staurowsky described an ongoing "arms race" (a known term within

[27]Tr. 1128:11-1129:9, 1132:13-21, 1133:6-1134:23, 1139:23-1141:25; PX 2536, 2537, 2539 (major conference school revenues); PX 2538, 2542, 2543 (FBS football and Division I basketball revenues); PX 2544 (broadcast revenues); PX 2545 (current television contracts); PX 2550, 2551(coaching pay relative to NFL/NBA); PX 2565 (March Madness revenue); PX 2569, 2570 (recruiting expenditures); *see also O'Bannon* Dkt. No. 214 (Rascher Declaration regarding PX 2537, 2538, 2539, 2542, 2543); *see generally O'Bannon* Dkt. No. 207.

the NCAA) of expenditures on, *inter alia*, facilities and coaching salaries.[28] The NCAA's own Division I principles even refer to basketball and football as the "emphasized" "spectator-oriented sports" because, as Staurowsky testified, "they are the economic driver for the enterprise." Tr. 1126:2-1127:2; PX 2340-359 to -360 (Bylaw 20.9.2).

Staurowsky provided evidence supported by the testimony of the three APs and unrebutted by any NCAA expert that: (1) despite a 20-hour rule for structured activity, men's football and basketball players face extreme time demands, spending 40 or more hours a week on their sports;[29] (2) football and basketball players, sometimes at the direction of athletic department staff, choose classes to avoid conflicts with their athletic commitments and then miss those classes due to game-related travel, often driven by television scheduling (Tr. 1191:15-1198:14; PX 2078-22, -23, -28, -29); (3) athletic scholarships and recruiting are based on athletics, not academics (Tr. 1198:22-1201:5); (4) admission standards known as "special admits" are different for men's football and basketball players (Tr. 1204:5-1205:25); (5) men's football and basketball players, unlike other students, "cluster" into particular majors (Tr. 1220:19-1225:12); and (6) federally reported graduation rates for Players are lower than the rates for both students and other athletes (Tr. 1206:10-24, 1209:2-1212:14).[30]

The lay opinions from a handful of NCAA witnesses about the purported risks of lifting the restraint reinforced Staurowsky's testimony. Delany of the Big Ten was quite candid that athletes already spend far too much time on athletics. Tr. 2086:20-2088:19, 2111:21-2112:20. Likewise, Banowsky acknowledged the time demands imposed by athletics and testified that he would like to see athletes spend more time with other students and "do[] regular student things."

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[28] Tr. 1145:20-1146:19, 1149:9-17, 1150:13-25, 1161:2-16; PX 2448-3 to -5 (coaching salaries compared to college presidents).

[29] Tr. 1176:1-14, 1188:10-1190:9; PX 2297-11, 424-2 ("a 'wink-and-nod-approach' to voluntary activity"), PX 2078-17, -19, -21 (NCAA GOALS study).

[30] The NCAA has even adopted a measure of academic success called the Graduation Success Rate ("GSR"), which is applied to athletes only and avoids comparisons to the student body as a whole; the GSR is intended to remove drop outs and transfers from the federal graduation rates—without tracking whether the transfers ever graduate at a later institution. Tr. 1212:16-1214:6; PX 3369. The NCAA's Diane Dickman testified that the association has adopted another metric not applied to the student body, an "Academic Progress Rate" of 930, which translates to a graduation rate of 50%, and GPAs of 1.8 to 2.0. Tr. 2572:19-20, 2580:18-2581:6, 2582:10-21.

Tr. 2379:8-18, 2380:24-2381:4. The NCAA's own Task Force on Intercollegiate Athletics, further emphasizing that testimony, warned in its 2006 report of the need to "strengthen the integration of athletics within our universities" or "we can foresee . . . failure to meet our responsibilities"; that the goals of intercollegiate athletics were being "jeopardized as the collegiate model drifts toward the professional approach"; and that intercollegiate athletics has "isolate[d] the activity from the academic mission of the university." PX 2017-9, -13, -25. Rubinfeld relied on this report, citing its conclusions that "yet at many institutions, athletics often still appear oriented toward more entertainment and the educational value of athletics participating and competition plays a secondary role to the win/loss column." Tr. 3109:14-3110:24.[31] Inside the NCAA, Renfro and the Strategic Communications team discussed the public perception that "the notion that athletes are students is the great hypocrisy of intercollegiate athletics" (PX 424-3) and "the hypocrisy in which we operate" (PX 2074-11). Rubinfeld admitted that many organizations have concluded that commercialism in college athletics is undermining the "fundamental tenets" of academics. Tr. 3103:9-16.

The NCAA never proved that the challenged restraint integrates athletes with other students and athletes on other teams. To the contrary, the evidence demonstrates that students currently have diverse backgrounds, wealth, talents, and a multitude of other distinctions. Tr. 520:5-521:11. It also demonstrates that, unlike other students, Players perform in stadiums and on television (some are even celebrities) and are used to promote commercial sponsors; they also live in unique dorms, eat in special dining halls, practice in lavish facilities, and enjoy their own game rooms. Tr. 1161:2-16. Indeed, Stanford's Muir admitted that his opinions on this issue were "speculation . . . . I don't think any of us knows" what will happen. Tr. 2542:13-24.

The NCAA's argument against sharing commercial revenues with athletes is also patronizing. Many Players come from low-income families, posing difficulties already for their

[31] The NCAA argues that deference should be given to the lay opinions of its university and conference personnel about the risks of an injunction, but their lay witnesses only predicted that sharing revenues with athletes would cause them to be classified differently. Tr. 1373:21-1374:15, 1379:20-1380:7 (Plonsky reasoned it would be "separatist" and "incongruous"); 1594:12-1595:5 (Harris Pastides of USC: students who do not receive payments would be "second-class citizens").

integration into campus life and academics. The NCAA neglected to acknowledge any current "classification" issues between low-income and other students, and argued instead that providing NIL monies to athletes would create classification issues, as if to say, in effect, that the poor must remain poor in order to protect our campus life.

The NCAA called Dr. James Heckman to testify that college education is valuable to athletes. But Heckman's testimony was irrelevant. He established no causal inference between the challenged restraint and the positive social outcomes he identified, nor did he establish any causal inference between lifting the restraint and a diminution in those outcomes; in fact, he did not even try. Tr. 1517:19-1520:1. His testimony was also irrelevant because if an injunction issues, college football and basketball players will *remain* students who attend college; in other words, they will still receive the benefits Heckman identifies.

Heckman analyzed data from the National Educational Longitudinal Study of 1988 ("NELS") following eighth graders beginning in 1988 to the year 2000. Tr. 1496:14-1497:3, 1522:22-1523:5. He assumed that those who played basketball or football in high school went on to play those sports in college; he never measured how many actually played Division I men's basketball or FBS football—as opposed to other sports, Division II or Division III football or basketball, or FCS football. Tr. 1535:13-24. A 1996 study using the NELS data conducted by the National Center for Education Statistics shows that only 2.2 percent of the high schoolers went on to play athletics in Division I schools. PX 2595-1. This report also shows that less than half the athletes Heckman used in his analysis were actually in Division I athletics rather than Division II or III. *Id.* (5.2 percent of the dataset played intercollegiate sports, but only 2.2 percent played Division I). Heckman did not control for FBS and Division I men's basketball athletes or the majors in which they are clustered, or study athletes after the year 2000. Tr. 1534:9-18, 1535:25-1536:21. As in another district court that rejected his economic evidence, Dr. Heckman's testimony here bears little relation to the real world facts and is entitled to little weight.[32]

[32] *S. Pac. Commc'ns Co. v. Am. Tel. & Tel. Co.*, 556 F. Supp. 825, 869-70 (D.D.C. 1982), *aff'd*, 740 F.2d 980 (D.C. Cir. 1984), *cert. denied*, 470 U.S. 1005 (1985); *see also In re Brand Name Prescription Drugs Antitrust Litig.*, 186 F.3d 781, 786 (7th Cir. 1999) (rejecting the evidence offered by a Nobel Prize-winning economist for not addressing the relevant causal issue).

Output. As Noll pointed out, the NCAA conducted no economic analysis of output. Tr. 250:23-251:1. Rubinfeld looked to the increases in the number of Division I teams and the number of games played in Division I compared to the professional leagues (Tr. 2980:5-2981:18, 2950:2-2952:25), but he made no showing that those increases resulted from the challenged restraint. Rubinfeld abandoned his earlier claims that the numbers of scholarships would be limited, focusing only on the limited number of schools that might drop out of Division I, which he asserted without additional analysis. Tr. 2972:10-21, 2983:12-18, 3077:22-3078:6. He even conceded that he had done no statistical analysis on what would happen if an injunction were entered. Tr. 3102:17-3103:7.

Emmert and Mark Lewis of the NCAA testified about the possibility of schools leaving Division I if the injunction issues, but this was purely speculative testimony. Noll and Rascher testified at length that this made no economic sense. Tr. 242:2-244:25, 881:19-883:1. This testimony is also undercut by the testimony of representatives of specific schools or conferences. Pastides of USC testified that his board of directors would replace him if he allowed USC to drop out of Division I football or men's basketball. Tr. 1599:4-10. Similarly, Plonsky noted that while UT might not want to compensate college athletes for use of their NILs, it might face competitive pressures from other colleges to do so. Tr. 1471:2-15. And Banowsky of CUSA acknowledged that schools that already supposedly lose money on athletics nonetheless remain in FBS, that numerous other schools are lining up to join FBS because of the attendant benefits (and despite the purported financial disadvantages), and that "low revenue" schools will not have to tap their budgets much more than they already do to share TV revenue with athletes. Tr. 2373:1-2377:25. He stated that even if a 50-50 split of broadcast revenues *were required*, no school would leave Division I; each would instead negotiate with college athletes independently; some might pay licensing fees, others might not, and it is "possible" that some might just drop out of FBS (to FCS). Tr. 2310:10-12, 2371:25-2372:24. Greg Sankey of the SEC likewise could not predict that any school in his conference would leave Division I if an injunction issues. He thought some schools might pay royalties and some might not but readily admitted that "in the prediction business, [he has] not always been very good." Tr. 2412:5-2414:12, 2417:16-2418:4.

The examples involving the demise of EA's NCAA-branded videogames and jerseys available on the NCAA's website show that the restraint has actually reduced, rather than enhanced, output of products that would thrive if group licensing were permitted. In addition, a 2007 NCAA document (PX 682) reflects comments received by potential or actual licensees (broadcasters, videogame developers, wireless telephone companies, apparel makers) who all saw increased value for themselves and their customers if they were allowed to make more liberal use of college athletes' NILs.[33]

V. LESS RESTRICTIVE ALTERNATIVES EXIST

Given the absence of valid procompetitive justifications, the anticompetitive aspects of the restraint of trade far outweigh any alleged procompetitive justifications, and no consideration of less restrictive alternatives is necessary. Noll nonetheless identified three less restrictive alternatives: (1) allowing only certain types of NIL payments, equivalent to adding a stipend to existing athletic scholarships; (2) the deposit of a group license royalty amount in a trust fund payable after the Players graduate or otherwise leave school;[34] or (3) use of the Olympic model, which would permit Players to obtain money from endorsements. Tr. 283:19-284:13; 287:2-22; 291:15-294:15.[35]

VI. CONCLUSION

For all of the foregoing reasons, the APs' requests for injunctive relief should be granted. The alternatives proposed in *O'Bannon* Dkt. No. 252-1 will not pose any antitrust issues if they are ordered by the Court.

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[33] A 2004 presentation by CLC states that fewer restrictions "[w]ould likely lead to a giant leap in royalties, retail presence, and differentiates college from pro." PX 1133-42. In addition, as Rascher noted, the NCAA told the United States Supreme Court in oral argument in *BoR* that paying college athletes would increase demand for the NCAA's intercollegiate sports product, thus directly affecting the higher education market. Tr. 951:11-952:23.

[34] For similar suggestions in NCAA documents or from NCAA witnesses, see PX 280-3, 2000-2, 2006-1; Tr. 2365:11-2367:7.

[35] In the higher education market, increased output could potentially be reflected in more athletic scholarships, but the NCAA has artificially restricted the number of them.

Dated: July 2, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Sathya S. Gosselin, declare that I am over the age of eighteen (18) and not a party to the entitled action. I am a partner in the law firm of HAUSFELD LLP, and my office is located at 1700 K Street NW, Washington, DC 20010.

On July 2, 2014, I caused to be filed the foregoing **PLAINTIFFS' OPENING POST-TRIAL BRIEF** with the Clerk of Court using the Official Court Electronic Document Filing System, which served copies on all interested parties registered for electronic filing.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Sathya Gosselin
Sathya S. Gosselin

Exhibit O

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

EDWARD O'BANNON, ET AL.,	)	
	)	
	)	
PLAINTIFFS,	)	NO. C-09-3329 CW
	)	
VS.	)	FRIDAY, JUNE 13, 2014
	)	
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, ET AL.,	)	OAKLAND, CALIFORNIA
	)	
	)	
DEFENDANTS.	)	COURT TRIAL
_____	)	

BEFORE THE HONORABLE CLAUDIA WILKEN, JUDGE

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FRIDAY, JUNE 13TH, 2014 8:30 A.M.

P R O C E E D I N G S

THE CLERK: REMAIN SEATED. COME TO ORDER. THIS COURT IS IN SESSION.

THE COURT: GOOD MORNING.

MR. HAUSFELD: GOOD MORNING.

MR. SINGLA: GOOD MORNING.

THE COURT: SO, YOU HAVE THIS LETTER HERE.

MR. ISAACSON: YES, YOUR HONOR.

THE COURT: I'M NOT TOO CLEAR ON WHAT THESE THINGS ARE.

ARE THEY NOT SOMETHING THAT DR. RASCHER CAN EXPLAIN OR SAY HOW THEY WERE PUT TOGETHER? JUST ADMITTED COLD FOR ME TO LOOK AT, I DON'T KNOW WHAT THEY MEAN. SO I NEED SOMEBODY TO EXPLAIN TO ME WHAT THEY ARE, AT LEAST.

WHAT'S THE PROBLEM WITH HAVING DR. RASCHER DO THAT?

MR. ISAACSON: I DON'T HAVE ANY PROBLEM WITH THAT.

THE COURT: I THOUGHT YOU SAID YOU DIDN'T WANT --

MR. ISAACSON: TO GIVE OPINIONS ABOUT IT.

HE CAN -- HE CAN CERTAINLY SAY THIS IS WHAT THE CHARTS -- WHAT -- THESE ARE THE NUMBERS IN THE CHARTS.

THE COURT: DID HE BASE HIS OPINIONS ON IT?

MR. ISAACSON: NO, BECAUSE HE DIDN'T -- HE HAS HAD SIMILAR CHARTS ABOUT -- THESE ARE CHARTS ABOUT --

THE COURT: WHO MADE THESE CHARTS?

MR. ISAACSON: DR. RASCHER AND HIS ORGANIZATION, OSKR. AND THEY ARE PREPARED AS SUMMARY EXHIBITS, NOT AS ADDITIONAL SUPPORT FOR HIS REPORT. THE STIPULATION --

THE COURT: SO WHAT'S YOUR PROBLEM WITH THEM?

MR. SINGLA: WE HAVE -- I WOULD RAISE THREE ISSUES, YOUR HONOR.

PLAINTIFFS ARE TRYING TO INTRODUCE THESE DOCUMENTS THROUGH THE SUMMARY EXHIBIT RULE. AND A SUMMARY EXHIBIT IS A GRAPH OR A CHART, OR SOMETHING THAT SUMMARIZES VOLUMINOUS DATA. AND WE HAVE NO PROBLEM WITH DR. NOLL OR MR. RASCHER PROVIDING THAT. BUT THAT'S NOT WHAT THIS IS. THIS IS RAW DATA. I'LL GIVE AN EXAMPLE.

THESE ARE JUST PAGES OF NUMBERS THAT THEY WANT TO PUT INTO THE RECORD THAT THEIR EXPERT DID NOT TESTIFY ABOUT, DID NOT RELY ON, AS MR. ISAACSON JUST ADMITTED, AND THAT NO WITNESS IN THIS CASE IS GOING TO TESTIFY ABOUT IT.

AND WE DON'T SEE THAT RULE 1,006 SAYS THAT A PLAINTIFF CAN DECIDE OR A PARTY CAN DECIDE NOT TO HAVE THEIR EXPERTS RELY ON DATA, AND THEN LATER JUST HAVE THAT EXPERT COMPILE DATA THAT THEY LIKE AND DUMP IT INTO THE RECORD WITH NO WITNESS, NO EXPLANATION.

THE COURT: THE WITNESS WOULD BE DR. RASCHER.

MR. SINGLA: BUT THERE WOULD BE NO EXPLANATION FOR WHAT THIS DATA IS --

THE COURT: IF THERE'S NO EXPLANATION, I WON'T

UNDERSTAND IT, I GUARANTEE YOU, SO IT WON'T HURT YOU ANY.

MR. ISAACSON: WE CAN HAVE HIM EXPLAIN WHAT THE DATA IS BUT NOT OFFER ANY OPINIONS UPON IT.

THE COURT: OR HAVE HIM OFFER AN OPINION AND THEN IT BECOMES EXPERT OPINION.

MR. ISAACSON: THEY'RE OBJECTING TO THE OPINION, AND SO I'M NOT TRYING TO GET INTO THAT FIGHT.

MR. SINGLA: HE DID NOT RELY ON ANY OF THIS DATA, YOUR HONOR, SO HE CAN'T GIVE OPINIONS ABOUT IT.

THE SECOND PROBLEM WE HAVE WITH THE DATA, YOUR HONOR, IS THAT IT IS SELECTIVE AND MISLEADING. IS IT ONLY FOR SOME SCHOOLS? IS IT ONLY FOR SOME FIELDS? IT IS NOT A COMPLETE DATA SET FOR THE COURT OR FOR THE RECORD. SO WHETHER IT'S FOR --

THE COURT: IT CAME OFF THE INTERNET, RIGHT?

MR. SINGLA: IT DID, BUT, YOUR HONOR, THERE'S SELECTIONS --

THE COURT: YOU CAN GET MORE OF IT IF --

(SIMULTANEOUS COLLOQUY.)

MR. SINGLA: THAT'S FINE --

THE COURT: -- LOOKED BETTER, YOU CAN HAVE YOUR OWN CHART. HOW IS THIS GOING TO HELP ME?

MR. ISAACSON: IT HELPS YOU UNDERSTAND THE FLOW OF MONEY IN THE SPORT TO SCHOOLS AND CONFERENCES.

AND THERE IS A SEPARATE CHART, WHICH WE HAVE NOT GIVEN YOU

BECAUSE IT WOULD BE UNDER SEAL, FROM THE MARCH MADNESS CONTRACT.

THE -- AND IT'S SIMPLY -- SO IT WOULD PROVIDE SIMPLE -- IT PROVIDES BASIC INFORMATION ABOUT THE MONEY FLOW INTO THE SPORT FROM BROADCAST REVENUES AND OTHER REVENUES, AND IT HELPS YOU UNDERSTAND THOSE BASIC ISSUES.

AND IT'S SOMETHING THAT IS PROVIDED FOR IN THE SUMMARY EXHIBIT STIPULATION AND THAT WE WOULD CITE TO IN OUR POST-TRIAL BRIEFS.

MR. SINGLA: YOUR HONOR, I THINK THAT'S THE ISSUE WE HAVE RIGHT THERE. SO THEY HAD AN EXPERT DISCLOSURE OBLIGATION. THEY GAVE US THEIR EXPERT OPINIONS. THEY DIDN'T PROVIDE ANY OF THIS.

OUR EXPERTS HAVE NEVER HAD A CHANCE TO REVIEW THIS OR ANALYZE IT OR GIVE OPINIONS. AND NOW WHAT THEY WANT DO IS, PUT ALL THIS DATA INTO THE RECORD THAT THEIR EXPERTS COMPILED FROM SELECTING THROUGH DATA THAT THEY FOUND, COMPILE THE DATA THEY LIKE, PUT IT IN THE RECORD, AND THEN THEY ARE GOING TO MAKE ARGUMENT TO THE COURT AND TRY TO BECOME EXPERTS THEMSELVES AS LAWYERS. AND THAT, TO US, IS IMPROPER.

THE COURT: BUT ON THE OTHER HAND, YOU WOULDN'T WANT THEM TO HAVE THEIR EXPERT ANALYZE IT BECAUSE THEN YOU WOULD SAY IT HADN'T BEEN DISCLOSED.

MR. SINGLA: THAT IS CORRECT, YOUR HONOR. THE POINT OF THE EXPERT DISCLOSURE PROCESS IS THAT WE SHOULD KNOW BEFORE

WE GET TO TRIAL WHAT IT IS THAT THEIR CASE IS BASED ON AND THEIR EXPERT OPINIONS ARE BASED ON.

SO TO TAKE PAGES AND PAGES OF DATA THAT IS NOT -- IF THEY WANT TO GIVE YOU THE ENTIRE EADA DATA SET, WHICH IS MILLIONS OF PAGES, THAT WOULD BE ONE THING. BUT THEY ARE JUST PICKING OUT PIECES OF DATA THEY LIKE.

THE COURT: WHY DON'T YOU DO AN OFFER OF PROOF IN THE FORM OF AN EXPERT DECLARATION AS TO WHAT YOUR EXPERT WOULD SAY ABOUT THIS.

MR. ISAACSON: WHAT WE HAVE OFFERED AT THIS POINT IS HE WILL TESTIFY THAT THIS IS A SUMMARY EXHIBIT --

THE COURT: NO, NO --

MR. ISAACSON: -- CUMULATIVE DATA --

(SIMULTANEOUS COLLOQUY.)

MR. ISAACSON: -- AND THAT THIS SHOWS --

THE COURT: I KNOW THE RULE ABOUT TWO PEOPLE TALKING AT ONCE MEANS THAT IF THE JUDGE IS ONE OF THEM, THE JUDGE GETS TO TALK EVEN IF YOU START IT FIRST.

MR. ISAACSON: YES.

THE COURT: I'M AFRAID THAT'S JUST HOW IT IS BECAUSE I HAVE TO BE ABLE TO CONTROL THE PROCEEDINGS A LITTLE BIT.

WHAT I'M GETTING AT IS HE'S AFRAID THAT YOU'RE GOING TO COME UP WITH A NEW EXPERT THEORY IN YOUR FINAL ARGUMENT. AND WHAT I'M SUGGESTING IS TELL ME WHAT IT IS YOU WANT THESE NUMBERS FOR NOW SO THAT THEY CAN FIGURE OUT WHAT IT IS AND

DECIDE WHETHER THEY CAN RESPOND TO IT OR OBJECT TO IT, AND I CAN FIGURE OUT HOW USEFUL IT MIGHT BE.

MR. ISAACSON: RIGHT. SO, FOR EXAMPLE, THE FIRST CHART SHOWS THE REVENUES --

THE COURT: NO, I AM NOT ASKING YOU TO TELL ME NOW. I'M ASKING YOU TO FILE A DECLARATION FROM AN EXPERT THAT WOULD SAY WHAT IT IS YOU WOULD USE THESE FOR.

MR. ISAACSON: SURE.

THE COURT: OKAY. SO WHY DON'T YOU GO AHEAD.

MR. ISAACSON: AND THEN AFTER WE DO THAT, THEN CALL DR. RASCHER BACK LATER IN THE PROCEEDINGS?

THE COURT: NO. I WILL ADMIT IT PROVISIONALLY.

MR. ISAACSON: OKAY.

MR. SINGLA: YOUR HONOR IS SUGGESTING THAT ONCE WE SEE THE DECLARATION, WE HAVE A CHANCE TO EVALUATE IT, THEN YOU CAN DECIDE WHETHER TO ADMIT IT PROVISIONALLY.

THE COURT: NO, NO. I'M ADMITTING THE CHART PROVISIONALLY SO WE DON'T HAVE TO CALL DR. RASCHER BACK NEXT WEEK TO ASK HIM THAT IT'S HIS CHART.

MR. SINGLA: I DON'T BELIEVE THEY ARE GOING TO EXAMINE MR. RASCHER ABOUT IT. WE HAVE NO --

THE COURT: THAT'S WHAT I SAID. I'M ADMITTING IT PROVISIONALLY SO THEY DON'T HAVE TO CALL DR. RASCHER BACK NEXT WEEK TO ADMIT IT PROVISIONALLY THROUGH.

THEN I WILL READ THEIR DECLARATION. YOU WILL READ THEIR

DECLARATION. YOU WILL SEE IF IT'S SOMETHING YOU'RE ABLE TO RESPOND TO. I WILL SEE IF IT'S SOMETHING I FIND REALLY USEFUL, AND WE WILL DISCUSS IT AGAIN.

MR. SINGLA: THANK YOU, YOUR HONOR.

MR. ISAACSON: AND THERE ARE SOME SIMILAR CHARTS THAT HAVE NOT BEEN OBJECTED TO THAT I WILL EXAMINE HIM ABOUT BECAUSE THEY WERE IN HIS EXPERT REPORT, AND YOU MAY FIND THAT HELPFUL TO UNDERSTAND WHAT WE ARE TALKING ABOUT.

THE COURT: OKAY.

GO AHEAD.

DIRECT EXAMINATION RESUMED

BY MR. ISAACSON:

Q. DR. RASCHER, IT HAS BEEN A DAY. WHY DON'T YOU TELL US YOUR NAME AGAIN.

A. DANIEL RASCHER.

Q. ALL RIGHT.

DR. RASCHER, I WANT TO -- WE'VE INTRODUCED YOU AND YOUR BACKGROUND PREVIOUSLY.

MR. ISAACSON: IF WE CAN CALL UP RASCHER EXHIBIT 1.

I WOULD LIKE YOU TO SUMMARIZE -- I GUESS I WAS --

THE CLERK: IS THIS AN EXHIBIT OR DEMONSTRATIVE?

MR. ISAACSON: DEMONSTRATIVE NUMBER 1.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

BY MR. ISAACSON:

Q. AND DO YOU HAVE IT --

A. IT'S NOT SHOWING UP ON MY SCREEN.

(PAUSE IN THE PROCEEDINGS.)

HERE IT IS.

Q. WOULD YOU TELL US -- WOULD YOU SUMMARIZE WHAT YOU ARE HERE TO TALK ABOUT TODAY?

A. SO THE NCAA, THE CONFERENCES, AND THE MEMBER SCHOOLS, DIVISION I BASKETBALL AND FBS FOOTBALL ARE HIGHLY PROFITABLE WITH THEIR REVENUES CONTINUING TO GROW AT A FAST PACE. SOME OF THE EVIDENCE OF THAT IS SIMPLY JUST THE STRONG DEMAND TO ENTER DIVISION I BY THESE UNIVERSITIES.

GIVEN THE INFORMATION THAT WE HAVE, THERE IS -- THERE ARE RELATED-PARTY TRANSACTIONS BETWEEN THE ATHLETIC DEPARTMENT AND THE UNIVERSITY ITSELF THAT WOULD GROW THESE REVENUES AND LOWER THESE EXPENSES, MAKING THEM EVEN MORE PROFITABLE THAN THEY APPEAR ON PAPER.

AND IT WOULD NOT BE ECONOMICALLY RATIONAL FOR SCHOOLS TO LEAVE DIVISION I IF AN INJUNCTION PROHIBITING THE AGREEMENT REGARDING THE RULES AT ISSUE IN THIS CASE WERE ENTERED.

SO THAT'S MY EVIDENCE -- OR THAT'S GOING TO BE MY TESTIMONY ON PROFITABILITY.

FURTHER DOWN WHERE IT SAYS "DEMAND", THERE'S NO EVIDENCE THAT -- THAT CONSUMER DEMAND FOR FBS FOOTBALL PRODUCTS AND D1 BASKETBALL PRODUCTS IS TIED TO THE RESTRAINTS ON SHARING OF NAME, IMAGE AND LIKENESS REVENUES.

AND IN OTHER SPORTS, PREDICTIONS BY OWNERS AND SURVEYS OF

FANS, YOU KNOW, CLAIMING DOOM IF ATHLETES WERE PAID MORE, JUST PROVED TO BE FALSE.

FURTHER, THE DEMAND FOR PRODUCTS THAT USE THE NAME, IMAGE AND LIKENESS OF THE ATHLETES IS NOT BEING MET. THERE ARE PRODUCTS OUT THERE, VIDEO GAMES, JERSEYS, BUBBLEHEADS, AND THINGS LIKE THAT, THAT THE MARKET WOULD LIKE TO SEE AND THAT IS NOT BEING MET BECAUSE OF THE RESTRAINT.

THEN ABSENT THE RESTRAINTS, THE UNIVERSITIES WOULD COMPETE VIGOROUSLY, AS THEY ALREADY DO FOR THE ATHLETES, BUT THEY WOULD COMPETE VIGOROUSLY TO SHARE THOSE NAME, IMAGE AND LIKENESS REVENUES WITH THE ATHLETES AS PART OF COMPETITION.

AND THEN FINALLY, COMPETITIVE BALANCE. THERE ISN'T MUCH COMPETITIVE BALANCE IN DIVISION I MEN'S BASKETBALL AND FBS FOOTBALL, AND I WILL BE PRESENTING SOME EVIDENCE AS TO WHY THAT'S THE CASE.

Q. ALL RIGHT.

LET'S GO TO THE FIRST TOPIC, THE NCAA AND ITS MEMBER INSTITUTIONS AND CONFERENCES IS A LARGE PROFITABLE ENTERPRISE.

MR. ISAACSON: CAN I CALL UP DEMONSTRATIVE EXHIBIT 2A.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

BY MR. ISAACSON:

Q. ALL RIGHT. WOULD YOU EXPLAIN TO THE COURT WHAT THIS IS?

A. YES.

SO THIS IS AN -- AN UPDATE OF A TABLE THAT'S IN MY REPORT.

AND IT IS DATA FROM THE -- IT'S CALLED EADA DATA, WHICH I THINK -- I THINK THE COURT HAS ALREADY HEARD ABOUT. BUT THAT IS DATA THAT THE UNIVERSITIES FILE WITH THE FEDERAL GOVERNMENT FOR EACH ATHLETIC DEPARTMENT TO SATISFY THE ACT, THE EQUITY IN ATHLETICS DISCLOSURE ACT.

WHAT WE SEE HERE -- THIS IS FROM 2012-2013, YOU CAN SEE THAT THIS IS -- THIS IS FOR FOOTBALL, WHICH YOU CAN SEE IN THE MIDDLE COLUMN THERE, IT SAYS ABOVE THE WORD "EXPENSE".

AND YOU CAN SEE AT THE TOP, FOR INSTANCE, THE UNIVERSITY OF TEXAS GENERATES $109 MILLION PER YEAR IN FOOTBALL. AGAIN, THIS IS WHAT THEY REPORT TO THE FEDERAL GOVERNMENT. AND THEN THEIR EXPENSES ARE 27 MILLION.

AND SO ONE OF THE -- THE PIECES OF INFORMATION TO LEARN FROM THIS IS THE NET SURPLUS IS VERY LARGE. YOU KNOW, FOR THEM IT'S 81 MILLION.

AND AS YOU GO DOWN THIS LIST, YOU CAN SEE THAT THESE UNIVERSITIES ARE PRODUCING A HIGH NET SURPLUS FROM THEIR FOOTBALL PROGRAMS.

Q. WHO ARE THE SCHOOLS YOU HAVE ON THIS LIST?

A. SO THESE ARE THE BCS SCHOOLS, THE MAJOR SCHOOLS. I THINK THERE'S AROUND 66 SCHOOLS HERE ON THIS LIST.

Q. ALL RIGHT.

MR. ISAACSON: WILL YOU TURN TO THE BOTTOM OF THE CHART, THE SECOND PAGE.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

THE WITNESS: SO THERE'S 60, IF I DO MY MATH RIGHT, THERE'S 69 SCHOOLS ON THIS LIST, AND YOU CAN SEE THAT 65 OF THEM ARE -- ARE, YOU KNOW --

MR. ISAACSON: MATT, CAN YOU BLOW UP THE TOTALS AND THE TOTALS ABOVE THAT?

THE WITNESS: SO 65 OF THEM ARE PRODUCING A NET SURPLUS, WITH ONE OF THEM SHOWING A DEFICIT, AND THEN THREE OF THEM SHOWING A BREAK-EVEN.

BY MR. ISAACSON:

Q. AND THE TOTALS FOR ALL THE BCS SCHOOLS TOGETHER FROM FOOTBALL?

A. RIGHT.

SO YOU CAN SEE THAT, THE TOP OF THE BLOWN-UP PORTION RIGHT THERE SHOWS $2.7 BILLION IN REVENUE FROM THESE 69 SCHOOLS, WITH EXPENSES AT 1.4 BILLION, SO A NET SURPLUS OF ALMOST 1.3 BILLION JUST FROM FBS FOOTBALL AT THESE 69 SCHOOLS.

Q. AND DO ECONOMISTS IN THE FIELD OF SPORTS ECONOMICS OFTEN RELY ON EADA DATA FOR ANALYSIS?

A. YES, THEY DO.

MR. ISAACSON: I WANT TO MOVE EXHIBIT 2A INTO EVIDENCE.

MR. SINGLA: NO OBJECTION, YOUR HONOR.

THE COURT: RECEIVED.

(RASCHER DEMONSTRATIVE EXHIBIT 2A RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. ALL RIGHT.

NOW, THIS WAS THE BCS SCHOOLS. YOU'VE LOOKED AT THE DATA FOR THE NON-BCS SCHOOLS?

A. YES.

Q. WHAT WOULD THAT SHOW IF WE WERE LOOKING AT THAT?

A. I MEAN IT'S SOME -- THE NON-BCS SCHOOLS ARE DOWN -- THEY'RE AT A LOWER TIER THAN THE BCS SCHOOLS. THEY'RE PLAYING FOOTBALL AT A LOWER LEFT, BUT THEY ALSO PRODUCE REVENUES FROM THEIR FOOTBALL PROGRAMS.

MR. ISAACSON: IF WE CAN LOOK AT EXHIBIT -- DEMONSTRATIVE NUMBER 4, "ESTIMATED BROADCAST REVENUE".

BY MR. ISAACSON:

Q. WOULD YOU TELL THE COURT WHAT THIS IS?

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

A. SO THIS IS A -- THIS COVERS A SIX-YEAR PERIOD, 2005-6 THROUGH 2010-11. AND THIS IS ESTIMATED BROADCAST REVENUE FOR EACH OF THE CONFERENCES ON THE LEFT COLUMN. SO YOU CAN SEE AT THE TOP, IT SAYS "ACC", THAT'S THE ATLANTIC COAST CONFERENCE.

DOWN -- YOU GO DOWN A LITTLE BIT AND YOU SEE THE SEC, THE SOUTHEASTERN CONFERENCE WHERE TYRONE PROTHRO USED TO PLAY FOOTBALL FOR ALABAMA. AND YOU CAN SEE IN 2005 AND '6, THEY GENERATED $108 MILLION IN ESTIMATED BROADCAST REVENUE. AND NOW IN 2010-11, THAT'S MORE THAN DOUBLED TO 220 MILLION IN ESTIMATED BROADCAST REVENUE.

Q. ALL RIGHT. AND WHICH CONFERENCES DO YOU HAVE IN THIS CHART?

A. SO THIS SHOULD BE -- I CAN'T SEE THE -- I GUESS THE BOTTOM GOATS DOWN.

THIS IS ALL OF THE CONFERENCES IN DIVISION I. ESSENTIALLY DIVISION I, THE ONES THAT PLAY FOOTBALL AND BASKETBALL, AND THEN FBS FOOTBALL.

Q. AND WHAT'S THE SOURCE OF THIS DATA?

A. SO THIS COMES FROM A VARIETY OF SOURCES. ONE OF -- ONE OF THE -- THIS WAS ONE OF THE BIGGER TASKS THAT I DID.

AND IT DRAWS DATA FROM FORM 990'S, WHICH ARE FORMS THAT THESE NONPROFITS FILE WITH THE FEDERAL GOVERNMENT, ESSENTIALLY THE IRS. SO SOME OF THE FORM 990'S COME FROM THE NCAA ITSELF BECAUSE IT PRODUCES SIGNIFICANT REVENUE FROM ITS MARCH MADNESS BASKETBALL CONTRACT.

SOME OF THE FORM 990'S COME FROM THE INDIVIDUAL CONFERENCES BECAUSE THEY -- THEY, AGAIN, PRODUCE REVENUE NOWADAYS. THEY MAKE A LOT OF REVENUE FROM TELEVISION CONTRACTS. AND THEN THERE ARE FORM 990'S FROM THE FOOTBALL BOWL GAMES.

Q. I WOULD MOVE -- I'M SORRY.

WHAT IS THE TOTAL ESTIMATED BROADCAST REVENUES IF WE LOOK AT THE BOTTOM?

A. SO THE SUM TOTAL OVER THE SIX YEARS IS ABOUT 6.4 BILLION.

MR. ISAACSON: I WOULD MOVE EXHIBIT 4 INTO EVIDENCE,

RASCHER EXHIBIT 4.

MR. SINGLA: NO OBJECTION, YOUR HONOR.

THE COURT: RECEIVED.

(RASHER DEMONSTRATIVE EXHIBIT 4 RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. I WANT TO ASK YOU ABOUT SOME OF THE TV CONTRACTS THAT CONTRIBUTE TO THIS GROWTH.

MR. ISAACSON: CAN WE LOOK AT RASCHER DEMONSTRATIVE 5?

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

BY MR. ISAACSON:

Q. CAN YOU EXPLAIN TO THE COURT WHAT THIS CHART SHOWS?

A. YES.

SO, THE -- THESE ARE CURRENT TELEVISION CONTRACTS FOR THE MAJOR COLLEGE CONFERENCES -- THIS CAME FROM -- THE TOP PART OF THIS CAME FROM MY REPORT. I THINK THERE'S AN UPDATE TO THE SOUTHEAST CONFERENCE CONTRACT.

BUT, IN ANY EVENT, YOU CAN SEE THESE ARE THE -- THE FIVE BIG KIND OF -- WE USED TO CALL THE BCS CONFERENCES. AND YOU CAN SEE UNDER TOTAL DOLLARS THAT THEY ARE ALL, YOU KNOW, THIS 4 BILLION-DOLLAR CONTRACT THAT THE BIG TEN IS CURRENTLY IN, WHICH PAYS EACH YEAR ABOUT $250 MILLION IN BROADCAST REVENUE, WHICH IS ABOUT $20 MILLION PER SCHOOL. AND YOU CAN SEE EACH OF THE CONTRACTS THERE.

AND THEN FURTHER DOWN, I'VE PUT IN THE -- WHAT I JUST

LABELED AS THE "MARCH MADNESS" CONTRACT. AGAIN, THIS IS THE THREE AND A HALF WEEKS OR SO IN MARCH AND THE BEGINNING OF APRIL WHERE THERE ARE 67 GAMES. AND THE NCAA ITSELF IS PAID ABOUT $770 MILLION FOR THOSE 67 GAMES. SO OVER $10 MILLION A GAME TO PUT THAT GAME ON TELEVISION FOR A FEW HOURS.

Q. ALL RIGHT.

MR. ISAACSON: I WOULD MOVE RASCHER EXHIBIT 5 INTO EVIDENCE.

MR. SINGLA: NO OBJECTION, YOUR HONOR.

THE COURT: RECEIVED.

(RASCHER DEMONSTRATIVE EXHIBIT 5 RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. SO, ONCE YOU LOOK AT THE REVENUES, BROADCAST, AND OTHERWISE FOR THESE SPORTS AND THE OTHER INFORMATION FROM YOUR INVESTIGATION, WHAT HAVE YOU LEARNED ABOUT HOW THE POPULARITY OF COLLEGE BASKETBALL AND FBS FOOTBALL COMPARES TO MAJOR LEAGUE SPORTS?

A. IT'S VERY COMPARABLE. IN FACT, THE MARCH MADNESS TOURNAMENT, AS I JUST TALKED ABOUT, IS MORE POPULAR THAN THE NBA PLAYOFFS, WHICH ARE TAKING PLACE RIGHT NOW.

EVEN THOUGH THERE ARE FEWER GAMES IN THE MARCH MADNESS CONTRACT, MORE PEOPLE WATCH IT. IT GENERATES MORE ADVERTISING REVENUE THAN ANY OTHER SPORTING EVENT IN THE UNITED STATES.

Q. LET ME ASK YOU TO LOOK AT RASCHER EXHIBIT DEMONSTRATIVE 6A.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

Q. NOW, THIS IS ACTUALLY A CHART PREPARED BY DR. RUBINFELD, THE EXPERT FOR THE NCAA.

DO I HAVE THAT CORRECT?

A. YES.

Q. AND CAN YOU TELL US WHAT THIS SHOWS?

A. SO ON THE -- ON THE VERTICAL AXIS IS TOTAL ATTENDANCE. SO THIS IS COMPARING IN THE 2009 AND '10 SEASON, THE TOTAL ATTENDANCE IN THE NBA YOU CAN SEE IN THE BLUE COLUMN. THE TOTAL ATTENDANCE IN DIVISION I MEN'S BASKETBALL WHICH IS HIGHER HERE.

AND THEN ON THE RIGHT, THE SHORT LITTLE COLUMN, IS THE D-LEAGUE OR THE NBA DEVELOPMENTAL LEAGUE.

SO YOU CAN CLEARLY SEE THAT DIVISION I MEN'S BASKETBALL, WHEN USING ATTENDANCE, IS MORE COMPARABLE TO THE NBA THAN THIS MINOR LEAGUE, THE D-LEAGUE.

Q. ALL RIGHT. WOULD YOU EXPLAIN TO THE COURT WHAT THE D-LEAGUE IS?

A. THE NBA HAS A DEVELOPMENTAL LEAGUE, IT'S A MINOR LEAGUE THAT IT STARTED WHERE PLAYERS CAN -- CAN ACTUALLY USE IT TO TRAIN COACHES, ESSENTIALLY, AND REFEREES AND PLAYERS. IT'S A HOPE TO JUMP UP INTO THE NBA ITSELF.

MR. ISAACSON: CAN WE LOOK AT EXHIBIT 6 -- RASCHER EXHIBIT -- DEMONSTRATIVE EXHIBIT 6B?

(DEMONSTRATIVE EXHIBIT DISPLAYED ON SCREEN.)

BY MR. ISAACSON:

Q. THIS IS ANOTHER CHART FROM DR. RUBINFELD; IS THAT CORRECT?

A. YES.

Q. AND NOW WE ARE LOOKING AT FOOTBALL. WOULD YOU EXPLAIN WHAT THIS CHART SHOWS?

A. SO, AGAIN, THIS IS ATTENDANCE. AND THIS IS IN THE 2012 SEASON WHERE THE OTHER ONE WAS IN THE 2009-10 SEASON.

THE BLUE ONE IS THE NFL, AND THAT'S THE NFL'S ATTENDANCE THAT SEASON. AND THEN FBS FOOTBALL IS ALMOST UP TO 35 MILLION PEOPLE DURING THAT SEASON.

AND THEN, AGAIN, ON THE RIGHT, THE SHORT LITTLE COLUMN IS THE AFL, WHICH IS THE ARENA FOOTBALL LEAGUE, WHICH ACTUALLY WENT BANKRUPT A FEW YEARS BEFORE THIS -- BEFORE 2012.

MR. ISAACSON: I WOULD MOVE DEMONSTRATIVE 6A AND 6B INTO EVIDENCE.

THE COURT: ANY OBJECTION?

MR. SINGLA: NO OBJECTION, YOUR HONOR.

THE COURT: RECEIVED.

(DEMONSTRATIVE EXHIBIT 6A AND 6B RECEIVED IN EVIDENCE)

MR. ISAACSON: CAN WE SHOW DR. RASCHER DEMONSTRATIVE 6C.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

MR. ISAACSON: THIS IS A QUOTE FROM DR. RUBINFELD.

"TO SUM UP, THERE IS COMPELLING EVIDENCE THAT NCAA

FOOTBALL AND BASKETBALL ARE POPULAR, AND THAT THEIR POPULARITY IS AT THE LEVEL OF THE HIGHEST QUALITY PROFESSIONAL FOOTBALL AND BASKETBALL LEAGUES."

BY MR. ISAACSON:

Q. WHAT IS YOUR OPINION ABOUT WHAT DR. RUBINFELD HAS TO SAY THERE?

A. I AGREE WITH THAT.

Q. NOW, THE CHARTS THAT WE WERE LOOKING AT FROM DR. RUBINFELD FOCUSED ON ATTENDANCE. HOW DO THE SPORTS WE'RE DISCUSSING COMPARE TO PROFESSIONAL TEAMS IN TERMS OF REVENUE?

AND THE -- I WOULD LIKE TO SHOW YOU DEMONSTRATIVE EXHIBIT 7, WHICH I HAVE AN OBJECTION TO.

MR. ISAACSON: THE DEMONSTRATIVE EXHIBIT 7, DO I STILL HAVE AN OBJECTION TO DEMONSTRATIVE EXHIBIT 7?

MR. SINGLA: YES, I'M AFRAID YOU DO.

MR. ISAACSON: OKAY. DEMONSTRATIVE EXHIBIT 7 --

THE COURT: IS THAT THE ONE WE WERE TALKING ABOUT OR SOMETHING ELSE?

MR. ISAACSON: NO, THIS IS A DIFFERENT ONE.

CAN YOU -- CAN WE PUT IT ON THE JUDGE'S SCREEN?

(DEMONSTRATIVE ON SCREEN TO COURT, WITNESS AND COUNSEL.)

MR. ISAACSON: HOPEFULLY YOU HAVE IT ON YOUR SCREEN, YOUR HONOR?

THE COURT: YES.

MR. ISAACSON: OKAY. DEMONSTRATIVE EXHIBIT 7 IS THE

SAME AS AN EARLIER EXHIBIT EXCEPT WHAT WE'VE ADDED IS A COMPARISON TO THE NHL IN THE RIGHT-HAND COLUMN.

THIS IS A VISUAL ILLUSTRATION OF WHAT'S IN FOOTNOTE 26 OF HIS MERITS REPORT WHERE HE COMPARES NHL REVENUE TO SCHOOL REVENUES.

AND THIS IS SOMETHING WE HAD PREVIOUSLY DISCLOSED TO THE NCAA AS WELL AS GIVING THEM THE CITATION.

THE COURT: WHAT'S YOUR OBJECTION?

MR. SINGLA: WE HAVE NO OBJECTION, YOUR HONOR.

THE COURT: ALL RIGHT. RECEIVED.

(RASCHER DEMONSTRATIVE EXHIBIT 7 RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. ALL RIGHT.

SO, HOPEFULLY EXHIBIT 7 IS ON THE FULL SCREEN AT THIS POINT.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

NOW, THIS IS THE CHART THAT WE LOOKED AT, WE LOOKED AT PREVIOUSLY WITH RESPECT TO FOOTBALL REVENUES. BUT THERE'S ALSO A COMPARISON TO NATIONAL HOCKEY LEAGUE REVENUES.

CAN YOU EXPLAIN TO THE COURT WHAT YOU'VE DONE HERE?

A. YES.

SO IN THE PART THAT'S BLOWN UP, YOU CAN SEE -- AND THERE'S UNIVERSITY OF TEXAS AGAIN. THIS IS A FOOTBALL AND BASKETBALL REVENUES. IT'S COMBINED TOGETHER, SO THEY ARE AT 126 MILLION RIGHT THERE. BUT THERE ARE EXPENSES LISTED, AND THEN A NET

SURPLUS OF 89 MILLION.

THEN AS YOU GO DOWN, YOU CAN SEE THAT I'VE DRAWN A LINE THERE. THIS IS THE MEDIUM NATIONAL HOCKEY LEAGUE REVENUE FOR A MEDIAN NHL TEAM DURING THE SAME YEAR. SO THAT'S ABOUT 80 MILLION IN REVENUE. SO A NUMBER OF THESE PROGRAMS ARE GENERATING MORE REVENUE THAN AN NHL CLUB.

Q. THE --

MR. ISAACSON: I WOULD MOVE DEMONSTRATIVE NUMBER 7 INTO EVIDENCE AS RASCHER EXHIBIT 7?

MR. SINGLA: NO OBJECTION.

THE CLERK: YOU ALREADY DID ADMITTED IT.

THE COURT: I THINK YOU DID ALREADY. IT WILL BE RECEIVED IF IT WASN'T.

BY MR. ISAACSON:

Q. NOW, THIS WAS BASED ON EADA DATA AS WELL, CORRECT?

A. YES.

Q. ALL RIGHT. WHAT'S YOUR VIEW OF THE ACCURACY OF THE EADA DATA?

A. WELL, I DON'T QUESTION ITS ACCURACY AS FAR AS WHAT IT'S -- THE -- THE FEDERAL GOVERNMENT IS ASKING IT TO DO, WHICH THEY FILL OUT THESE FORMS AND THEY TURN THEM IN.

BUT IF YOU TRY TO USE THIS TO MAKE ECONOMIC DECISIONS, THE REVENUE IS REALLY -- THIS DOESN'T REPRESENT THE FULL ECONOMIC VALUE OF REVENUES THAT THE ATHLETIC DEPARTMENT -- THAT THE FOOTBALL PROGRAM IN THIS CASE AND BASKETBALL PROGRAM ARE

GENERATING. AND THE EXPENSES ARE ACTUALLY NOT LIKELY TO BE AS HIGH AS THEY ARE LISTED HERE.

AND SO YOU -- YOU KNOW, YOU CAN SEE ON THE RIGHT, YOU GET THESE LARGE NET SURPLUSES. AND IF YOU WERE TO COMPARE THAT TO AN NHL CLUB'S PROFITS, THEIR PROFITS ARE DOWN AROUND 7 MILLION PER TEAM.

SO I THINK THAT'S WHAT'S STRIKING ABOUT THIS. IS NOT ONLY THAT THESE UNDERESTIMATES OF REVENUE AND OVERESTIMATES OF EXPENSE, BUT THE -- THE PROFITABILITY THAT'S PRODUCED FROM THESE IS MUCH HIGHER THAN THESE PROFESSIONAL HOCKEY LEAGUE CLUBS.

Q. WE WILL COME BACK TO THAT TOPIC AND THE DETAILS FOR THAT IN A LITTLE BIT.

I WANT TO ASK YOU ABOUT OTHER EVIDENCE OF POPULARITY OF COLLEGE BASKETBALL AND FOOTBALL RELATIVE TO OTHER SPORTS.

MR. ISAACSON: CAN WE LOOK AT RASCHER DEMONSTRATIVE EXHIBIT 8?

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

BY MR. ISAACSON:

Q. TELL US YOUR VIEWS ABOUT THE POPULARITY OF THESE SPORTS AND WHY THIS EXHIBIT WAS IN YOUR REPORT.

A. SO THIS IS AN ESPN SPORTS POLL. AND THEY ASKED THE RESPONDENTS TO NAME THEIR FAVORITE SPECTATOR SPORT. AND YOU CAN SEE ON THE LEFT IS A 2008 SURVEY AND ON THE RIGHT IS A 2003 SURVEY.

AND IN BOTH CASES, THE NFL IS THE MOST POPULAR RESPONSE. AND THEN YOU SEE BASEBALL BEING SECOND. AND THEN RIGHT AFTER THAT, FOR 2008, YOU SEE COLLEGE FOOTBALL RIGHT THERE ABOVE THE NBA AND THEN COLLEGE BASKETBALL RIGHT BEHIND THE NBA.

AND I THINK WHAT'S INTERESTING ABOUT THIS IS, YOU DON'T SEE THE ARENA FOOTBALL LEAGUE. IT DIDN'T EVEN MAKE THE LIST OR DID THE NBA DEVELOPMENTAL LEAGUE. SO CLEARLY THESE COLLEGE FOOTBALL AND COLLEGE BASKETBALL ARE MUCH MORE AKIN AND SIMILAR IN POPULARITY TO THE NBA AND THE NFL.

Q. NOW, YOU'RE NOT HERE TO TESTIFY ABOUT DAMAGES, BUT YOU DID DAMAGES WORK AS PART OF YOUR WORK IN THIS CASE.

AS PART OF THAT WORK, DID YOU REVIEW DATA ON THE COST OF REBROADCASTING OF GAMES?

A. YES, I DID.

Q. AND YOU PROVIDED THE DATA ON THAT WITH YOUR REPORTS?

A. YES.

Q. WHAT WAS THAT DATA?

MR. SINGLA: OBJECTION, YOUR HONOR. THIS IS NOT IN PROFESSOR RASCHER'S REPORTS. IT'S NOWHERE EXPRESSED IN HIS OPINIONS. HE HAD THREE LONG HAS --

THE COURT: HE SAID IT WAS, SO LET'S GET IT OUT AND SEE WHAT PAGE IT IS ON.

MR. ISAACSON: THIS IS THE --

THE COURT: WHICH REPORT?

MR. ISAACSON: THIS IS HIS DAMAGES REPORT.

THIS IS THE BACKUP DATA THAT HE PROVIDED THAT WAS THE BASIS FOR HIS DAMAGES OPINION. HE'S NOT GOING TO GIVE A DAMAGES OPINION HERE OR ANY OTHER OPINION, HE'S GOING TO JUST SUMMARIZE TO THE EXTENT TO WHICH BROADCAST GAMES --

THE COURT: DO YOU KNOW WHAT HE MEANS BY "DAMAGES REPORT"?

MR. SINGLA: I DO KNOW WHAT HE MEANS BY DAMAGES REPORT. IT IS NOWHERE IN THE DAMAGES REPORT, YOUR HONOR.

THE COURT: HE SAYS IT IS ATTACHED TO IT.

MR. SINGLA: IT IS NOT ATTACHED TO THE DAMAGE REPORT, YOUR HONOR.

THE COURT: HOW CAN THIS BE IN DISPUTE? DO WE HAVE --

MR. SINGLA: BECAUSE --

(SIMULTANEOUS COLLOQUY.)

MR. SINGLA: MR. ISAACSON, JUST LET ME JUST EXPLAIN TO THE COURT AND RESPOND TO THE COURT'S QUESTION.

WE CAN LOOK AT HIS REPORT, WE CAN LOOK AT ALL HIS ATTACHMENTS. I HAVE A BINDER OF THEM HERE. IT IS NOWHERE IN THERE.

WHAT HAPPENS IS, WHEN THE EXPERT ECONOMISTS EXCHANGE THEIR REPORTS, THEY ALSO PROVIDE VOLUMINOUS BACKUP DATA. I MEAN GIGABYTES OF FILES, FILES -- THOUSANDS OF FILES OF RAW DATA.

THIS IS ONE OF, APPARENTLY, ONE OF THOSE RAW DATA FILES THAT HE NOW WANTS, FOR WHATEVER REASON, DR. RASCHER TO TESTIFY

TO.

IF EXPERTS COULD TESTIFY AT TRIAL BASED ON EVERYTHING IN THEIR BACKUP DATA, RULE 26 WOULD BE MEANINGLESS. I MEAN, THIS IS LITERALLY HARD DRIVES FULL OF DATA.

THE COURT: IS THAT TRUE?

MR. ISAACSON: IT IS THE BACKUP DATA. WE PROVIDED -- IF I CAN EXPLAIN WHAT WE ARE DOING HERE.

AND WE PROVIDED THAT TO THEM EARLIER THIS WEEK TO -- TO SHOW THEM WHERE THEY HAD IT.

AND ALL DR. RASCHER WILL SAY HERE IS, AS A SUMMARY WITNESS, IS WHAT PERCENTAGE OF GAMES ARE REBROADCAST WITHIN TOTAL VIEWING. THAT'S IT.

MR. SINGLA: BUT, YOUR HONOR, THIS IS -- IT TOOK ME HOURS TO FIND THE FILE THEY ARE TALKING ABOUT ONCE THEY DISCLOSED THE NAME OF THE FILE. AND WHEN I LOOK AT IT, I HAVE NO UNDERSTANDING WHAT THIS FILE IS. IT'S -- IT'S SPREADSHEETS OF JUST NUMBERS.

HOW CAN AN EXPERT TESTIFY TO THAT WITHOUT A DISCLOSURE?

MR. ISAACSON: THIS IS PERFECTLY APPROPRIATE SUMMARY TESTIMONY OF WHAT IS CLEARLY VOLUMINOUS DATA. IT WAS -- AND IF YOU WANT, WE WILL --

THE COURT: IT PROBABLY SHOULD HAVE BEEN IN HIS REPORT. I HAVE BEEN WONDERING ABOUT IT, FRANKLY. I WISH I KNEW THE ANSWER, BUT I DON'T KNOW WHY IT WOULDN'T HAVE BEEN IN HIS REPORT.

MR. ISAACSON: IT'S IN HIS REPORT THAT HE LOOKED AT --

THE COURT: NO. THAT IT WOULD SAY THE CONCLUSION. THERE ARE "X" NUMBER OF GAMES ARE REBROADCAST OR "X" PERCENTAGE OF GAMES ARE REBROADCAST. THAT WOULD BE USEFUL TO KNOW.

AND I WOULD HAVE THOUGHT IT WOULD BE IN HIS REPORT, BUT IF IT ISN'T, I'M AFRAID COUNSEL IS RIGHT THAT IT'S PREJUDICIAL FOR THEM TO HAVE TO TRY TO REBUT IT NOW.

MR. ISAACSON: THIS FALLS -- THIS FALLS INTO THE EXACT CATEGORY WE WERE DISCUSSING BEFORE OF WHAT A SUMMARY WITNESS IS ALLOWED TO DO.

THE COURT: THEY ARE IF THEY DISCLOSE IT. I'M AFRAID YOU ARE GOING TO HAVE TO GO ON TO SOMETHING ELSE.

MR. ISAACSON: THE DISCLOSURE FOR SUMMARY WITNESS IS 48 HOURS. RIGHT? THAT'S THE STIPULATION. AND THAT HAS BEEN MET HERE. THIS IS NOT -- THIS IS NOT THE SAME THING AS EXPERT DISCLOSURE.

THE COURT: I AM NOT PRIVY TO YOUR STIPULATIONS. I DON'T KNOW WHAT THAT MEANS.

MR. ISAACSON: IT IS ON FILE WITH THE COURT. THE STIPULATION THAT'S ON FILE WITH THE COURT AS TO HOW -- FOR THIS TRIAL, SUMMARY TESTIMONY OR EVIDENCE IS BEING HANDLED IS 48 HOURS DISCLOSURE.

NOW, WE CAN -- WE CAN INCLUDE THIS --

THE COURT: DISCLOSURE OF WHAT?

MR. ISAACSON: OF THE DATA WE'RE SUMMARIZING. NOW, WE CAN --

THE COURT: YOU HAVE TO DISCLOSE THAT YOU HAVE AN OPINION THAT YOU ARE GOING TO BE PRESENTING OR ARE JUST GOING TO GIVE EIGHT GIGABYTES OF DATA, AND THEN SAY AT TRIAL WHAT YOU ARE GOING TO DO WITH IT?

MR. ISAACSON: WE WILL RETREAT ON THIS, AND WHAT WE WILL DO IS PREPARE A SUMMARY EXHIBIT AND OFFER THAT TO THE OTHER SIDE THAT SHOWS THE AMOUNT OF REBROADCAST GAMES BASED ON THESE GIGABYTES OF DATA AND, IF NECESSARY, WE WILL CALL A WITNESS TO PUT IN THAT CHART.

THE COURT: OKAY.

MR. SINGLA: YOUR HONOR, I THINK WE WILL HAVE AN OBJECTION AT THAT TIME, BUT I GUESS WE CAN TAKE IT UP THEN.

BY MR. ISAACSON:

Q. THE -- THERE HAS BEEN DISCUSSIONS OF THE PLAYERS, AND DOES THE UNIFORM THAT MATTERS OR WHO'S IN THE UNIFORM. YOU HAVE DONE RESEARCH ON WHETHER COLLEGE FANS VALUE THE PLAYERS; IS THAT RIGHT?

A. YES, THAT'S RIGHT.

Q. NOW, I GUESS THERE'S A THOUGHT OUT THERE THAT FANS JUST ROOT FOR THEIR ALMA MATER REGARDLESS OF WHAT THE PLAYS ARE OR HOW THE TEAM DOES.

WHAT DOES YOUR RESEARCH SHOW ON THIS?

A. I HAVE CONDUCTED RESEARCH LOOKING AT A COUPLE OF DIFFERENT MEASURES OF DEMAND.

MR. SINGLA: YOUR HONOR, I HATE TO INTERRUPT.

MR. ISAACSON: THIS IS STRAIGHT OUT OF HIS REPORT.

MR. SINGLA: OKAY. I WILL TAKE YOUR WORD FOR IT.

THE WITNESS: SO, I'VE LOOKED AT A COUPLE OF DIFFERENT MEASURES OF DEMAND. ONE OF THEM BEING ATTENDANCE AND ONE OF THEM BEING TELEVISION RATINGS. SO I WILL START WITH THE ATTENDANCE.

AND I WROTE AN ARTICLE -- I CO-AUTHORED AN ARTICLE THAT COMPARED STUDIES IN THE NFL AND NCAA FOOTBALL AND COMPARED EXISTING STUDIES IN THE NBA AND COLLEGE BASKETBALL. AND THE FOCUS OF THOSE STUDIES WAS TO LOOK AT HOW THE QUALITY OF THE TEAM IMPACTS ATTENDANCE.

AND SO IF A TEAM PLAYS WELL, DOES ATTENDANCE GO UP A LOT; IF A TEAM DOESN'T PLAY WELL, DOES ATTENDANCE GO DOWN, WITH THE IDEA BEING THAT THE ATHLETES ARE A MAJOR PART OF WHAT MAKES A TEAM PLAY WELL. AND IF FANS WERE JUST ROOTING FOR LAUNDRY -- AS JERRY SEINFELD SAYS, IF THEY WERE JUST ROOTING FOR THE NAME ON THE FRONT, THE NAME OF THE SCHOOL AS OPPOSED TO THE NAME ON THE BACK, WINNING SHOULDN'T MATTER THAT MUCH. THE QUALITY OF THE TEAM SHOULDN'T MATTER THAT MUCH.

THERE'S RESEARCH THAT SHOWS THAT -- THIS MAY BE GETTING TECHNICAL, BUT THAT THE PRODUCTION FUNCTION OF A BASKETBALL GAME IS THE SAME AS -- IN NCAA BASKETBALL AS IT IS IN THE NBA,

MEANING THAT POINTS AND REBOUNDS AND EVERYTHING AFFECT WINNING IN THE SAME WAY.

SO I WANTED TO SEE WHETHER WHEN A TEAM WINS OR LOSES, DOES IT DRIVE DEMAND UP OR DOWN. AND THE -- THE EXISTING RESEARCH SHOWS, AND THE PAPER I WROTE SHOWS THAT, IN FACT, IN COLLEGE FOOTBALL AND IN COLLEGE BASKETBALL, WHEN A TEAM WINS, IT HAS A BIGGER IMPACT ON DEMAND. AND WHEN A TEAM LOSES IT HAS -- YOU KNOW AND DRIVES DEMAND DOWN EVEN MORE THAN THE NFL, MEANING THAT THE WINNING AND LOSING BY THE TEAMS IS IMPORTANT TO THE FANS, AND THE PLAYERS DRIVE THAT WINNING AND LOSING.

Q. AT THE RISK OF GETTING OVERLY TECHNICAL, CAN WE LOOK AT RASCHER DEMONSTRATIVE EXHIBIT 9?

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

NOW, THIS IS THE RESULT OF THE STATISTICAL ANALYSIS THAT WAS IN YOUR REPORTS. AND WITHOUT GOING THROUGH ALL THE STATISTICAL ANALYSIS, BECAUSE THERE'S COEFFICIENTS HERE AND THINGS, CAN YOU EXPLAIN TO THE COURT WHAT THIS SHOWS AND WHY IT SHOWS THAT?

A. YES.

SO, THIS -- SO THAT WAS ABOUT ATTENDANCE AND THAT WAS -- A LOT OF EXISTING STUDIES, AND THIS I TOOK SOME OF THE TELEVISION VIEWING -- VIEWERSHIP DATA THAT WE HAVE IN THIS CASE, AND I LOOKED AT TV RATINGS AS A MEASURE OF DEMAND.

SO NOT JUST ATTENDING A GAME, WHICH WAS BEFORE, BUT NOW YOU CAN WATCH ON TELEVISION, TURN THE CHANNELS, TURN THE TV

OFF, AND SO FORTH.

AND WHAT THIS SHOWS IS THAT WINNING MATTERS. THAT TOP LINE THERE IS HOME TEAM QUALITY, AND THE COEFFICIENT .19 IS STATISTICALLY -- VERY STATISTICALLY SIGNIFICANT, WHICH ISN'T SURPRISING. I MEAN THIS -- THIS -- THE CONCEPT OF WINNING AFFECTING DEMAND IS NOT SURPRISING.

Q. IF I CAN INTERRUPT YOU.

WHEN YOU SAY "VERY STATISTICALLY SIGNIFICANT", WHAT DO YOU -- HOW STATISTICALLY SIGNIFICANT?

A. SO AT THE BOTTOM THERE'S THREE LITTLE STARS. AND IT SAYS THAT THE P VALUE IS LESS THAN .01. IT MEANS THAT 99 PERCENT -- AT LEAST 99 PERCENT CONFIDENT THAT -- THAT HOME TEAM QUALITY AFFECTS TELEVISION HOME VIEWERSHIP.

BUT WHAT'S IMPORTANT ABOUT THIS IS THAT WHEN YOU CONVERT THE COEFFICIENT TO ELASTICITY, WHAT WE WERE TALKING ABOUT BEFORE, WHEN TEAMS WIN IN COLLEGE -- IN COLLEGE FOOTBALL, ATTENDANCE -- VIEWERSHIP, RATHER, GOES UP A LOT. AND WHEN TEAMS DON'T WIN, VIEWERSHIP GOES DOWN, THEY CHANGE THE CHANNELS, AND THAT'S EVEN HIGHER THAN IT IS IN THE NFL.

IN OTHER WORDS, FANS CARE MORE ABOUT THE WINNING AND LOSING WHEN THEY MAKE THEIR DECISION ON WATCHING A COLLEGE FOOTBALL GAME THAN EVEN IN THE NFL.

Q. NOW I WOULD LIKE TO THINK THAT IT'S OBVIOUS WHAT THE IMPACT IS ON PLAYERS IS ON WINNING, BUT TELL ME WHAT THE RESEARCH SHOWS.

A. SO THAT'S WHAT THE RESEARCH SHOWS, THAT -- THAT -- AND IT IS SOMEWHAT OBVIOUS, BUT THE RESEARCH SHOWS THAT, IN FACT, THE PLAYERS CAUSE THE POINTS AND THE REBOUNDS AND THOSE THINGS TO HAPPEN, AND THAT'S THE SAME PRODUCTION FUNCTION.

IN FACT, IN THE WHITE CASE THEY FOUND THE SAME THING; THAT -- THAT THE NBA AND THE NFL HAD SIMILAR PRODUCTION FUNCTIONS TO COLLEGE FOOTBALL AND COLLEGE BASKETBALL.

Q. ALL RIGHT.

I WANT TO MOVE ON TO ANOTHER TOPIC NOW, AND THAT'S DATA ON -- ACCOUNTING DATA ON BASKETBALL AND FOOTBALL THAT'S IN THIS CASE.

NOW, HAVE YOU REVIEWED DATA REPORTED BY PROFESSOR FULKS OF TRANSYLVANIA UNIVERSITY?

A. YES.

Q. WHO RELIES ON THAT FULKS' DATA IN THIS CASE?

A. LET'S SEE. TODD PETR WHO'S A -- I DON'T KNOW IF HE'S A WITNESS, BUT HE SUBMITTED, I THINK, A DECLARATION FOR THE OTHER SIDE.

DR. DAN RUBINFELD, DR. LAUREN STIROH, AND DR. JAMES HECKMAN THEY ARE ALL ECONOMISTS FOR THE NCAA.

Q. ALL RIGHT. AND WOULD YOU EXPLAIN -- SO NOW WE HAVE THE EADA DATA AND WE HAVE SOME DATA FROM PROFESSOR FULKS. WOULD YOU EXPLAIN HOW THOSE RELATE TO EACH OTHER?

A. SO, PROFESSOR FULKS, ESSENTIALLY, CREATES THESE SUMMARY -- NOW THEY ARE ANNUAL, THEY USED TO BE EVERY THREE YEARS --

CREATES THESE SUMMARY TABLES AND CHARTS. I GUESS THEY ARE FOR THE NCAA, BUT THEY ARE FOR PEOPLE TO READ. AND THEY TALK ABOUT, YOU KNOW, REVENUES AND EXPENSES FOR FOOTBALL AND BASKETBALL AND ALL THE DIFFERENT SPORTS AT ALL THE DIFFERENT DIVISION LEVELS.

AND THAT DATA SEEMS TO BE COLLECTED ALONG WITH THE EADA DATA, BUT IT'S MORE -- IT'S EVEN MORE DETAILED.

Q. ALL RIGHT. AND WE'LL GO INTO SOME DETAIL ON THIS, BUT WHAT IS YOUR HIGH-LEVEL OPINION OF THE DATA THAT PROFESSOR FULKS PROVIDES?

A. SO THE -- THERE ARE PROBLEMS WITH THAT DATA IN CONDUCTING ECONOMIC ANALYSIS. AGAIN, I THINK IT'S PROBABLY FINE FOR WHATEVER HIS PURPOSES MIGHT BE, BUT IT IS MISLEADING AND IT MISCHARACTERIZES THE ECONOMIC VALUE OF THESE ATHLETIC DEPARTMENTS IN WHOLE AND THEN SPECIFICALLY IN FOOTBALL AND MEN'S BASKETBALL SPORTS.

Q. AND DR. STIROH, AMONG OTHERS IN THIS CASE, CONTENDS THAT IF AN INJUNCTION WERE ENTERED, THAT THE COST OF THAT WOULD BE SO HIGH THAT DIVISION I FOOTBALL AND BASKETBALL PROGRAMS WOULD QUIT.

BASED ON YOUR ANALYSIS OF THE FINANCIAL INFORMATION, WHAT IS YOUR RESPONSE TO THAT?

A. I JUST THINK THAT IS FALSE. THERE IS -- THERE IS -- THERE IS SO MUCH FINANCIALLY, ECONOMICALLY, AND OTHERWISE THAT'S GAINED BY BEING IN DIVISION I, AS WE SEE THE MULTITUDES OF

SCHOOLS CONSTANTLY TRYING TO ENTER DIVISION I. THAT'S JUST FALSE.

Q. NOW, WITH RESPECT TO THE FULKS' DATA, WHAT DIVISIONS DOES IT INCLUDE?

A. SO, AS YOU -- THE FULKS' DATA INCLUDES DIVISION I, WHICH IS DIVISION I MEN'S BASKETBALL HERE AND DIVISION I MEN'S FOOTBALL, AND ALL THE OTHER SPORTS. AND THEN ALSO DIVISION II, THE HUNDREDS OF SCHOOLS IN DIVISION II, AND THE HUNDREDS OF SCHOOLS IN DIVISION III, WHICH ARE NOT RELEVANT TO THIS.

Q. WHAT SPORTS ARE INCLUDED IN THE FULK DATA?

A. SO THE FULKS' DATA NOT ONLY INCLUDES FOOTBALL AND BASKETBALL, BUT IT ALSO LUMPS IN ALL THE OTHER SPORTS, GOLF, AND SWIMMING, AND TENNIS, AND THEY HAVE WOMEN'S BOWLING AS A SPORT.

Q. IS THE FULKS' DATA AUDITED, OR SOMETHING LIKE THAT?

A. SO HE DOESN'T -- IT'S-- IT'S A LITTLE UNCLEAR. IT DOESN'T SAY THAT IT IS AUDITED, BUT THERE'S ACKNOWLEDGMENTS WHERE HE THANKS MEMBERS OF THE NCAA AND HE THANKS HIS ASSISTANT, WHO IS HIS WIFE. IT DOESN'T SAY THAT ANYBODY WAS BROUGHT IN TO CHECK THE DATA OR ANYTHING LIKE THAT.

Q. ALL RIGHT.

AND BASED ON YOUR WORK IN THIS FIELD -- I'M SORRY.

THE UNIVERSITIES REPORT THIS DATA TO PROFESSOR FULKS AT TRANSYLVANIA UNIVERSITY?

A. YES. I'M NOT EXACTLY CLEAR HOW HE GETS IT. I JUST DON'T

KNOW. BUT IT SEEMS TO BE IN CONJUNCTION WITH WHEN THEY REPORT THEIR EADA DATA, THEY ALSO REPORT THIS DATA TO HIM.

Q. ALL RIGHT.

WHAT'S YOUR OPINION OF THE RELIABILITY OF THE REVENUES AND EXPENSES THAT ARE REPORTED BY UNIVERSITIES IN THAT DATA?

A. AS I STATED BEFORE A LITTLE BIT WITH THE EADA DATA, THE REVENUES ARE REALLY UNDER REPRESENTED. THE -- THE TRUE FINANCIAL -- THE REVENUES THAT THE FOOTBALL AND MEN'S BASKETBALL PROGRAMS GENERATE ARE HIGHER THAN FULKS LISTS AND THE EXPENSES ARE LIKELY TO BE LOWER.

Q. AND IS THERE DISCUSSION IN THE ECONOMICS LITERATURE OF THE RELIABILITY OF THE INFORMATION REPORTED BY UNIVERSITIES FOR REVENUES AND EXPENSES WITH RESPECT TO THEIR ATHLETIC DEPARTMENTS?

A. YES. THERE'S -- THERE'S RESEARCH THAT ACTUALLY LOOKS AT -- AT -- AND KIND OF COMPARES WHAT YOU WOULD SAY. COMPARES THE FULKS' DATA TO KIND OF -- YOU KNOW, TAKES IT FROM THIS -- I DON'T KNOW WHAT TO CALL IT, JUST ACCOUNTING STATEMENT AND TRIES TO MAKE AN ECONOMIC PICTURE OF IT.

Q. ALL RIGHT.

MR. ISAACSON: I WOULD LIKE TO SHOW YOU DEMONSTRATIVE EXHIBIT 10, WHICH, AS OF LAST NIGHT, I HAD AN OBJECTION TO CERTAIN WORDS ON THIS.

DO I STILL HAVE THAT OBJECTION?

MR. SINGLA: I AM NOT SURE BECAUSE I DON'T HAVE YOUR

NUMBER.

MR. ISAACSON: IT'S THE EXAMPLES OF POSSIBLE RELATED-PARTY TRANSACTIONS.

MR. SINGLA: IF IT IS THE SAME DOCUMENT THAT YOU SENT ME, I DO HAVE A FEW OBJECTIONS TO SOME OF THE EXAMPLES THAT ARE NOT IN HIS REPORT.

MR. ISAACSON: RIGHT.

THERE IS A CHART THAT IS TAKEN FROM HIS REPORT WHERE WE HAVE ADDED THE NAMES OF CERTAIN UNIVERSITIES WITHOUT ANY SUBSTANCE ATTACHED TO IT.

I'M ASSUMING YOU'RE -- YOUR OBJECTION IS MORE TO THE -- ANY TESTIMONY ABOUT THOSE UNIVERSITIES THAN THE ACTUAL LISTING OF THEIR NAMES ON THE CHART.

MR. SINGLA: I DON'T HAVE AN OBJECTION TO SHOWING THE COURT THE CHART THE WAY YOU HAVE IT JUST FOR CONVENIENCE PURPOSES, AS LONG AS THERE IS NOT TESTIMONY OUTSIDE THE REPORTS.

IF YOU WANT TO SUBMIT IT TO THE COURT LATER, I WOULD SUGGEST STRIKING THOSE UNIVERSITIES.

MR. ISAACSON: IF WE CAN SHOW EXHIBIT -- DEMONSTRATIVE EXHIBIT 10.

(DEMONSTRATIVE DISPLAYED TO COURT, WITNESS AND COUNSEL.)

AND THIS IS VERBATIM FROM HIS REPORT EXCEPT WITH THE -- THERE'S CERTAIN BULLET POINTS IN THE FIRST UPPER LEFT-HAND CORNER WHERE YOU SEE THE NAMES OF SOME UNIVERSITIES, YOUR

HONOR. AND THESE ARE SIMPLY EXAMPLES THAT HE WOULD BE PREPARED TO TESTIFY THAT EXEMPLIFY THE POINTS THAT HE MADE IN HIS REPORT.

THE COURT: I HAVE LOST THE THREAD HERE. IS THERE AN OBJECTION -- ARE YOU ASKING ME SOMETHING?

MR. ISAACSON: HE IS OBJECTING TO DR. RASCHER PROVIDING ANY EXAMPLES THAT ILLUSTRATE THE TESTIMONY HE GAVE IF THE EXAMPLE WAS NOT IN HIS REPORT.

THE COURT: DOES HE HAVE EXAMPLES IN HIS REPORT THAT HE COULD USE INSTEAD?

THE WITNESS: I HAVE TWO.

THE COURT: OKAY. LET'S GO WITH THOSE THEN.

MR. ISAACSON: ALL RIGHT. THAT'S WHAT WE WILL DO.

BY MR. ISAACSON:

Q. KEEPING WITH EXHIBIT 10, THIS SAYS -- IT'S TITLED "EXAMPLES OF POSSIBLE RELATED-PARTY TRANSACTIONS".

FIRST OF ALL, WHAT'S THE HISTORY OF THIS CHART? DID THIS BEGIN WITH YOUR REPORT?

A. NO. THIS IS A CHART I USE ALL THE TIME WHEN I TEACH MY SPORTS ECONOMICS AND FINANCE CLASS. WHEN WE GO OVER THE ECONOMICS OF COLLEGE SPORTS, I KIND OF BRING THIS OUT TO KIND OF START THE CONVERSATION.

Q. AND WHY DO YOU USE THE -- WHY DO YOU USE RELATED-PARTY TRANSACTIONS IN THE TITLE?

A. WELL -- SO IT HARKENS BACK TO WHAT WE JUST TALKED ABOUT

WITH THE FULKS' DATA.

IT LOOKS LIKE ON PAPER SOMETIMES THESE ATHLETIC DEPARTMENTS ARE LOSING MONEY. AND SO I TALK ABOUT THE WAYS IN WHICH THE ATHLETIC DEPARTMENT ITSELF INTERACTS WITH THE REST OF THE SCHOOL.

AND, YOU KNOW -- SO THERE'S -- THERE ARE TRANSACTIONS THAT TAKE PLACE BETWEEN THE ATHLETIC DEPARTMENT AND THE SCHOOL IN SUCH A WAY THAT -- THAT WHEN YOU LOOK AT IT ECONOMICALLY, THESE ATHLETIC DEPARTMENTS ARE MORE PROFITABLE THAN SAY THE FULKS' DATA WOULD SHOW THEM TO BE.

Q. ALL RIGHT. LET'S WALK THROUGH THIS CHART.

THEIR FIRST CATEGORY IS REVENUES UNDER-VALUED. IT LISTS CONCESSIONS, SPORTS CAMPS, LICENSING, MERCHANDISE, BOOK STORE, PARKING.

WOULD YOU EXPLAIN TO THE COURT YOUR TESTIMONY ABOUT THESE ITEMS, AND PLEASE CONFINE ANY EXAMPLES YOU GIVE TO EXAMPLES FROM YOUR REPORT.

A. OKAY.

SO I LIST THESE ARE REVENUES UNDER-VALUED. SOMETIMES THEY ARE LISTED ON THESE ATHLETIC DEPARTMENT ACCOUNTING STATEMENTS. SOMETIMES THEY ARE NOT.

SO, FOR EXAMPLE, WITH CONCESSIONS, IF -- IF, YOU KNOW, WESTERN KENTUCKY UNIVERSITY, WHICH IS ONE OF THE EXAMPLES SO I WILL MENTION THEM, WHEN THEY HAVE A FOOTBALL GAME, AND FANS SHOW UP AND THEY BUY HOT DOGS AND COKES AND EVERYTHING WHICH

IS DRIVEN BY THE FACT THAT THE FOOTBALL TEAM IS PLAYING, A LOT OF TIMES THOSE REVENUES ARE REPORTED SOMEWHERE ELSE ON CAMPUS.

SO EVEN THOUGH THE ATHLETIC DEPARTMENT IS GENERATING THOSE REVENUES, THE CREDIT FOR THOSE REVENUES SHOWS UP SOMEWHERE ELSE SO IT LOOKS LIKE THEY ARE NOT MAKING AS MUCH REVENUE AS THEY TRULY ARE.

AND MY EXAMPLE WITH WESTERN KENTUCKY, THERE WAS AN ACTUAL RESEARCH ARTICLE THAT WENT INTO THAT AND LOOKED AT THESE DIFFERENT RELATED-PARTY TRANSACTION, WESTERN KENTUCKY, AND THEY NOTED THAT, YES, IN FACT, THIS PROGRAM WAS GENERATING CONCESSIONS THAT -- THAT WEREN'T SHOWING UP ON THE ATHLETIC DEPARTMENT'S FINANCIAL STATEMENTS.

Q. WOULD YOU TAKE US THROUGH THE OTHER CATEGORIES OF REVENUES THAT ARE UNDER-VALUED?

A. SO THEN SPORTS CAMPS, THESE UNIVERSITIES OFFERS SPORTS CAMPS AND SOMETIMES THOSE REVENUES DON'T SHOW UP ON -- ON THE ATHLETIC DEPARTMENT FINANCIAL STATEMENTS.

LICENSING IS PART OF THIS CASE, OBVIOUSLY, IS A GROWING AREA OF REVENUE FOR THESE UNIVERSITIES. AND SOMETIMES THOSE REVENUES DON'T SHOW UP ON -- ON THE -- AND THESE CAN BE MILLIONS OF DOLLARS, MILLIONS OF DOLLARS A YEAR, AND YET THEY DON'T SHOW UP ON THE FINANCIAL STATEMENTS OF THE -- OF THE ATHLETIC DEPARTMENT.

THE SAME WITH MERCHANDISE AND PARKING. AND SO ALL THESE REVENUES THAT ARE GENERATED FROM THE ATHLETIC EVENTS AND THE

ATHLETIC DEPARTMENT GET CREDITED SOMEWHERE ELSE ON CAMPUS. AND THAT'S FINE IN THE SENSE THAT IT DOESN'T REALLY MATTER. BUT IF YOU WANT TO LOOK AT THE ECONOMICS OF THAT ATHLETIC DEPARTMENT, YOU NEED TO BRING THOSE BACK INTO THE ATHLETIC DEPARTMENT AND THEN LOOK AT THEM.

Q. AND WHEN YOU ARE REFERRING TO MERCHANDISE, YOU ARE REFERRING TO IF I GO INTO THE UNIVERSITY BOOK STORE AND BUY A FOOTBALL JERSEY OR BASKETBALL JERSEY?

A. YES.

Q. NOW THERE'S ANOTHER CATEGORY OF REVENUES NOT LISTED.

WOULD YOU EXPLAIN YOUR TESTIMONY TO THE COURT ABOUT THESE CATEGORIES?

A. SO THIS -- YES. SO THESE ITEMS HERE ARE TYPICALLY NOT LISTED AS BEING RELATED TO ATHLETICS, YET THIS IS REALLY ONE OF THE BIG REASONS WHY ATHLETIC -- UNIVERSITIES OFFER DIVISION I SPORTS. RIGHT?

IT'S OFTEN SAID THAT -- THAT, YOU KNOW, THE ATHLETIC DEPARTMENT IS THE FRONT PORCH OF THE UNIVERSITY. THAT'S HOW PEOPLE VIEW THE ATHLETIC DEPARTMENT.

AND YOU CAN SEE AT THE BOTTOM OF THIS LIST, BEFORE I KIND OF GO DOWN IT, I WANT TO JUMP TO THE BOTTOM.

THE MEDIA COVERAGE OF THESE UNIVERSITIES, FOR BETTER OR WORSE, IS ABOUT ATHLETICS. THERE WAS A STUDY SHOWING WESTERN KENTUCKY UNIVERSITY, 90 PERCENT OF THE COVERAGE OF THAT SCHOOL IS COVERAGE OF ATHLETICS.

EVEN NORTHWESTERN UNIVERSITY, A GREAT ACADEMIC INSTITUTION, 70 PERCENT OF THE COVERAGE OF THAT UNIVERSITY IS ATHLETICS.

SO ATHLETICS PROVIDES A WINDOW INTO THE UNIVERSITY. IT PROVIDES A PUBLIC RELATIONS FOR THE UNIVERSITY. AND THEN THAT LEADS TO A WHOLE BUNCH OF THINGS ON THE -- ON THE LIST RIGHT ABOVE WHERE IT SAYS "MEDIA COVERAGE".

Q. YOU WERE HERE WHEN MR. PILSON TALKED ABOUT THE VALUE OF MEN'S I -- DIVISION I BASKETBALL AND FBS FOOTBALL AND PROMOTING A UNIVERSITY. WAS THAT SOMETHING YOU AGREED WITH?

A. THAT'S EXACTLY RIGHT. YES.

Q. ALL RIGHT. CONTINUE DOWN THROUGH THE OTHER CATEGORIES OF REVENUES NOT LISTED, PLEASE.

A. SO ON THIS -- SO DOWN ON THIS LIST, AND I'LL GO THROUGH THE CATEGORIES, HOPEFULLY QUICKLY, THERE IS PUBLISHED PEER REVIEWED RESEARCH THAT LOOKS AT THESE ISSUES AND SHOWS THAT THEY ARE, IN FACT, SIGNIFICANT FACTOR IN PROMOTING THE UNIVERSITY.

SO, ATHLETIC DONATIONS TO THE UNIVERSITY, BOTH DONATIONS TO ATHLETICS, BUT ALSO DONATIONS TO THE UNIVERSITY AS A WHOLE. THE NUMBER OF APPLICATIONS KIND OF, OFTEN CALLED THE FLUTIE EFFECT, MEANING THAT WHEN THERE'S A GREAT PLAY OR A TEAM HAS A GREAT SEASON, ALL OF A SUDDEN THE NUMBER OF STUDENTS WHO APPLY GOES UP. AND THAT BENEFITS UNIVERSITIES IN MANY WAYS.

Q. THERE ARE PEOPLE -- DOUG FLUTIE WAS A FAMOUS COLLEGE

QUARTERBACK, RIGHT?

A. RIGHT. AND HE THREW THIS FAMOUS TOUCHDOWN PASS AGAINST UNIVERSITY OF MIAMI. I REMEMBER WATCHING IT AT A HOT DOG SHOP WHEN I WAS IN HIGH SCHOOL. AND LITERALLY -- I STILL REMEMBER IT. SO THINK ABOUT THAT. THINK ABOUT WHAT THAT MEANS. AND LITERALLY THE NEXT YEAR, THE NEXT FEW YEARS THEIR APPLICATIONS SHOT UP BECAUSE PEOPLE THOUGHT MAYBE I WANT TO ATTEND BOSTON COLLEGE UNIVERSITY -- OR BOSTON COLLEGE.

AND NOT ONLY DO APPLICATIONS GO UP, BUT ACTUALLY THE NUMBER OF STUDENTS WHO ARE ENROLLED GOES UP, AND THAT BENEFITS UNIVERSITY BECAUSE THEY CAN INCREASE THE QUALITY OF THE INCOMING CLASS, THEY CAN INCREASE THE SIZE OF THE INCOMING CLASS IF THEY WANT TO.

RIGHT BELOW THAT IS FRESHMAN QUALITY. AGAIN, THE RESEARCH SHOWS THAT THERE'S AN INCREASE IN GPA'S AND SAT'S WHEN THE ATHLETIC DEPARTMENT PLAYS WELL AMONGST THE STUDENTS WHO APPLY.

AND THEN RETENTION. IT'S -- YOU KNOW, UNIVERSITY OF SAN FRANCISCO WHERE I TEACH, AND AT MANY SCHOOLS, THERE'S OFTEN A DROP-OFF IN RETENTION FROM FRESHMAN YEAR TO SOPHOMORE YEAR. AND THE RESEARCH SHOWS THAT A SUCCESSFUL ATHLETIC PROGRAM CAN KEEP THAT -- KEEP THOSE STUDENTS FROM LEAVING CAMPUS AND THEY EVENTUALLY WILL GRADUATE.

AS I MENTIONED, DONATIONS.

AND THEN FOR SCHOOLS THAT ARE CAPACITY CONSTRAINED, MEANING THAT, SURE, THEY GET MORE APPLICATIONS, BUT THEY CAN'T

INCREASE ENROLLMENT, THEY CAN ACTUALLY INCREASE THEIR TUITION. AND, AGAIN, RESEARCH HAS SHOWN THAT'S THE CASE, TOO.

SO THERE'S ALL THESE BENEFITS TO THE UNIVERSITY. AND THIS IS -- I -- I DON'T THINK THIS IS IN DISAGREEMENT WITH THE NCAA, BUT ALL THESE BENEFITS TO -- TO THE UNIVERSITY THAT ARE PROVIDED BY THE ATHLETIC DEPARTMENT, THAT IF YOU JUST LOOK AT THE FINANCIALS OF THE ATHLETIC DEPARTMENT BY THEMSELVES, YOU DON'T SEE ALL THOSE OTHER BENEFITS, BOTH FINANCIAL AND NONFINANCIAL.

Q. THERE'S A CATEGORY IN THE UPPER RIGHT-HAND CORNER "EXPENSES THAT ARE OVER-VALUED".

WOULD YOU EXPLAIN THIS CONCEPT AND THE CATEGORIES THERE?

A. SO, THE FIRST ITEM IS GIA. THAT'S THE GRANT IN AID OR WHAT PEOPLE CALL THE SCHOLARSHIP THAT WE HAVE BEEN TALKING ABOUT. THAT CONSISTS OF FOOD, BOOKS, ROOM AND TUITION.

WELL, ATHLETIC DEPARTMENTS ARE TYPICALLY CHARGED THE RETAIL PRICE FOR THOSE THINGS. SO AS AN EXAMPLE, FOOD. WHEN THEY -- WHEN THEY HAVE THE TRAINING TABLE AND EVERYTHING, THEY CHARGE THE -- AND WHEN THE ATHLETE GETS THEIR CARD AND THEY CAN EAT ON CAMPUS AS PART OF THEIR SCHOLARSHIP, THEY CHARGE THE RETAIL PRICE FOR THAT FOOD, WHEN THE ACTUAL COST OF PROVIDING THAT IS MUCH LOWER. IN THIS CASE, WHAT I HAVE LISTED THERE IS ABOUT 40 PERCENT OF THE -- OF THE RETAIL PRICE.

SO EVEN THOUGH IT'S A TRANSACTION BETWEEN THE SCHOOL, THEY

ARE, IN SOME SENSE, OVERCHARGING THE ATHLETIC DEPARTMENT FOR WHAT IT TRULY COSTS.

AND THAT'S TRUE WITH BOOKS. AND -- AND DORM ROOMS ARE -- ARE FAIRLY INEXPENSIVE TO MAINTAIN FROM A COST PERSPECTIVE, AND YET THEY CHARGE THE FULL RENTAL RATE OF THE DORM ROOM TO THE ATHLETIC DEPARTMENT, AGAIN, DRIVING UP ITS EXPENSES.

Q. WHAT ABOUT TUITION?

A. YEAH, I THINK TUITION IS POTENTIALLY THE -- THE, YOU KNOW, THE LARGEST FACTOR HERE.

IN FACT, WHEN YOU LOOK AT AN ATHLETIC DEPARTMENT, THE GRANT IN AID IS OFTEN ONE OF THE -- IT'S ONE, TWO OR THREE EXPENSES. IT USED TO BE NUMBER ONE IN COACHES' SALARIES AS THEY HAVE BEEN SHOOTING UP AND KIND OF NOW BECOME THE BIGGEST EXPENSE.

BUT THE GRANT IN AID, THE SCHOLARSHIP IS ONE OF THE HIGHEST EXPENSES, AND THAT'S MOSTLY DRIVEN BY TUITION. AND IF YOU THINK ABOUT WHAT TUITION IS, IT'S JUST MONEY COMING OUT OF ONE POCKET AND GOING INTO THE OTHER. IT'S JUST LEAVING THE ATHLETIC DEPARTMENT, BUT THEN IT'S ENDING UP ON COMPASS, SAY IN THE REGISTRAR'S OFFICE.

SO IT'S NOT A NET LOSS TO THE UNIVERSITY, AND YET THEY ARE CHARGING THAT AGAINST THE -- CHARGING THAT AGAINST THE ATHLETIC DEPARTMENT.

Q. THE -- THERE ARE SOME EXPENSES, HOWEVER, THAT GO THE OTHER WAY. YOU HAVE EXPENSES NOT LISTED.

WOULD YOU EXPLAIN WHAT THAT IS?

A. RIGHT. AND SO I'VE SEEN THIS STARTING TO CHANGE OVER TIME WHEN YOU LOOK AT THESE ACCOUNTING STATEMENTS.

BUT SOMETIMES THEY DON'T INCLUDE -- SO AFTER THE FOOTBALL GAME, SOMEBODY HAS TO COME AND CLEAN UP. RIGHT? AND, YOU KNOW, THE ATHLETIC DEPARTMENT IS NOT ALWAYS CHARGED FOR THAT, AND YET THAT'S AN EXPENSE, THAT'S A COST THAT THEY ARE CREATING. SO THAT WOULD, IN SOME SENSE, INCREASE THEIRS COSTS AS OPPOSED TO -- YOU KNOW, SO IT'S KIND OF A MISSING ITEM ON THE EXPENSE LIST SOMETIMES.

Q. YOU USE THE TERM "GOLD PLATING" IN THIS CHART. WHAT DID THAT REFER TO?

A. SO GOLD PLATING IS A TERM THAT I USE HERE TO REPRESENT WHAT HAPPENS ON -- IN THESE ATHLETIC DEPARTMENTS AND IN SOME SENSE UNIVERSITIES AS A WHOLE. THESE NONPROFITS, THEY GENERATE AS MUCH REVENUE AS THEY CAN, BUT THEN THEY SPEND IT. AND THEY HAVE TO FIND WAYS TO SPEND IT.

THIS HAS BEEN SHOWN IN -- IN RESEARCH FOR DECADES IN THE -- IN THE ECONOMICS FOR EDUCATION LITERATURE. THERE'S A -- THERE'S SOMETHING KIND OF A FAMOUS NOTION CALLED BOWEN'S REVENUE THEORY OF COST, WHICH IT SAYS, THE SCHOOL WILL GENERATE AS MUCH REVENUE AS THEY CAN, AND THEN THEY WILL SPEND IT. SO THEY HAVE TO FIND WAYS TO SPEND IT.

SO THEY WILL SPEND IT ON THINGS THEY PROBABLY DON'T NEED TO SPEND IT ON, BUT THERE'S NO SHAREHOLDERS OR ANYONE TO TAKE

THE DIVIDENDS OUT OF THE UNIVERSITY, SO THEY JUST CONTINUE TO RE-SPEND IT.

Q. ALL RIGHT.

NOW WHAT IS THE NET EFFECT OF ALL THESE ITEMS THAT YOU'VE DISCUSSED IN THIS EXHIBIT IN YOUR OPINION ON THE OVERALL FINANCIAL PICTURE OF THE UNIVERSITIES AND FOOTBALL AND BASKETBALL?

A. SO THE NET EFFECT IS THAT WHAT MIGHT LOOK LIKE A LOSS IN THESE ATHLETIC DEPARTMENTS, IT REALLY DOESN'T LOOK LIKE A LOSS NECESSARILY IN BASKETBALL AND FOOTBALL, BUT SOMETIMES LOOKS LIKE A LOSS IN THESE ATHLETIC DEPARTMENTS IS ACTUALLY A GAIN TO THE UNIVERSITY.

AND THERE'S PUBLISHED RESEARCH ON THIS. AGAIN, ONE EXAMPLE I GAVE IS WESTERN KENTUCKY. IT LOOKED LIKE ON PAPER THEY WERE LOSING MONEY, AND THEY CONSIDERED ACTUALLY DROPPING OUT OF COLLEGE SPORTS OR DROPPING DOWN TO A LOWER DIVISION, AND -- WHICH IS POTENTIALLY SIMILAR TO WHAT THE ALLEGATIONS IN THIS CASE ARE BY DR. STIROH AND OTHERS.

BUT, WHEN THEY DID THE ANALYSIS, THEY REALIZED THE HUGE BENEFIT ON THE CAMPUS AS A WHOLE THAT ATHLETICS PROVIDED, AND SO THEY STAYED IN DIVISION I, AND NOW THEY, IN FACT, HAVE MOVED HIGHER UP INTO DIVISION I.

THERE'S A STUDY OF UTAH STATE UNIVERSITY. AGAIN, NOT A BIG-TIME ATHLETICS PROGRAM, SO ONE PERSON MIGHT THINK MIGHT DROP DOWN TO A LOWER DIVISION, AND THEY HAD THE SAME ISSUE.

THEY SHOWED THAT WHAT LOOKED LIKE A LOSS ON PAPER WAS ACTUALLY A GAIN.

Q. IS THERE PUBLISHED LITERATURE ON WHAT IS THE OVERALL PROFITABILITY OF ATHLETIC DEPARTMENTS TAKING INTO ACCOUNT THESE ISSUES YOU'RE DISCUSSING?

A. YES.

AND SO THERE'S A -- THERE'S A RESEARCH ARTICLE BY BRIAN GOFF THAT LOOKS AT THESE ISSUES ACROSS A NUMBER OF UNIVERSITIES, AND HE -- HE CONCLUDES THAT INSTEAD OF -- HE KIND OF THROWS OUT INSTEAD OF ONLY 10 PERCENT OF SCHOOLS MAKING MONEY FROM ATHLETICS, WHICH IS A COMMON PHRASE THAT THE NCAA PUTS OUT, NOT THOSE EXACT WORDS, BUT THOSE NUMBERS, INSTEAD HE SHOWS THAT INSTEAD OF 10 PERCENT OF SCHOOLS MAKING MONEY FROM ATHLETICS, ONLY POSSIBLY 10 PERCENT OF SCHOOLS IN DIVISION I ARE LOSING MONEY FROM ATHLETICS.

Q. BACK WHEN YOU WERE DOING DAMAGES WORK, YOU COMPARED YOUR ESTIMATED DAMAGES TO TOTAL ATHLETIC DEPARTMENT REVENUES; IS THAT CORRECT?

A. YES.

Q. ALL RIGHT.

AND IN YOUR REPORTS WHEN YOU ESTIMATED TOTAL ATHLETIC DEPARTMENT REVENUES, YOU TOOK INTO ACCOUNT THESE ALLOCATION ISSUES YOU'VE BEEN DISCUSSING?

A. SO, I -- I DIDN'T TAKE INTO ACCOUNT THESE ALLOCATION ISSUES, I TOOK INTO ACCOUNT ANOTHER SET OF ALLOCATION ISSUES.

Q. WHAT WERE THOSE SET OF ALLOCATION ISSUES?

A. SO THESE ARE THE RELATIONSHIP BETWEEN THE ATHLETIC DEPARTMENT AND THE GREATER UNIVERSITY. BUT ALSO WITHIN THE ATHLETIC DEPARTMENT, THERE ARE ALLOCATION ISSUES THAT MAKE IT LOOK LIKE FOOTBALL AND MEN'S BASKETBALL ARE NOT AS PROFITABLE AS THEY ARE.

Q. OKAY. WOULD YOU DESCRIBE WHAT THOSE ALLOCATION ISSUES ARE?

A. SO, IN THE -- IN THE FINANCIAL --

MR. ISAACSON: YOU CAN TAKE THIS EXHIBIT DOWN, MATT.

THE WITNESS: IN THE ATHLETIC DEPARTMENT'S FINANCIALS, THEY WILL OFTEN LIST A SPORT LIKE FOOTBALL, AND THEY'LL TALK ABOUT THE REVENUES AND THE EXPENSES. AND THEY WILL LIST BASKETBALL, AND THEY WILL KIND OF GO DOWN EACH OF THE SPORTS.

THEN THERE'S THIS COLUMN CALLED, TYPICALLY CALLED "UNALLOCATED REVENUE" AND THEY DON'T ASSIGN IT TO ANY PARTICULAR SPORT. BUT IF YOU LOOK CLOSELY AT IT, YOU CAN START TO SEE HOW A LOT OF THAT REVENUE -- AND IT'S MILLIONS AND MILLIONS OF DOLLARS -- HOW A LOT OF THAT REVENUE IS ACTUALLY ATTRIBUTABLE TO -- TO THE ACTUAL SPORT TEAMS, FOOTBALL, BASKETBALL, AND SO FORTH.

IF YOU WERE TO REALLOCATE THAT REVENUE ACROSS THE SPORTS TEAMS, OF COURSE IT WOULD CHANGE THE FINANCIAL PICTURE AND THEY WOULD BE EVEN MORE PROFITABLE.

BY MR. ISAACSON:

Q. LET'S SHOW THE COURT AN EXAMPLE. THIS WOULD BE DEMONSTRATIVE -- RASCHER DEMONSTRATIVE NUMBER 12. THIS IS OHIO STATE.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

A. YES. SO THIS IS THE -- 2009-10 YEAR.

Q. ALL RIGHT. AND THIS IS DATA REPORTED BY OHIO STATE UNIVERSITY FOR ITS ATHLETIC DEPARTMENT; IS THAT CORRECT?

A. YES. THEY REPORT THIS TO THE NCAA.

Q. AND CAN WE -- I THINK YOU WANT TO LOOK AT THE LOWER LINES; IS THAT CORRECT?

A. WELL, I'M GOING TO START AT THE TOP.

Q. OKAY.

A. I JUST WANT TO POINT OUT WHAT THE TABLE IS ABOUT. THERE YOU GO.

SO YOU CAN SEE WHERE IT SAYS "CONTRIBUTIONS" ON THE UPPER LEFT. RIGHT? THIS IS A REVENUE ITEM WHICH IS ESSENTIALLY DONATIONS TO THE ATHLETIC DEPARTMENT. AND THE NUMBER THERE IS -- HAS NO COMMAS, IT'S $27 MILLION. SO THAT YEAR THEY GOT $27 MILLION IN ATHLETIC DEPARTMENT DONATIONS.

SO NOW WE CAN GO DOWN FURTHER.

Q. AND WHAT HAVE THEY DONE -- IN TERMS OF THEIR ACCOUNTING, WHAT HAVE THEY DONE WITH THE $27 MILLION IN DONATIONS?

A. SO YOU CAN SEE THAT DOWN AT THE LOWER RIGHT, ALMOST THE SAME NUMBER, 26.9 MILLION IS UNALLOCATED DONATIONS. THEY

DON'T ASSIGN IT TO A SPECIFIC SPORT.

Q. IT HAS THE TITLE "REVENUE NOT RELATED TO SPECIFIC TEAMS", IS THAT --

A. YES.

Q. THAT IS WHAT YOU MEAN BY UNALLOCATED REVENUE?

A. YES. AND IF YOU LOOK AT WHAT THEY DO ALLOCATE TO FOOTBALL, WHICH IS FURTHER UP ABOUT THE FIFTH -- THERE WE GO. IT'S 152,000 IN DONATIONS THAT YEAR. AND IN BASKETBALL, A COUPLE OF LINES ABOVE IT, IT'S $49,000 IN DONATIONS.

SO THEY CLAIM THAT FOOTBALL AND BASKETBALL DRIVE $200,000 OF $27 MILLION IN DONATIONS. AND THAT'S JUST UNFATHOMABLE. WE KNOW THAT THE DONATIONS TO THE OHIO STATE ATHLETIC DEPARTMENT ARE MUCH MORE DRIVEN BY FOOTBALL AND BASKETBALL THAN 200,000 OVER 27 MILLION.

AND SO IF YOU WERE TO TAKE THAT 27 MILLION AND ALLOCATE IT ACROSS THE SPORTS, OF COURSE, YOU WOULD SEE THAT FOOTBALL GENERATES EVEN MORE REVENUE THAN IS SHOWN ON PAPER AND BASKETBALL GENERATES EVEN MORE REVENUE THAN IS SHOWN ON PAPER.

Q. JUST TO BE CRYSTAL CLEAR HERE, OVER $27 MILLION IN DONATIONS TO THE ATHLETIC DEPARTMENT FOR OHIO STATE UNIVERSITY IN 2010, A HUNDRED -- THE FOOTBALL TEAM WAS CREDITED WITH $152,000 OF THAT, AND THE 26.9 MILLION WAS -- WAS LEFT UNCREDITED TO ANY SPECIFIC TEAM?

A. YES.

Q. IS THAT CORRECT?

A. YES. THAT'S RIGHT.

Q. AND WHEN YOU -- WHEN YOU DID YOUR COMPARISON TO ATHLETIC DEPARTMENT REVENUES, AND DID THE REALLOCATIONS BASED ON THIS TYPE OF EXAMPLE, WHAT WAS THE AMOUNT OF ALLOCATION YOU RETURNED TO FOOTBALL AND BASKETBALL FOR THE -- FOR THE DIVISION I AND FBS SCHOOLS?

WHAT WAS THE TOTAL AMOUNT OF -- OF REALLOCATION?

A. IT'S ABOUT $1.5 BILLION OF ADDITIONAL REVENUE THAT'S GENERATED BY FOOTBALL AND BASKETBALL THAT'S NOT SHOWN.

I ALSO CREATED A CHART --

Q. LET ME ASK YOU ABOUT -- I WANT TO ASK YOU ABOUT ONE MORE EXAMPLE.

WAS THE UNIVERSITY OF WASHINGTON; WHAT HAPPENED WITH THE UNIVERSITY OF WASHINGTON?

A. SO THE UNIVERSITY OF WASHINGTON, WHEN YOU LOOK AT THEIR DATA, IT SAYS THAT FOOTBALL GENERATES 60 PERCENT OF THEIR REVENUE. AND -- AND YOU LOOK AT IT AND YOU SEE THIS CHUNK OF UNALLOCATED REVENUE.

WELL, THE ATHLETIC DIRECTOR CAME OUT AND SAID FOOTBALL IS 85 PERCENT OF OUR REVENUE. HE DIDN'T SAY IT'S NOT 60 PERCENT, HE JUST SAID FOOTBALL IS 85 PERCENT OF OUR REVENUE. AND THAT'S CONSISTENT WITH THIS CONCEPT OF YOU HAVE THIS REVENUE OVER HERE THAT THEY ARE NOT ALLOCATING TO ANYTHING, AND THEY KNOW IN THEIR HEAD REALLY WHAT DRIVES THAT REVENUE, AND SO THEY -- THEY ALLOCATE IT THEMSELVES.

Q. NOW, ANOTHER PIECE OF ANALYSIS YOU DID IN YOUR REPORTS HAD TO DO WITH ENTRY AND EXIT INTO DIVISION I BASKETBALL.

CAN WE ASK YOU TO LOOK AT RASCHER DEMONSTRATIVE 14.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

WOULD YOU TELL THE COURT WHAT THIS IS?

A. SO THE -- THIS IS THE ENTRY OF SCHOOLS INTO JUMPING UP INTO DIVISION I FROM SOME OTHER DIVISION, FROM A LOWER DIVISION, DIVISION II OR DIVISION III.

SO ON THE LEFT SIDE IS JUST A COLUMN COUNTING THE NUMBER OF DIVISION I SCHOOLS.

AS I MENTIONED BEFORE, ONE PIECE OF EVIDENCE THAT AN ECONOMIST WOULD TAKE INTO ACCOUNT WOULD BE WHEN LOOKING AT WHETHER ANY INDUSTRY IS PROFITABLE OR NOT, WOULD BE TO SEE WHETHER FIRMS ARE ENTERING THE INDUSTRY OR LEAVING THE INDUSTRY.

IF THEY'RE LEAVING THE INDUSTRY, THAT MIGHT, YOU KNOW, BE CONSISTENT WITH AN INDICATION THAT THAT -- THAT -- THAT, YOU KNOW, PROFITABILITY IS DROPPING OR IT'S NEGATIVE. BUT IN THIS CASE, WE SEE A JUMP OF -- IF I DO THE MATH, ABOUT 75 SCHOOLS, OR ALMOST A 30 PERCENT INCREASE FROM 1984 TO 2014.

SCHOOLS ARE CLAMORING TO GET INTO DIVISION I. THEY ARE JUMPING UP INTO DIVISION I BECAUSE IT MAKES SENSE FOR THEM ECONOMICALLY, FINANCIALLY, AND OTHERWISE.

AND, IN FACT, THE NCAA TWICE HAD TO PUT THE BRAKES ON. THEY ACTUALLY PUT A COUPLE OF MORATORIUMS IN PLACE SAYING NO

MORE ENTRY. THEY WERE STOPPING SCHOOLS FROM JUMPING UP INTO DIVISION I. AND THEN ONCE THEY RELEASED THAT MORATORIUM, OF COURSE, THE WATER FLOWED AGAIN AND THE SCHOOLS JUMPED UP INTO DIVISION I.

SO THIS IS EXCELLENT EVIDENCE, FROM THE OUTSIDE, NOT LOOKING AT THE FINANCIALS, WE SEE LOTS OF ENTRY INTO DIVISION I, IT MUST BE A GOOD IDEA TO BE IN DIVISION I.

Q. SO, HOW DOES THAT EFFECT YOUR OPINION ON THE ISSUES IN THIS CASE AS TO WHETHER SCHOOLS WOULD LEAVE DIVISION I IF AN INJUNCTION WERE ENTERED IN THIS CASE?

A. I MEAN, AGAIN, WITH THE -- WITH THE HIGH RATE OF ENTRY INTO DIVISION I, I JUST DON'T SEE HOW THEY COULD LEAVE DIVISION I.

IN FACT, PART OF THE CONTENTION OF WHEN YOU LOOK AT DANIEL FULKS' DATA IS, GEE, THESE SCHOOLS ARE LOSING MONEY, AND YET WHY ARE THEY IN DIVISION I THEN? WHY DON'T THEY LEAVE? BECAUSE THEY ARE NOT REALLY LOSING MONEY.

I DON'T THINK THAT SCHOOLS WOULD DROP DOWN TO A LOWER DIVISION IF -- IF AN INJUNCTION WERE PUT IN PLACE.

Q. WHAT ABOUT THE VIEW THAT SCHOOLS WOULD JUST OFFER FEWER SCHOLARSHIPS IF COSTS WERE RAISED?

A. SO -- SO THE SCHOLARSHIP STORY IS INTERESTING IN -- IN DIVISION I FOOTBALL AND MEN'S BASKETBALL.

RIGHT NOW, SAY IN FOOTBALL, YOU CAN OFFER 85 SCHOLARSHIPS. YOU DON'T HAVE TO OFFER 85, BUT YOU CAN, AND YET VIRTUALLY ALL

THE SCHOOLS BUMP UP AGAINST THAT 85. THEY WANT TO OFFER THOSE SCHOLARSHIPS TO THOSE ATHLETES. THEY ARE COMPETING FOR THOSE ATHLETES.

YOU ALSO DON'T HAVE TO PAY OUT THE FULL VALUE OF THE SCHOLARSHIP. YOU CAN GIVE SOMEONE A HALF SCHOLARSHIP IF YOU WANT TO IN FOOTBALL, AND YET THEY DON'T. ALL THE SCHOOLS ARE OFFERING -- VIRTUALLY ALL THE SCHOOLS ARE OFFERING THAT FULL PRICE. SO THEY ARE HITTING THE FULL NUMBER OF SCHOLARSHIPS, THEY'RE PAYING AS MUCH INTO THE SCHOLARSHIPS, AND SO THAT'S EVIDENCE THAT THEY WOULD EVEN GIVE MORE SCHOLARSHIPS IF THEY COULD.

IN FACT, YEARS AGO, THE NCAA USED TO ALLOW 105 SCHOLARSHIPS. SO 20 MORE IN FOOTBALL. AND THE SCHOOLS WERE OFFERING THE FULL 105 BACK THEN.

SO CUTTING IT DOWN 20, FROM 105 TO 85, SHOWS THAT THERE'S STILL THAT DEMAND FOR THE SCHOOLS TO OFFER MORE SCHOLARSHIPS.

SO, SCHOLARSHIPS ARE NOT REALLY THE THING THAT THE SCHOOLS WOULD CHOOSE ON THE LONG LIST OF ITEMS TO CUT IF THEY WERE TO DECIDE THAT THEY WANTED TO COME UP WITH MONEY TO PAY THESE ATHLETES.

Q. YOU GAVE THE EXAMPLE IN YOUR REPORT OF THE UNIVERSITY OF MARYLAND.

WOULD YOU TELL THE COURT HOW THAT -- THAT EXAMPLE AND HOW THAT RELATES TO THIS?

A. THE UNIVERSITY OF MARYLAND HAD A SHORTFALL, A MAJOR

SHORTFALL IN ITS ATHLETIC DEPARTMENT, AS MANY UNIVERSITIES DID THEIR CAMPUSES IN GENERAL.

AND THE UNIVERSITY OF MARYLAND CUT A NUMBER OF SPORTS. AND THEY TALK ABOUT HOW DIFFICULT IT WAS AND LOTS OF DECISIONS AND EVERYTHING, AND YET THEY DIDN'T AT ALL CUT FOOTBALL OR MEN'S BASKETBALL. THEY REALIZE THAT THOSE TWO SPORTS ARE VERY IMPORTANT TO THE UNIVERSITY OVERALL. AND SO WHEN THEY -- WHEN IT COMES TIME FOR COST CUTTING, THAT'S NOT WHERE THEY ARE GOING TO CUT COST.

MR. ISAACSON: IF WE CAN LOOK AT RASCHER DEMONSTRATIVE 15.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

BY MR. ISAACSON:

Q. THESE ARE A COUPLE OF QUOTES FROM DR. RUBINFELD FROM -- THAT YOU DISCUSSED IN YOUR REPORT.

DR. RUBINFELD IS THE NCAA EXPERT. HE SAID IN HIS REPORT:

"THE NCAA'S AMATEURISM RULES MAY ALSO SUPPORT A GREATER NUMBER OF SCHOLARSHIPS PER TEAM THAT WOULD EXIST IN THE ANTITRUST PLAINTIFFS' BUT-FOR WORLD".

AND WENT ON TO SAY:

"ONE WAY TO ADDRESS THE NEW BUDGET PICTURE, WOULD BE TO CUT EXPENSES IN SOME CATEGORIES. ONE WAY TO DO THIS WOULD BE REDUCTION IN NUMBER OF SCHOLARSHIPS AWARDED."

LATER IN HIS DEPOSITION HE SAID:

"I WOULD EXPECT GENERALLY THAT ALL SCHOLARSHIPS ARE UTILIZED."

AND HE GOES ON TO SAY:

"IT MAY BE POSSIBLE THERE ARE SOME YEARS WHERE SOME SCHOOLS DON'T, IN FACT, USE ALL THEIR SCHOLARSHIPS BECAUSE THAT WOULD GIVE YOU AN ADDITIONAL SCHOLARSHIP THE NEXT YEAR, IF AVAILABLE."

TELL US WHAT YOU HAD TO SAY ABOUT DR. RUBINFELD'S TESTIMONY.

A. CAN I SEE THE TOP SECTION? I AM SORRY. RIGHT.

SO, AS I SAID BEFORE, THE SCHOLARSHIPS ARE VALUABLE. THEY WOULD LIKE TO GIVE MORE. THEY WOULD LIKE TO PAY MORE IF THEY COULD BECAUSE EVERYONE IS HITTING THOSE CAPS.

BUT ALSO, ANOTHER PIECE OF EVIDENCE THAT THE SCHOLARSHIPS ARE VALUABLE AND THEY WOULDN'T CUT SCHOLARSHIPS IS THEY USE THEM FOR PUNISHMENT. IF A SCHOOL VIOLATES THE NCAA RULES, ONE OF THE BIG PUNISHMENTS THAT THEY THROW OUT IS THAT A FOOTBALL PROGRAM MIGHT LOSE THREE SCHOLARSHIPS FOR A GIVEN YEAR.

AND THAT'S -- THAT'S REPORTED. AND -- AND, YOU KNOW, THE MEDIA COVERS IT AS IF THAT'S A REALLY BIG DEAL. AND DR. RUBINFELD SAYS AT THE BOTTOM THAT THEY MIGHT WANT TO USE THOSE SCHOLARSHIPS IF THEY DIDN'T LOSE THEM.

AND ALSO THE -- YOU KNOW, THE MARGINAL ATHLETE, LIKE THE ATHLETE THAT THEY MIGHT CUT A SCHOLARSHIP FROM, AS WE SEE FROM THE UNIVERSITY OF MARYLAND, IS NOT COLLEGE FOOTBALL AND MEN'S

BASKETBALL.

IN FACT, AT THE UNIVERSITY OF SAN FRANCISCO, WE -- AND I REPORT THIS IN -- MAYBE IN MY DEPOSITION, WE -- WE HAD A BUDGET ISSUE. WE FELL SHORT ON OUR BUDGET AT THE UNIVERSITY, AND THE UNIVERSITY DIDN'T MARCH DOWN TO THE ATHLETE DEPARTMENT AND SAID IT'S TIME TO CUT SCHOLARSHIPS FOR FOOTBALL AND MEN'S BASKETBALL -- I MEAN, FOR MEN'S BASKETBALL. INSTEAD, WE STOPPED COLLECTING TRASH IN THE FACULTY OFFICES EVERY DAY AND WE FOUND OTHER WAYS TO CUT EXPENSES.

SO THE POINT IS, ON THE UNIVERSITY, WHAT IS THE LEAST IMPORTANT THING, THAT IS WHAT THE UNIVERSITY WOULD CUT, NOT A MEN'S BASKETBALL SCHOLARSHIP OR A MEN'S FOOTBALL SCHOLARSHIP.

Q. LET ME ASK YOU TO LOOK AT RASCHER DEMONSTRATIVE EXHIBIT 17.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

THIS IS TITLED "LAYOFFS 2007-2013". AND IT PROVIDES A WHOLE LIST OF LAYOFFS BY DIFFERENT UNIVERSITIES OF STAFF.

WOULD YOU -- YOU REPORTED ON THIS ISSUE IN SEVERAL OF YOUR REPORTS. THIS IS ONE EXAMPLE OF WHAT YOU DID. WOULD YOU EXPLAIN YOUR ANALYSIS HERE?

A. YES. WHEN WE WENT THROUGH, YOU KNOW, THE GREAT RECESSION, AS PEOPLE WERE CALLING IT, IN THIS TIME PERIOD, MANY UNIVERSITIES HAD BUDGET ISSUES, RIGHT? THEY HAD TO FIND WAYS TO CUT EXPENSES.

AND YOU CAN SEE, YOU KNOW, THESE UNIVERSITIES, THESE BIG

UNIVERSITIES HAD MAJOR CUTS. LOTS OF HUNDREDS AND HUNDREDS OF EMPLOYEES WERE BEING CUT -- DIFFERENT DEPARTMENTS, THE GERMAN AND LATIN DEPARTMENT FOR INSTANCE. AND SO EFFECTIVELY, WHEN YOU GO DOWN THIS LIST, THEY ARE NOT CUTTING FOOTBALL AND BASKETBALL. IN FACT, THEY ARE FURTHER INVESTING IN FOOTBALL AND BASKETBALL.

SO CLEARLY THOSE ARE IMPORTANT ELEMENTS OF THE UNIVERSITY. EVEN MORE SO THAN MANY OF THESE ACADEMIC DEPARTMENTS THAT HAVE BEEN THERE FOR DECADES AND DECADES.

Q. THERE HAS BEEN DISCUSSION IN THE NCAA ABOUT STIPENDS FOR ATHLETES.

WHAT HAVE YOU LEARNED ABOUT THE ISSUE OF STIPENDS AND HOW DOES THAT RELATE TO YOUR ANALYSIS?

A. SO THERE'S BEEN A DISCUSSION IN -- IN BASICALLY AMONGST MANY OF THE UNIVERSITIES THAT THE BIGGER SCHOOLS WOULD LIKE TO OFFER A STIPEND SIMILAR TO --

MR. SINGLA: YOUR HONOR, I NEED TO -- I AM SORRY, I NEED TO INTERRUPT TO OBJECT.

MR. ISAACSON: THIS IS -- WE'VE ALSO GOT A DEMONSTRATIVE THAT WAS FROM HIS REPORT ON THIS. AND THAT WAS -- AND THAT YOU HAVEN'T OBJECTED TO. THIS IS --

THE COURT: IF YOU ARE GOING TO HAVE A COLLOQUY AMONGST YOURSELVES, WOULD YOU DO IT QUIETLY OFF THE RECORD SO THE REPORTER DOESN'T HAVE TO TAKE IT DOWN?

MR. SINGLA: YOUR HONOR, MY OBJECTION IS UNDER RULE

407. WE HAVE REPEATEDLY INDICATED THAT IT IS IMPROPER FOR THE PLAINTIFFS TO USE ANY EFFORTS BY THE NCAA OR COLLEGES OR ANYBODY ELSE TO THINK ABOUT WAYS TO CHANGE THE RULES AS AN EFFORT TO SHOW CULPABILITY.

AND I AM NOT SURE THAT IS WHERE THE WITNESS IS GOING, BUT IT SOUNDED LIKE IT TO ME.

MR. ISAACSON: NO. THE WITNESS IS NOT GOING TO CULPABILITY. HE'S GOING TO DISCUSS HOW SCHOOLS REACT TO THE FINANCIAL PROSPECT OF THIS POSSIBLE STIPEND. FOR EXAMPLE, WOULD THEY PAY IT OR WOULD THEY CUT IN OTHER AREAS, AND THINGS.

MR. SINGLA: WE HAVE NO OBJECTION TO THAT, YOUR HONOR.

BY MR. ISAACSON:

Q. ALL RIGHT.

YOU WERE DISCUSSING THE STIPEND ISSUE, AND HOW IT RELATES TO YOUR ANALYSIS, DOCTOR. PLEASE CONTINUE.

A. RIGHT. SO FOR -- FOR MANY YEARS NOW, THE -- THE NCAA AND ITS MEMBER SCHOOLS AND EVERYTHING HAVE BEEN TALKING ABOUT OFFERING A STIPEND OF SAY $2,000 TO -- TO THE ATHLETES TO COVER, YOU KNOW, LAUNDRY MONEY, SO TO SPEAK, TO COVER -- TO COVER TOOTHPASTE, THINGS LIKE THAT.

AND THEY ACTUALLY IMPLEMENTED THAT FOR A SHORT PERIOD OF TIME A FEW YEARS AGO. AND THEN THEY HAD ESSENTIALLY A VOTE, AND SOME OF THE SCHOOLS VOTED AGAINST IT, AND THEY -- THEY

BASICALLY STOPPED IT. SO IT WENT, YOU KNOW, IT WENT AWAY EVEN THOUGH IT WAS THERE FOR A SHORT PERIOD OF TIME.

WHAT'S INTERESTING ABOUT THAT VOTE IS, IF YOU LOOK AT THE STATEMENTS BY THE SCHOOLS, MANY OF THE SCHOOLS SAID, UM, EVEN THOUGH WE DON'T WANT TO PAY IT, WE WOULD BE BECAUSE WE WANT TO COMPETE FOR THOSE ATHLETES.

MR. ISAACSON: IF WE CAN LOOK AT PTX2509.

(EXHIBIT DISPLAYED ON SCREEN.)

THE CLERK: I'M ASSUMING THAT'S AN EXHIBIT?

MR. ISAACSON: YES. TRIAL EXHIBIT 2509.

BY MR. ISAACSON:

Q. TITLED "OVERRIDE SUMMARY".

WOULD YOU EXPLAIN WHAT THIS DOCUMENT IS?

A. RIGHT. SO THIS IS A DOCUMENT WHERE THE SCHOOLS SUBMITTED THEIR STATEMENT, ESSENTIALLY, ABOUT THIS.

THE MEA THAT YOU SEE, JUST SO YOU KNOW IS CALLED MISCELLANEOUS EXPENSES ALLOWANCE, OR THE STIPEND IS WHAT PEOPLE CALL IT -- OR PEOPLE, BACK IN THE DAY, CALLED IT LAUNDRY MONEY BECAUSE THE ATHLETES USED TO GET THAT, BUT THEN THEY TOOK IT AWAY IN 1973.

BUT IN ANY EVENT, YOU CAN SEE THEIR STATEMENTS HERE WHICH SAY, FOR INSTANCE, EAST TENNESSEE STATE, IT SAYS:

"WHILE THE LEGISLATION IS PERMISSIVE AS WRITTEN", MEANING IT'S NOT MANDATORY, "IT IS MANDATORY IN ITS PRACTICAL APPLICATION. THOSE WITHOUT A CONFERENCE OR

INSTITUTIONAL MANDATE, MUST RESPOND IN KIND TO AVOID A SUBSTANTIAL RECRUITING DISADVANTAGE."

SO, I WON'T GO THROUGH EACH ONE OF THESE, BUT ESSENTIALLY THEY SAY, SURE, WE DON'T WANT TO PAY IT, WHO WANTS TO PAY MORE FOR SOMETHING, BUT WE WILL BECAUSE COMPETITION WILL DRIVE US TO.

SO EVEN THESE -- THESE SMALLER SCHOOLS THAT ARE FIGHTING IT, ONE OF THEM ON THE LIST HERE, I THINK ON THE NEXT PAGE, IS SOUTH CAROLINA UPSTATE, WHICH IS ONE OF THEIR REGIONAL CAMPUSES IN SOUTH CAROLINA. AND A SCHOLARSHIP AT SC UPSTATE IS SOMEWHERE AROUND $18,000. AND SO FOR THAT SCHOOL TO PAY $2,000 MORE IS A 10 PERCENT INCREASE IN -- IN PRICE, EFFECTIVELY, AND YET THEY ARE COMING OUT SAYING, YES, WE ARE WILLING TO PAY 10 PERCENT MORE BECAUSE WE WANT TO COMPETE.

SO IT SHOWS THAT, AGAIN, THERE IS A DEMAND TO PAY THE ATHLETES SOMETHING, YOU KNOW, WHETHER IT'S FOR NAME, IMAGE AND LIKENESS OR NOT, BUT SOME AMOUNT OF MONEY ABOVE AND BEYOND WHAT THE CURRENT SCHOLARSHIP HAS.

Q. IN LIGHT OF YOUR ANALYSIS, WHAT'S YOUR OPINION IF AN ATHLETIC DIRECTOR WERE TO SAY TO THE COURT, IF OUR SCHOOL HAS TO SHARE BROADCAST REVENUES FOR NIL'S WITH THE ATHLETES, WE WOULD LEAVE DIVISION I?

A. I MEAN, THAT WOULD -- THAT WOULD MAKE NO SENSE. IT WOULD BE ECONOMICALLY IRRATIONAL FOR THEM TO DO THAT.

ESSENTIALLY, THOSE BROADCAST REVENUES ARE VERY LARGE,

ESPECIALLY IN THESE SMALL SCHOOLS. THE MONEY THEY GET, JUST FROM THE NCAA'S MARCH MADNESS CONTRACT, IS SO LARGE, THAT IF THEY HAD TO SHARE SOME OF THAT, NOT ALL OF IT, BUT SOME OF THAT, IT WOULD BE ECONOMICALLY BENEFICIAL TO SHARE THAT AS OPPOSED TO LOSING ALL OF IT BY DROPPING DOWN TO SAY A DIVISION II AND DIVISION III, LET ALONE LOSING ALL THE PR IMPACTS AND THINGS WE TALKED ABOUT BEFORE.

Q. WHEN WE LOOKED AT YOUR ENTRY AND EXIT INFORMATION, THE ENTRY INFORMATION, THOSE THE SMALL SCHOOLS THAT YOU ARE DISCUSSING?

A. YES. TYPICALLY, THE SCHOOLS THAT ARE ENTERING ARE COMING UP FROM -- FROM DIVISION II OR SOMETIMES DIVISION III. YOU KNOW, IT'S NOT A BIG TIME PROGRAM, ALTHOUGH THEY WOULDN'T BE DOWN IN DIVISION II OR DIVISION III, BUT THEY ARE JUMPING UP INTO THE SMALLEST TIERS OF DIVISION I, THE SMALL CONFERENCES LIKE THE SUN BELT CONFERENCE. AND THEY'RE STARTING THEIR -- THEIR PROGRESSION AND THEY ARE GETTING THE BUMPS IN REVENUE AND EVERYTHING, AND THAT'S WHY THEY ARE DOING IT BECAUSE THEY KNOW IT BENEFITS THE UNIVERSITY.

Q. WHAT ABOUT THE UNIVERSITY HEAD OR ATHLETIC DIRECTOR WHO SAYS, WE WILL BE LOSING MONEY ON OUR P AND L FOR OUR ATHLETIC DEPARTMENT IF WE HAVE TO PAY THESE ADDITIONAL REVENUES?

WHAT DO YOU SAY TO THAT PERSON BASED ON THE ANALYSIS YOU HAVE DONE?

A. WHAT I WOULD SAY IS, LOOK AT THE GREATER UNIVERSITY AS A

WHOLE AND YOU WON'T BE LOSING MONEY ON YOUR P AND L.

Q. ONE EXAMPLE THAT'S DISCUSSED IN YOUR REPORT OF A SMALLER CONFERENCE IS THE HORIZON LEAGUE. AND -- IN TERMS OF THE COSTS AND BENEFITS OF DROPPING OUT OF DIVISION I.

MR. ISAACSON: COULD WE SHOW -- I AM SORRY. I WOULD LIKE TO MOVE TO ADMIT PLAINTIFF'S EXHIBIT 2509.

MR. SINGLA: OBJECTION HEARSAY, YOUR HONOR. THE DOCUMENT IS A -- APPEARS TO BE A COLLECTION OF STATEMENTS FROM YET OTHER UNIVERSITIES AND SPEAKERS. IT'S NOT EVEN IDENTIFIED EXACTLY IN ALL CASES WHO IS PROVIDING THESE STATEMENTS.

THE FACT THAT THE EXPERT RELIED UPON IT, WE HAVE NO OBJECTION TO THAT, BUT IT DOESN'T COME INTO EVIDENCE.

MR. ISAACSON: THESE WOULD BE -- ITS AN NCAA DOCUMENT, SO IT IS A SET OF ADMISSIONS. IT IS ALSO A BUSINESS RECORD OF THE NCAA.

MR. SINGLA: BUT THE STATEMENTS INSIDE IT, YOUR HONOR, ARE HEARSAY.

THE COURT: ARE THEY -- DO I HAVE THIS?

MR. ISAACSON: YOU CAN PUT IT BACK UP ON THE SCREEN. WE WERE LOOKING AT 2509.

(EXHIBIT DISPLAYED ON SCREEN.)

THE COURT: ARE THEY ADMISSIONS AGAINST INTEREST BY A PARTY OPPONENT IN THE SENSE THAT THEY WERE MADE BY NCAA OFFICIALS?

MR. SINGLA: NO, YOUR HONOR. THESE ARE STATEMENTS

FROM -- PURPORT TO BE FROM OTHER COLLEGES. SO THIS IS A STATEMENT BY SOMEBODY, WE DON'T NECESSARILY EVEN ALWAYS KNOW WHO, AT, YOU KNOW, INDIANA STATE UNIVERSITY SAYING SOMETHING, WHICH IS ITSELF HEARSAY, SAYING THAT THIS IS THEIR DECISION-MAKING PROCESS, THIS IS THE -- THE -- WHAT WOULD HAPPEN. AND THEY ARE OFFERING IT FOR THE TRUTH OF THE MATTER.

JUST AS PROFESSOR RASCHER TESTIFIED, THEY WANT TO PUT THIS IN TO SHOW THE TRUTH OF THE HEARSAY WITHIN HEARSAY.

MR. ISAACSON: THESE ARE THE NCAA MEMBER INSTITUTIONS, AND NOT THE NCAA OFFICIALS.

THE COURT: THEY ARE TRYING TO SAY THAT WHAT THEY SAY ISN'T CORRECT, I THINK.

MR. SINGLA: THEY ARE TRYING TO SHOW -- WHAT MR. RASCHER IS SAYING IS THAT HE AGREES THESE PEOPLE ARE -- HE'S USING THIS FOR THE TRUTH OF THE MATTER.

WHAT PROFESSOR RASCHER IS SAYING IS, THAT THESE UNIVERSITIES SAY THEY WILL PAY, HE BELIEVES THEM, AND HE'S DERIVING AN OPINION FROM THE FACT THAT HE BELIEVES THEM.

MR. ISAACSON: I DISAGREE, YOUR HONOR. A STATEMENT OF INTENT UNDER 8033 DOES NOT REQUIRE THIS TO BE ADMITTED FOR THE TRUTH OF WHETHER THEY WOULD ACTUALLY FOLLOW THROUGH.

MR. SINGLA: BUT PROFESSOR RASCHER'S WHOLE POINT IS THAT HE BELIEVES THEM, THEY WILL DO THIS. THAT IS WHAT HE SAID.

THE COURT: WE WILL RECEIVE IT NOT FOR THE TRUTH.

AND IF I NEED TO USE IT FOR THE TRUTH, WE WILL TALK ABOUT IT AGAIN.

MR. SINGLA: ALL RIGHT.

(PLAINTIFFS' EXHIBIT 2509 RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. ALL RIGHT. RASCHER DEMONSTRATIVE 16. THE DISCUSSION OF THE HORIZON LEAGUE.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

NOW, THIS IS IN RESPONSE TO SOMETHING I BELIEVE THAT DR. STIROH SAID? DO I HAVE THAT RIGHT?

A. I, YOU KNOW, I CAN'T REMEMBER.

Q. OKAY.

A. YEAH, I THINK SHE DOES REFERENCE THE HORIZON LEAGUE, BUT I COULD BE WRONG.

Q. EXPLAIN YOUR ANALYSIS HERE.

A. THIS IS JUST A -- YOU CAN SEE THIS IS FROM A DECLARATION OF JONATHAN LECRONE, WHO, I BELIEVE, IS THE COMMISSIONER OF THE HORIZON LEAGUE.

HE SAYS THAT THE LEAGUE, ACTUALLY, SPENDS MORE MONEY TO PRODUCE THE BROADCAST THAN IT ACTUALLY RECEIVES. SO HE CLAIMS THAT THEY LOSE MONEY BY HAVING THEIR CONFERENCE TV CONTRACT. AND, YET, IF THEY HAD LEFT -- IF THEY THOUGHT, OKAY, WE ARE LOSING MONEY AND WE ARE GOING TO JUMP DOWN TO DIVISION II, OR DROP DOWN, RATHER, TO DIVISION II OR III, THE REALITY IS THEY WOULD BE FOREGOING THE $5 MILLION, AS AN EXAMPLE, THAT THEY

RECEIVED IN 2011 AND '12.

SO, AGAIN, THAT WOULDN'T MAKE SENSE BECAUSE THEY WOULDN'T GET TO PLAY IN THE MARCH MADNESS TOURNAMENT AND RECEIVE THE MONEY FROM THAT.

Q. LET ME MOVE TO A NEW TOPIC. DEMAND. DEMAND FOR THESE SPORTS.

SHOULD WE EXPECT DEMAND TO DECLINE IF THERE'S A SHARING OF REVENUES RELATED TO NAMES, IMAGES AND LIKENESSES WITH COLLEGE FOOTBALL AND COLLEGE BASKETBALL PLAYERS? WHAT'S YOUR OPINION ON THAT?

A. NO, I DON'T -- I DON'T THINK THE DEMAND WILL BE AFFECTED BY IT.

Q. CAN YOU JUST SUMMARIZE AT THE TOP LEVEL THE REASONS FOR THAT OPINION AND THEN WE WILL GO THROUGH THE DETAILS?

A. WELL, I MEAN, WE'VE SEEN THE NCAA CHANGE ITS RULES OVER DECADES AND DECADES ON HOW MUCH THEY PAY THE ATHLETES, RIGHT? IT WENT FROM NO RULES AND SO THE SCHOOLS WERE PAYING -- AND I KNOW DR. NOLL TALKED ABOUT THIS -- AND THEN YOU WEREN'T ALLOWED TO PAY. AND THEN THEY WERE ALLOWED TO PAY A SCHOLARSHIP PLUS LIVING EXPENSES, AND THEN THEY CUT OUT THE LIVING EXPENSES. AND THEN THE PELL GRANT CAME IN AND ALL THAT STUFF BEFORE, ALL THE UPS AND DOWNS, IN TERMS OF WHAT THEY GAVE, AND YET THE, YOU KNOW, FANATICISM AND DEMAND CONTINUED TO RISE THROUGHOUT THAT TIME PERIOD.

Q. LET ME ASK YOU ABOUT OLDER HISTORY.

YOU MENTIONED THERE WAS A PERIOD BEFORE -- I GUESS THIS WAS BEFORE 1900, AM I RIGHT, BEFORE THERE WERE ANY NCAA RULES?

A. YES. SO WHILE THEY WEREN'T REALLY --

Q. WHAT DO WE KNOW ABOUT THE POPULARITY OF COLLEGE SPORTS DURING THAT PERIOD?

A. AGAIN, THIS WAS LONG TIME AGO, BUT THE POPULARITY ROSE AND ROSE UP THROUGH THE PERIOD WHEN THEY WEREN'T THE RULES OF ON COMPENSATION UP UNTIL ABOUT 1948 WHEN THEY PUT IN THE SANITY CODE.

Q. PART OF THE HISTORY OF THE NCAA IS A TERM CALLED THE "SANITY CODE". WOULD YOU EXPLAIN THAT AND WHAT IT TELLS YOU ABOUT THE POPULARITY OF COLLEGE BASKETBALL AND FOOTBALL?

A. SO THEY -- TO TRY TO STOP THE SCHOOLS FROM -- FROM ESSENTIALLY PAYING THE ATHLETES A LOT OF MONEY, OR THEY PUT IN THE SANITY CODE, MEANING THEY COULDN'T OFFER ANYTHING, NO SCHOLARSHIPS OR ANYTHING LIKE THAT. YET IT DIDN'T WORK BECAUSE THE SCHOOLS CONTINUED TO WANT TO DO IT, AND THEY DID DO IT.

SO VERY QUICKLY, AFTER THAT HAD ENDED, AND THEY SAID, OKAY, THEN YOU CAN GIVE A SCHOLARSHIP, ROOM AND BOARD, BOOKS AND TUITION, BUT THEN ALSO LIVING EXPENSES, AND OTHER THINGS LIKE THAT, WHICH IS HIGHER THAN WHAT THEY GET TODAY.

Q. YOU SAID THE -- SO THE SANITY CODE -- THEY WERE PAYING THE ATHLETES A LOT OF MONEY, SO THEY PUT IN THE SANITY CODE.

TELL ME WHAT YOU MEAN ABOUT THEY WERE PAYING THE ATHLETES

A LOT OF MONEY.

A. THERE WEREN'T REALLY RULES PRIOR TO THAT. THE CONFERENCE MIGHT HAVE HAD RULES, BUT IT WASN'T AN NCAA RULES. SO DIFFERENT SCHOOLS WERE -- YOU KNOW, I MEAN SOMETIMES THE ATHLETES WERE WORKING AT A JOB OFF CAMPUS AND MAYBE THEY WERE FUNDING MONEY THROUGH THAT, AND SO THERE'S JUST DIFFERENT WAYS IN WHICH THE ATHLETES WERE RECEIVING COMPENSATION.

Q. THE -- AND THEN THE SANITY CODE TRIED TO STOP THAT AND THEN THAT WAS REVERSED. WHAT HAPPENED TO THE POPULARITY OF THE SPORT AFTER THAT?

A. AS I SAID, IT DIDN'T CHANGE. IT CONTINUED TO GROW, AS IT HAS CONTINUED TO GROW TODAY.

Q. AND DURING THE PERIOD WHEN THERE WERE BREACHES OF THE SANITY CODE, HOW DID THAT EFFECT THE POPULARITY OF THE SPORT?

A. I MEAN, AGAIN, THE -- THE, YOU KNOW, I DON'T HAVE A SPECIFIC DETAIL, BUT -- SO I'M GOING TO SAY OVERALL THE -- THE POPULARITY CONTINUED TO GROW.

Q. OKAY.

NOW THERE'S A TERM CALLED "LAUNDRY MONEY". AND THIS IS IN THE 1950'S. WHAT WAS LAUNDRY MONEY?

A. SO THOSE ARE THE LIVING -- YOU KNOW, IF YOU THINK ABOUT TUITION, ROOM, AND BOOKS -- I MEAN, ROOM AND BOARD AND BOOKS, THAT'S NOT ALL THAT IT COSTS TO LIVE. THERE'S TOOTHPASTE AND DOING YOUR LAUNDRY.

SO THE ATHLETES WERE ALLOWED TO RECEIVE $15 BACK IN THE

1950'S FOR THOSE -- $15 PER MONTH FOR THOSE TYPES OF EXPENSES. AND TODAY THAT'S WORTH, YOU KNOW, AROUND $1,500 OR SO, WHICH IS CLOSE TO THE STIPEND THAT THEY HAVE BEEN ARGUING ABOUT FOR THESE PAST FEW YEARS THAT THEY USED TO GET ANYWAY, AND DEMAND WAS FINE WHEN THE ATHLETES RECEIVED THOSE LIVING EXPENSES.

Q. ALL RIGHT. AND THEN THERE WAS A HISTORY IN 1970'S, I GATHER, WITH PELL GRANTS?

WOULD YOU TELL US HOW THAT RELATES TO THE POPULARITY OF THE SPORT AND YOUR CONCLUSIONS?

A. YEAH. SO WHEN THE PELL GRANT WAS STARTED -- IN FACT, WALTER BUYERS, YOU KNOW, WENT TO CONGRESS AND SAID, WHEN YOU COUNT A SCHOLARSHIP, DON'T COUNT THAT AGAINST THE INCOME FOR THE ATHLETE SO THEY CAN ALSO RECEIVE A PELL GRANT. SO HE WANTED THEM TO BE ABLE TO RECEIVE A SCHOLARSHIP AND A PELL GRANT.

AND, ANYWAY, SO WHEN THE PELL GRANT STARTED, THEY WERE, YOU KNOW, THE -- THE ATHLETES WERE ALLOWED TO RECEIVE THE SCHOLARSHIP AND THEN THE NCAA WOULD TAKE AWAY THE PORTION OF THE PELL GRANT THAT KIND OF, YOU KNOW, WENT UP TO THEIR -- THAT WENT ABOVE THEIR COST OF LIVING.

AND THEN SLOWLY OVER TIME, THEY ALLOWED THE ATHLETES TO THEN KEEP THE PELL GRANT ALONG WITH THE SCHOLARSHIP.

Q. SO THERE WAS A PERIOD WHERE THE NCAA WOULD, IF YOU HAD AN ATHLETIC SCHOLARSHIP AND A PELL GRANT, THEY WOULD OFFSET SOME OR ALL OF YOUR ATHLETIC SCHOLARSHIP BY THE AMOUNT OF YOUR PELL

GRANT?

A. YES.

Q. AND THEN THAT CHANGED --

A. NOW --

Q. -- YOU GET TO KEEP THE PELL GRANT?

A. YEAH, YEAH. SO THEY'VE KIND OF LOOSENED THE AMOUNT THE ATHLETES ARE ALLOWED TO KEEP.

Q. ONCE THE ATHLETE WAS ALLOWED TO KEEP THE ATHLETIC SCHOLARSHIP AND THE PELL GRANT, HOW DID THAT EFFECT THE POPULARITY OF THE SPORT?

A. NONE OF THIS -- THE AMOUNT THAT THE ATHLETE RECEIVES JUST DOESN'T AFFECT -- YOU KNOW, NOTHING'S SHOWN THAT AFFECTED THE POPULARITY OF THE SPORT.

AND THAT'S, YOU KNOW, OTHER EVIDENCE COMES FROM OTHER SPORTS TOO, NOT JUST COLLEGE BASKETBALL AND MEN'S BASKETBALL.

Q. ALL RIGHT. WE'LL GET TO THAT.

THE COURT: I'M STILL NOT GETTING THIS. MAYBE IT'S A MINOR POINT.

IF THE PELL GRANT IS CALCULATED BASED ON THE STUDENT'S NEED, AND THE STUDENT NEEDS $20,000 FOR TUITION, AND THEN AFTER THE PELL GRANT IS CALCULATED, GIVING THEM $20,000 AND OTHER THINGS FOR TUITION, THEN THEY GET AN ATHLETIC SCHOLARSHIP, WHICH MEANS THEY DON'T HAVE TO PAY THE $20,000? THEY STILL GET TO KEEP THE PELL GRANT, WHICH PRETENDS THAT THEY DID HAVE TO PAY THE $20,000, SO THEY'RE GETTING THAT

$20,000 ANYWAY? IS THAT THE GIST OF IT?

MR. ISAACSON: I WILL --

THE WITNESS: THERE'S COSTS ABOVE JUST THAT COST OF ATTENDANCE. AS DR. NOLL SAID, THERE'S POTENTIALLY CHILDCARE COSTS AND THINGS LIKE THAT THAT --

THE COURT: I'M ASKING A DIFFERENT QUESTION.

WAS I NOT CLEAR?

THE WITNESS: I DIDN'T QUITE UNDERSTAND. I'M SORRY.

THE COURT: THE PELL GRANT IS BASED ON NEED; ISN'T THAT RIGHT?

THE WITNESS: YES.

THE COURT: AND AMONG THOSE NEEDS WOULD BE THE COST OF TUITION.

THE WITNESS: RIGHT.

THE COURT: SO IF I'M A PELL GRANT GRANTOR, AND I'M LOOKING AT A STUDENT I'M THINKING OF GIVING A SCHOLARSHIP TO AND I SAY THIS STUDENT NEEDS, AMONG OTHER THINGS, $20,000 TO PAY TUITION.

THE WITNESS: RIGHT.

THE COURT: SO I'M GOING TO GIVE THE STUDENT $20,000 PLUS, BECAUSE THEY NEED $20,000 TO PAY TUITION.

THE WITNESS: RIGHT.

THE COURT: OKAY. THEN NEXT WEEK, THAT STUDENT GETS AN ATHLETIC SCHOLARSHIP. OKAY?

THE WITNESS: RIGHT.

THE COURT: AND THE ATHLETIC SCHOLARSHIP SAYS, YOU GET FREE TUITION. YOU DON'T HAVE TO PAY ANY TUITION.

THE WITNESS: RIGHT.

THE COURT: DOES THE PELL GRANT GRANTOR STILL SAY, I DON'T CARE, I'M GOING TO GIVE YOU THE 20,000 ANYWAY EVEN THOUGH YOU DON'T NEED ANY TUITION BECAUSE YOU GOT ANOTHER SCHOLARSHIP.

THE WITNESS: I DON'T -- I DON'T ACTUALLY KNOW HOW THAT MECHANISM WORKS. I JUST KNOW IN GENERAL HOW IT WORKS. I DON'T KNOW --

MR. ISAACSON: I THINK IT'S A LIVING EXPENSE ISSUE AND NOT A TUITION ISSUE.

THE COURT: I WOULD ASSUME SO, BUT I'M NOT FOLLOWING THIS. BUT OKAY.

MR. ISAACSON: I'M ASSUMING THAT YOU ARE CORRECT; THAT THE SCHOOLS AREN'T GETTING PAID TWICE FOR TUITION. AND WE'RE CERTAINLY NOT ALLEGING THAT.

THE COURT: THE STUDENT ISN'T GET PAID TWICE.

MR. ISAACSON: NOR IS THE SCHOOL, RIGHT.

WELL, I KNOW WHEN I GOT MY GRANTS, I HAD TO TAKE THE CHECK OVER TO THE SCHOOL.

THE COURT: OH.

BY MR. ISAACSON:

Q. ALL RIGHT.

I WANT TO TALK ABOUT EVIDENCE DISCUSSED IN YOUR REPORT

THAT IF PLAYERS RECEIVED A LARGER PORTION OF MONEY FOR THEIR VALUE THAT FANS WOULD REMAIN INTERESTED.

IF WE CAN LOOK AT DEMONSTRATIVE EXHIBIT 18, WHICH IS A DISCUSSION OF NCAA VIOLATIONS AND CONSUMER DEMAND.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

WOULD YOU EXPLAIN YOUR ANALYSIS HERE?

A. YES.

SO, WE DON'T HAVE MANY NATURAL EXPERIMENTS TO LOOK AT IN TERMS OF THE, YOU KNOW, THERE ISN'T A NCAA TIME PERIOD WHERE THEY ALLOWED PAYMENT FOR NAME, IMAGE AND LIKENESS, SO WE HAVE THESE, YOU KNOW, INDIVIDUAL SITUATIONS WHEN THE ATHLETES WERE DEEMED TO BE PROFESSIONAL BY THE NCAA.

SO IN THIS CASE, THESE OHIO STATE FOOTBALL PLAYERS SOLD THEIR CHAMPIONSHIP'S RINGS, AND JERSEYS AND TRINKETS IN RETURN FOR REDUCED PRICES FOR TATTOOS AND MONEY AND SO FORTH. AND INSTEAD OF THEM BEING PUNISHED FOR THE NEXT GAME, THE SUGAR BOWL, THEY WERE ALLOWED TO PLAY IN THE SUGAR BOWL SO THEY WERE DEEMED TO BE PROFESSIONALS IN THAT SENSE, THEY VIOLATED AMATEURISM, AND YET THE VIEWERSHIP FOR THAT SUGAR BOWL WAS THE HIGHEST EVER ON ESPN, YOU KNOW, AT THE TIME.

AND SO CLEARLY THE DEMAND TO WATCH THESE ATHLETES, EVEN THOUGH THEY WERE DEEMED TO NOT BE AMATEUR AT THAT POINT, WAS STILL THERE. THE FANS DIDN'T CARE THAT THEY WERE NOT -- IN THE NCAA'S DEFINITION OF AMATEURISM.

Q. LET ME WALK THROUGH THAT TO MAKE SURE WE UNDERSTAND WHY

THAT WAS OF INTEREST TO YOU AS AN ECONOMIST.

SO THE MEMBERS OF THE OHIO STATE FOOTBALL TEAM WERE SUSPENDED FOR SELLING GOODS BEFORE THE BIG END-OF-THE-YEAR BOWL GAME?

A. RIGHT.

Q. AND THEN THE NCAA PUNISHMENT, HOWEVER, WAS THAT THEY WERE SUSPENDED FOR SOME GAMES THE FOLLOWING SEASON, BUT THEY COULD STILL PLAY IN THAT BIG BOWL GAME?

A. YES. THAT'S RIGHT.

Q. AND THE BOWL GAME IS ON TV?

A. RIGHT.

Q. RIGHT. AND SO DID -- WHAT HAPPENED TO THE POPULARITY OF THIS BOWL GAME AND ITS RATINGS AS A RESULT OF THESE PLAYERS PLAYING IN THAT GAME?

A. SO, AGAIN, THE RATINGS WERE THE HIGHEST THAT THEY HAD BEEN ON ESPN. AND SO, AGAIN, THE FANS DIDN'T SAY, THESE GUYS ARE NOT AMATEURS, WE ARE NOT GOING TO WATCH THE GAME.

Q. ALL RIGHT.

NOW, THE OTHER EXAMPLE IS A MORE RECENT DOUG FLUTIE, JOHNNY MANZIEL. WOULD YOU EXPLAIN HOW THE EXAMPLE OF JOHNNY MANZIEL RELATES TO YOUR ECONOMIC ANALYSIS?

A. SO JOHNNY MANZIEL HAD VIOLATED AN NCAA POLICY ABOUT SIGNING AUTOGRAPHS. SO HE HAD TO SIT OUT THE FIRST HALF OF -- OF THE FIRST GAME OF THE SEASON AGAINST RICE UNIVERSITY. THAT GAME, OF COURSE, WAS TELEVISED. HE HAD, YOU KNOW, HE HAD WON

THE HEISMAN TROPHY, SO HE WAS A BIG DRAW.

IN FACT, THE TEXAS A&M CLAIMS THAT, YOU KNOW, THEIR DONATION TO THE UNIVERSITY WENT UP TO $300 MILLION BECAUSE OF THE SUCCESS OF THEIR -- JUST IN THE NEXT SEASON JUST BECAUSE OF THE SUCCESS OF THEIR -- JOHNNY MANZIEL AND HIS FOOTBALL TEAM.

BUT, IN ANY EVENT, SO HE SAT OUT, YOU KNOW, THE FIRST HALF, IT WAS A CLOSE FIRST HALF. AND THEN ONCE HE ENTERED THE GAME, THE NIELSEN RATINGS SHOT UP AND THE FANS WANTED TO SEE JOHNNY MANZIEL WHO VIOLATED THE AMATEURISM RULES. THEN THE GAME WENT ON AND TEXAS A&M WENT ON TO WIN THE GAME.

AGAIN, THE FANS ARE NOT TURNING AWAY -- AGAIN, THESE ARE TWO, ADMITTEDLY TWO INDIVIDUAL EXPERIMENTS, BUT THAT'S ALL WE HAVE WITHIN COLLEGE SPORTS. WE HAVE EXPERIMENTS OUTSIDE OF COLLEGE SPORTS, BUT THESE ARE TWO WITHIN COLLEGE SPORTS.

Q. I WANT TO ASK YOU ABOUT A TRIAL EXHIBIT IN THIS CASE THAT WAS DISCUSSED IN YOUR REPORT, PLAINTIFFS' EXHIBIT 1133.

WOULD YOU EXPLAIN WHAT THIS DOCUMENT IS?

A. YES. THIS IS, AS IT SAYS, A PRESENTATION BY PAT BATTLE TO THE NCAA ABOUT TEN YEARS AGO.

COLLEGIATE LICENSING COMPANY IS A PARTNER OF THE NCAA. THEY ARE A BUSINESS PARTNER. THEY BASICALLY CARRY OUT A LOT OF THE LICENSING THAT GOES ON IN THE NCAA. THEY REPRESENT HUNDREDS OF SCHOOLS. AND THEY LICENSE, YOU KNOW, THEY HELP LICENSE THE PRODUCTS AND THE -- YOU KNOW, THE BUBBLEHEADS AND

THE JERSEYS AND EVERYTHING, BUT THEY ALSO WERE INVOLVED IN LICENSING OF THE EA VIDEO GAME.

Q. IF WE CAN TURN TO 1133-9 WHERE THERE'S A COMPARISON OF COLLEGE TO THE NFL AND NBA WHERE THE RETAIL SALES FOR THESE SPORTS ARE RELATIVELY CLOSE.

AND THEN LET'S ALSO LOOK AT PAGE 10, ESTIMATED TOTAL RETAIL SALES MINUS PLAYER-DRIVEN CATEGORIES. THEN YOU SEE A DIFFERENT SET OF NUMBERS.

WOULD YOU EXPLAIN HOW THESE PAGES RELATE -- I'M SORRY. AND THEN ONE MORE PAGE. ESTIMATED TOTAL RETAIL SALES FOR PLAYER-DRIVEN CATEGORIES. NOW YOU SEE MUCH HIGHER NUMBERS FOR THE NFL AND THE NBA.

WOULD YOU EXPLAIN HOW THIS RELATES TO YOUR ANALYSIS IN THE CASE?

A. RIGHT. SO CLC IS -- FIRST OF ALL, THEY ARE COMPARING NCAA LICENSING TO THE NFL AND THE NBA, ANOTHER PIECE OF EVIDENCE THAT THOSE ARE COMPARABLE. AND THEY ARE IN TERMS OF TOTAL SALES ON THE FIRST PAGE, YOU KNOW, BILLIONS OF DOLLARS SIMILAR TO THE NFL AND THE NBA.

ON THIS LAST PAGE, THIS IS THE SALE OF ITEMS THAT USE EFFECTIVELY, YOU KNOW, THEY CALL THEM PLAYER-DRIVEN CATEGORIES, TRADING CARDS, VIDEO GAMES, AND JERSEYS. AND THESE SALES ARE LOWER, YOU KNOW, BECAUSE OF THE NCAA RULE, RIGHT, THAT SAYS THEY CAN'T REALLY EXPLOIT THE FULL USE OF THE NAME, IMAGE AND LIKENESS. I MEAN, THAT'S THEIR RULE.

AND SO IN THIS COMPARISON YOU CAN SEE THAT BECAUSE THEY SELL A LOT IN THE OTHER CATEGORIES THAT DON'T USE THE PLAYERS, THAT POTENTIALLY THE NCAA IS LEAVING A LOT OF MONEY ON THE TABLE, SO TO SPEAK. THEY CAN BE SELLING A LOT MORE OF THESE CATEGORIES SATISFYING THE DEMAND IN THE MARKETPLACE.

YOU KNOW, THIS RULE IS ESSENTIALLY RESTRICTING THE DEMAND FOR THESE PRODUCTS IN THE MARKETPLACE. AND IF -- IF THEY RELEASE THE RULE, YOU KNOW, CLC IS EFFECTIVELY SHOWING THAT THOSE SALES WOULD GO UP.

Q. AND IF WE CAN LOOK AT 1133, PAGE 39.

(EXHIBIT DISPLAYED ON SCREEN.)

IMPORTANCE OF JERSEYS AND VIDEO GAMES TO THE COLLEGIATE MARKET WHERE IT REPORTS THAT INDUSTRY LEADERS, SUCH AS NIKE, ADIDAS, EA SPORTS, SONY, AND SEGA ARE ALL VERY COMMITTED TO THE COLLEGE MARKET, THEY CONSTANTLY PUSH US TO EASE RESTRICTIONS ON NAME, LIKENESS, AND AGGRESSIVENESS.

AS WELL AS PAGE 42 WHERE THERE IS A DISCUSSION OF OPTIONS, LESS RESTRICTIONS, WOULD LIKELY LEAD TO A GIANT LEAP IN ROYALTIES, RETAIL PRESENCE, REACHING YOUTH, AND DIFFERENTIATES COLLEGE FROM PRO.

WOULD YOU EXPLAIN HOW THIS PART OF THE PRESENTATION RELATES TO YOUR ANALYSIS?

A. RIGHT. SO THESE ARE, YOU KNOW, THESE EXACT -- I MEAN, THIS BASICALLY SAYS WHAT IT IS, WHICH IS THAT IF THE RESTRICTIONS WERE RELEASED, WE COULD SATISFY THE DEMAND IN THE

MARKETPLACE. WE CAN SELL A LOT. THE FANS ARE PASSIONATE, WE ALL KNOW, SO WE CAN SELL A LOT OF THESE PRODUCTS, THESE VIDEO GAMES, AND JERSEYS, AND OTHER THINGS.

Q. AS PART OF YOUR INVESTIGATION IN THIS CASE, HAVE YOU SEEN DISCUSSIONS OF THE EFFECT OF DEMAND FOR VIDEO GAMES AND THE NCAA RESTRICTIONS?

A. YES. I MEAN, ELSEWHERE, I'VE SEEN EVIDENCE -- I MEAN, ONE IS JIM ISCH, FOR INSTANCE -- I-S-C-H, WHO IS ONE OF THE LEADERS OF THE NCAA FOR A WHILE. HE SAID THAT ESSENTIALLY THE RULES KILLED THE -- THE BASKETBALL VIDEO GAME, FOR INSTANCE.

SO, YOU KNOW, WE HAVE SEEN THOSE GAMES LEAVE THE MARKETPLACE ESSENTIALLY BECAUSE OF THESE RULES.

Q. AND WHAT ABOUT ADDITIONAL VALUE OF THESE -- I MEAN, THE COURT'S HEARD TESTIMONY THAT THE GAMES DID NOT USE THE ACTUAL NAMES OF THE PLAYERS.

WHAT ABOUT THE EVIDENCE THAT YOU'VE INVESTIGATED AND REPORTED WITH RESPECT TO THE VALUE OF THOSE GAMES IF THE NAME WAS INCLUDED?

A. YES. SO THERE'S -- THERE'S EVIDENCE THAT, UM, THERE'S A THOUGHT THAT IF THEY PUT THE NAMES -- I MEAN, THE SURVEYS OF FANS, AND 90 PERCENT OF THEM WISHED THAT THE GAME SHIPPED WITH THE NAMES OF THE PLAYERS. BECAUSE THEY'LL SEE THAT THERE'S A PLAYER THERE, THERE'S A NUMBER. YOU KNOW, NUMBER 4 FOR TYRONE PROTHRO, WE SAW HIS NUMBER THERE, THEY WOULD LIKE TO SEE HIS NAME THERE. AGAIN, FROM THE SURVEYS THE NCAA COMMISSIONED.

AND THEY THINK THAT -- THAT THEY CAN RAISE PRICE BY 10 TO 20 PERCENT. AND THERE'S OTHER EVIDENCE THAT THE SALES MIGHT GO UP BETWEEN 25 TO 75 PERCENT, DEPENDING ON WHETHER IT'S BASKETBALL OR FOOTBALL.

THEY RECOGNIZE THAT THE FANS WANT THE NAMES IN THE GAME. AND, IN FACT, THE FANS CAN DO A COMPLICATED WORK-AROUND IN ORDER TO SLIP THE NAMES INTO THE GAME. IT WOULD BE MORE VALUABLE IF THE GAMES SHIPPED WITH THE NAMES IN THEM.

Q. LET ME MOVE ON TO THE TOPIC OF OTHER SPORTS IN AMATEURISM.

HAVE YOU STUDIED THE ECONOMIC HISTORY OF OTHER SPORTS WHERE THERE'S BEEN A TRANSITION FROM AMATEURISM OR FORMS OF AMATEURISM TO MORE COMPETITIVE FORMS OF COMPENSATION?

A. YES.

SO, IN MAJOR LEAGUE BASEBALL, AND IT'S BEEN AROUND A LONG TIME, THEY WERE AMATEUR -- IT WAS AMATEUR BACK IN THE 1860'S. SO HERE WE GO, 150 YEARS AGO.

AND YET THERE WAS PRESSURE TO -- TO PAY THE PLAYERS, ECONOMIC PRESSURE, AS THERE IS IN ANY MARKET TO VALUABLE ASSETS, AND SO TEAM STARTED, YOU KNOW, THE CINCINNATI REDS STARTED TO PLAY THE PLAYERS IN THE LATE 1860'S.

AT THAT STAGE, YOU KNOW, THE FANS SHOWED UP, AND THE FANS ENJOYED IT, AND THEN THE OTHER TEAMS ADOPTED, AND ALL OF A SUDDEN MAJOR LEAGUE BASEBALL BECAME A PROFESSIONAL SPORT WHERE THEY JUMPED FROM AMATEURISM TO PROFESSIONAL, AND YET DEMAND DIDN'T GO DOWN, IT ACTUALLY WENT UP.

MR. ISAACSON: BEFORE I FORGET, I WOULD MOVE PLAINTIFFS' EXHIBIT 1133, THE DOCUMENT WE JUST REVIEWED, INTO EVIDENCE.

MR. SINGLA: YOUR HONOR, IF WE CAN DISCUSS THAT WITH COUNSEL AFTER THE -- AFTER THE TRIAL TODAY, WE WILL FIGURE IT OUT.

MR. ISAACSON: ALL RIGHT.

THE COURT: OKAY.

BY MR. ISAACSON:

Q. ALL RIGHT.

AND GOING THROUGH BASEBALL HISTORY, ONCE YOU GOT PASSED THE 1800'S THERE WAS SOMETHING CALLED THE RESERVE CLAUSE. CAN YOU EXPLAIN WHAT THAT WAS?

A. SO WHEN THEY STARTED PAYING -- PAYING THE PLAYERS, THE -- ACTUALLY INITIALLY THE PLAYERS WERE FREE AGENTS, BUT I WILL SKIP THAT.

SO WHEN THEY STARTED PAYING THE PLAYERS FOR ABOUT A HUNDRED YEARS, EACH TEAM CONTROLLED A PLAYER, CALLED THE RESERVE CLAUSE. AND THEY -- THEY EFFECTIVELY COULD TELL THE PLAYER, I'M GOING TO PAY YOU WHAT WE ARE GOING TO PAY YOU, AND IF YOU DON'T WANT TO ACCEPT IT, THEN YOU DON'T PLAY BASEBALL, MAJOR LEAGUE BASEBALL. THE PLAYERS DIDN'T HAVE ACCESS TO THE MARKETPLACE, RIGHT?

SO THEY WERE PAID -- SOME ESTIMATES PUT IT AT ABOUT 20 PERCENT OF WHAT THEY WOULD BE PAID IF THERE WAS A

COMPETITIVE MARKETPLACE.

Q. THIS WAS A PERIOD WHERE BIG STARS WERE PAID LIMITED SALARIES, HAD OFF-SEASON JOBS?

A. YES, EXACTLY RIGHT. THEIR SALARIES WERE MORE IN LINE WITH NONATHLETES AND THAT THEY ALL WORKED IN THE OFF SEASON, YOU KNOW.

Q. ALL RIGHT. IF I CAN ASK YOU --

MR. ISAACSON: IF WE CAN PUT ON THE SCREEN RASCHER DEMONSTRATIVE 19.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

BY MR. ISAACSON:

Q. TAKE US FROM THE RESERVE CLAUSE TO THIS HISTORY OF BASEBALL, AND EXPLAIN TO US WHAT'S GOING ON.

A. SO THIS GRAPH, LET ME GO THROUGH THE PARTS OF IT BECAUSE IT HAS A LOT OF DIFFERENT ELEMENTS.

ON THE -- ON THE BOTTOM IS THE DATE, 1970 UP THROUGH 2011. ON THE LEFT SIDE IS THE AVERAGE PLAYER SALARY, WHICH IS DENOTED BY THE GREEN LINE THAT TRAVELS THROUGH THE GRAPH.

ON THE RIGHT SIDE IS TOTAL MAJOR LEAGUE BASEBALL REVENUES, AND THAT'S IN BILLIONS OF DOLLARS. SO YOU CAN SEE THAT'S THE BLUE LINE THAT ALSO TRAVELS -- TRAVELS THROUGH THE GRAPH.

AND WHAT'S IMPORTANT ABOUT THIS DOCUMENT IS THAT IF YOU LOOK IN THE EARLY 1970'S, THAT'S WHEN THE PLAYERS WERE STILL UNDER THE RESERVE CLAUSE, MEANING THAT, AGAIN, THEY DIDN'T HAVE ACCESS TO THE MARKET, THEY WERE JUST PAID WHAT -- WHAT

THE TEAMS OFFERED. YOU KNOW, WHAT AN INDIVIDUAL TEAM WOULD OFFER. THEN THERE WAS A PUSH FOR THEM TO BE ABLE TO HAVE ACCESS TO THE MARKET. ESSENTIALLY, LET THE TEAMS COMPETE FOR THEIR SERVICES.

AND, UM, THE OWNERS IN BASEBALL AND MEMBERS OF THE MEDIA AND SO FORTH, YOU KNOW -- I'LL JUST READ THE GEORGE STEINBRENNER'S REMARK --

Q. BEFORE YOU DO THAT, YOU SAID THERE WAS AN EFFORT TO CHALLENGE THE RESERVE CLAUSE.

THERE'S A REFERENCE TO THE FLOOD LAWSUIT. THAT'S THE -- AN ANTITRUST LAWSUIT BY CURT FLOOD --

A. RIGHT.

Q. -- THAT LED TO -- THAT WAS THE CHALLENGE TO THE RESERVE CLAUSE --

A. RIGHT.

Q. -- IT WAS QUITE FAMOUS IN BASEBALL HISTORY?

A. RIGHT. ULTIMATELY IT WASN'T SUCCESSFUL THEY HAD TO GO TO ARBITRATION WITH A COUPLE OF OTHER PLAYERS.

BUT, STEINBRENNER SAID, "I'M DEAD SET AGAINST FREE AGENCY. IT CAN RUIN BASEBALL".

SO, AGAIN, THE STATEMENTS AT THE TIME, YOU KNOW, PEOPLE WERE WORRIED ABOUT COMPETITIVE BALANCE IN BASEBALL. WOULD THE YANKEES GET ALL THE GREAT PLAYERS, AND THEN NOBODY WOULD WANT TO WATCH IT BECAUSE IT WOULD BE TOO DOMINATING -- THEY WOULD BE TOO DOMINANT.

Q. THERE'S A REFERENCE TO POLLS THEN IN THE EARLY '80S.

A. RIGHT. SO ONCE THEY HAD ACCESS TO THE MARKET, THEIR PAY SHOT UP. NOT SURPRISINGLY, RIGHT? BECAUSE OF -- OF -- OF COMPETITION.

AND THROUGHOUT THE WHOLE NEXT DECADES AND DECADES, EVERY TIME THEY ASKED FANS WHAT IS A BIG PROBLEM IN BASEBALL, 60, 70 PERCENT OF THEM SAID, THE PLAYERS MADE TOO MUCH. AT THE SAME TIME, THEY ARE SHELLING OUT MONEY FOR TICKETS, WATCHING ON TELEVISION, BUYING CONCESSIONS AND MERCHANDISE.

AND YOU CAN SEE HERE THAT THE REVENUES IN BASEBALL, WHICH IS, AGAIN, THE BLUE LINE WENT FROM, YOU KNOW, HUNDRED MILLION ALL THE WAY UP TO OVER 6 BILLION.

SO EVEN THOUGH THE FANS IN POLLS SAY, HEY, WE DON'T WANT THE PLAYERS TO MAKE SO MUCH MONEY, ULTIMATELY THEY CONTINUE TO WATCH ON TELEVISION, YOU KNOW, BUY TICKETS, CONCESSIONS, MERCHANDISE, THE WHOLE THING. SO CLEARLY THE AMOUNT THAT THE ATHLETES MAKE, IT MIGHT HAVE DISTURBED THEM, BUT IT DIDN'T AFFECT DEMAND. DEMAND CONTINUED TO RISE IN BASEBALL. AND THE ATHLETES ALSO MADE MORE MONEY BECAUSE OF -- OF COMPETITION.

Q. EVEN IN 2010, WITH REVENUES HITTING HISTORIC HIGHS, WHAT WERE THE POLLS SHOWING THAT YOU QUOTE?

A. SO THERE'S AN ESPN POLL THAT SAYS, YOU KNOW, 40 PERCENT IN THE ESPN POLL SAY, PLAYERS MAKING TOO MUCH MONEY IS MAJOR LEAGUE BASEBALL'S BIGGEST ISSUE.

Q. ALL RIGHT. TENNIS, TENNIS WAS ONCE AMATEUR?

A. YES. TENNIS WAS AMATEUR UP UNTIL THE LATE 1960'S, AND, UM, AND THEN THERE WAS A, YOU KNOW, A PUSH TO -- TO PAY THE ATHLETES SOME EXPERIMENTS ON CERTAIN EVENTS. AND THIS IS BOTH IN -- IN EUROPE AND IN THE UNITED STATES. AND THEN ONCE THEY ADOPTED -- ONCE THEY ALLOWED THE ATHLETES TO BECOME PROFESSIONAL, AGAIN, DEMAND CONTINUED TO RISE, IT WENT UP, AND THERE WASN'T A -- THERE WASN'T A LOSS IN DEMAND BECAUSE THE ATHLETES WERE BEING PAID ALL OF A SUDDEN.

Q. ALL RIGHT.

LET'S LEAVE THE U.S. BORDERS FOR RUGBY. TELL US ABOUT AMATEUR RUGBY AND PROFESSIONAL RUGBY.

A. SO -- SO A BIT LATER ON, INTERNATIONAL RUGBY, WHICH I KNOW -- RUGBY IS NOT POPULAR IN THE UNITED STATES, BUT IT IS ELSEWHERE IN THE WORLD, AND IT ALSO WENT THROUGH THIS PROCESS OF BEING AMATEUR FOR A PERIOD OF TIME, FOR MOST OF ITS HISTORY, AND THEN UP IN THE 1990'S, AS LATE AS THE 1990'S, IT CONVERTED ITSELF BECAUSE OF COMPETITIVE PRESSURES TO ACTUALLY PAYING THE ATHLETES, AND DEMAND IN REVENUES, YOU KNOW, SHOT UP AFTER THAT TIME PERIOD.

SO, AGAIN, THERE WASN'T A NEGATIVE IMPACT OF THE ACT OF PAYING, PAYING SOMEONE FOR THEIR SERVICES.

Q. DR. NOLL HAS TESTIFIED ABOUT THE OLYMPICS. I WON'T ASK YOU TO GO MUCH OVER THAT, BUT YOU DID DISCUSS IT IN YOUR REPORT. SO LEFT ME ASK YOU TO LOOK AT RASCHER DEMONSTRATIVE 20.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

THIS IS FROM 2004.

EXPLAIN TO ME HOW THIS RELATES TO YOUR ANALYSIS.

A. RIGHT.

SO THIS POLL OF, YOU KNOW, THOUSANDS OF ADULTS BY HARRIS POLL, AS YOU SAID, IS IN 2004. THAT'S, YOU KNOW, MORE THAN A DECADE AFTER THE OLYMPICS STOPPED ENFORCING AMATEURISM, AT LEAST AS A WHOLE. IT DEVOLVED IT DOWN TO THE DIFFERENT INTERNATIONAL GOVERNING BODIES.

BUT AS AN EXAMPLE, THE DREAM TEAM, THE U.S.A. BASKETBALL TEAM PLAYED IN THE EARLY 1990'S IN THE OLYMPICS. SO EVEN AS LATE AS 2004, THIS, YOU KNOW, 51 PERCENT OF THE PEOPLE IN THIS POLL BELIEVE THAT THE OLYMPICS SHOULD BE RESTRICTED TO AMATEUR ATHLETES ONLY. YET, AT THE SAME TIME, WE SEE OLYMPIC, YOU KNOW, REVENUE SHOOTING THROUGH THE ROOF, RIGHT? PEOPLE ARE WATCHING. THE OLYMPICS IS ABLE TO SELL ITS MEDIA PACKAGE FOR, YOU KNOW, TONS AND TONS OF MONEY. YET, EVEN THOUGH THE FANS ARE SAYING, GEE, WE WISH THE OLYMPIC ATHLETES WERE AMATEUR.

Q. RIGHT.

WHAT ABOUT ONE SPORT AS AN EXAMPLE, U.S.A. SWIMMING. TELL US HOW THAT RELATES TO YOUR ANALYSIS?

A. SO U.S.A. SWIMMING, THE SWIMMERS ARE ALLOWED TO -- TO -- TO RECEIVE KIND OF A MONTHLY STIPEND. IT LOOKS LIKE IT'S AROUND $3,250 FOR KIND OF THE TOP SWIMMERS. AND, AGAIN, I'M NOT EVEN SURE FANS KNOW A LOT ABOUT THAT, BUT THEY JUST WANT

TO SEE THE SWIMMERS SWIM AND THEY WANT TO SEE THEM WIN.

I KNOW DR. NOLL TALKED A LOT ABOUT PRISE MONEY AND ALL THE THINGS THEY CAN WIN FROM THAT ALSO. THE FANS WANT TO SEE THE BEST PLAY AGAINST EACH OTHER IN THE OLYMPICS AND THEY ARE LESS CONCERNED ABOUT -- EVEN THOUGH THEY SAY -- THIS POLL THEY ARE AMATEUR, THEY ACTUALLY SHOW UP AND WATCH THE OLYMPICS ANYWAY.

Q. RETURNING TO DIVISION I MEN BASKETBALL PLAYERS AND FBS COLLEGE FOOTBALL PLAYERS, ARE THERE WAYS IN WHICH THOSE COLLEGE PLAYERS GET PAID TODAY?

THE COURT: WHY DON'T WE TAKE A BREAK. IT'S 10:20. WE WILL BREAK UNTIL 10:30.

(RECESS TAKEN AT 10:22 A.M.; RESUMED AT 10:32 A.M.)

THE CLERK: REMAIN SEATED. COME TO ORDER. THIS COURT IS BACK IN SESSION.

THE COURT: GO AHEAD.

MR. ISAACSON: FOR THE RECORD, I WOULD LIKE TO MOVE RASCHER EXHIBIT 19, THE BASEBALL CHART, INTO EVIDENCE. THAT'S BEING DONE WITHOUT OBJECTION.

THE COURT: ALL RIGHT.

(DEMONSTRATIVE EXHIBIT 19 RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. ONE POINT BEFORE THE BREAK THAT I WANT TO MAKE SURE IS CLEAR TO THE COURT; WAS YOU DISCUSSED THE ISSUE OF PUNISHMENT IN THE TAKING AWAY OF SCHOLARSHIPS.

JUST SO THAT EVERYBODY UNDERSTANDS HOW THAT WORKS IN THE

NCAA, WOULD YOU EXPLAIN THAT AND HOW THAT RELATED TO YOUR ANALYSIS?

A. OKAY.

SO, IF A SCHOOL VIOLATES AN NCAA RULE, THEY INVESTIGATE AND FIGURE OUT WHAT HAPPENED. AND THEN THEY DETERMINE WHAT TYPE OF PUNISHMENT TO METE OUT. AND ONE OF THE FREQUENT PUNISHMENTS THAT'S CONSIDERED TO BE, YOU KNOW, A STRONG PUNISHMENT IS THEY PULL SCHOLARSHIPS FROM THE TEAM SO THE TEAM CAN'T OFFER ONE, TWO, OR THREE SAY SCHOLARSHIPS DURING A THREE-YEAR PERIOD, RIGHT, SO THEY LOSE A NUMBER OF SCHOLARSHIPS.

AND THAT'S REPORTED TO BE A BIG DEAL BECAUSE THE -- THE COACHES WANT TO USE THE SCHOLARSHIPS TO MAKE SURE THEY GET THE TALENTED PLAYERS THAT THEY WANT. SO, AGAIN, IT IS FURTHER EVIDENCE THAT UM, THE SCHOOLS -- THE SCHOLARSHIPS MATTER TO THE SCHOOLS AND THEY -- THEY USE THEM AND THEY ARE VERY IMPORTANT TO THEM. AND THEY ARE NOT SOMETHING THAT THEY WOULD JUST CUT, YOU KNOW, IF THEY HAD TO COME UP WITH REVENUES FROM SOMEWHERE.

Q. ALL RIGHT.

SO, RETURNING TO THE ISSUES OF THE POPULARITY OF THE SPORT AND CONSUMER DEMAND, ARE THERE WAYS IN WHICH COLLEGE PLAYERS ARE PAID TODAY, AND IF YOU CAN EXPLAIN HOW THAT RELATES TO THE POPULARITY OF THE SPORT IN YOUR OPINIONS.

A. YES. SO AS WE TALKED ABOUT OVER HISTORY, THE SCHOLARSHIP

HAS GONE UP AND DOWN IN TERMS OF WHAT'S CONTAINED IN IT.

Q. IN YOUR OPINION, IS THE SCHOLARSHIPS ITSELF -- AS AN ECONOMIST, IS IT YOUR OPINION THE SCHOLARSHIP ITSELF IS A FORM OF PAYMENT?

A. ABSOLUTELY. FROM AN ECONOMIC PERSPECTIVE, THEY ARE RECEIVING TUITION, ROOM AND BOARD, AND BOOKS WHICH HAS ECONOMIC VALUE. SO THE SCHOLARSHIP IS, YOU KNOW, IS A FORM OF PAYMENT.

AND EVEN WHEN AN ATHLETE MOVES OFF CAMPUS, THEY GET A CHECK FOR THE LIVING -- FOR THE, YOU KNOW, TO RENT AN APARTMENT ESSENTIALLY. SO THAT'S AN ACTUAL KIND OF CASH PAYMENT. AND FOR SOME ATHLETES -- SOME OF MY STUDENTS HAVE ALWAYS TOLD ME THEY WERE ABLE TO ACTUALLY POCKET SOME OF THAT BECAUSE THEY WERE ABLE TO LIVE ON A LOWER COST THAN THE AMOUNT OF THE CHECK. SO IT REALLY IS KIND OF CASH.

Q. WHAT ABOUT GIFTS OR OTHER PAYMENTS THAT ARE PERMITTED?

A. SO, YES. SO COLLEGE ATHLETES -- THERE'S DIFFERENT RULES ON -- WHEN THEY CAN RECEIVE SOMETHING ABOVE THE SCHOLARSHIP.

AND SO ONE EXAMPLE IS, SAY AT A BOWL GAME, THE ATHLETES ARE ALLOWED TO RECEIVE SOME SORT OF -- OF A GIFT. AND I HAVE AN EXAMPLE IN ONE OF MY REPORTS WHERE AT THE BELK BOWL, WHICH IS, YOU KNOW, A MID- OR LOWER-TIERED BOWL, THE ATHLETES --

Q. WHAT IS BELK?

A. BELK IS A DEPARTMENT STORE IN THE SOUTH. YOU KNOW, A GENERAL DEPARTMENT STORE. YOU CAN PRETTY MUCH BUY, NOT

ANYTHING, BUT YOU CAN BUY LOTS OF DIFFERENT THINGS THERE.

SO THE ATHLETES GET A GIFT CARD FOR BELK, AND THEY CAN GO AND BUY ANYTHING THEY WANT. I THINK THE LIMIT ON THAT PARTICULAR GIFT CARD IS SOMETHING LIKE $550.

THEY CAN ALSO RECEIVE AN ADDITIONAL $400 FROM, I THINK, THEIR -- THEIR SCHOOL OR THEIR CONFERENCE IS KIND OF A GIFT FOR MAKING IT INTO THE BOWL GAME.

SO, YOU KNOW, ALMOST A THOUSAND DOLLARS OF -- OF GIFTS THAT GO ABOVE THE SCHOLARSHIP, AND YET THE FANS -- THE BELK BOWL IS PROBABLY MORE POPULAR THAN MANY OTHER GAMES. DURING THE SEASON, THE BOWL GAMES ALL GIVE OUT THESE GIFTS.

AND THOSE ARE THE MOST POPULAR GAMES OF THE SEASON. SO CLEARLY, YOU KNOW, WHEN THE ATHLETES ARE GETTING MORE MONEY, THOSE HAPPEN TO BE THE GAMES THAT ARE ALSO MORE POPULAR.

Q. THERE HAS BEEN DISCUSSION IN THIS CASE OF RECRUITING OF CURRENT FBS COLLEGE FOOTBALL PLAYERS AND MEN'S I DIVISION I BASKETBALL PLAYERS. HOW DOES RECRUITING GO ON TODAY BASED -- FROM YOUR VIEW AS AN ECONOMIST?

A. SO, THE RECRUITING MARKET IS VERY VIGOROUS. YOU KNOW, THE SCHOOLS SPEND A LOT OF EFFORT TRYING TO FIND AND IDENTIFY THE RIGHT ATHLETES, AND THEN A LOT OF EFFORT IN WOOING THEM TO, YOU KNOW, TO BRING THEM TO CAMPUS. SO IT IS VERY VIGOROUS, A VERY IMPORTANT PART OF WHAT THE COACHING STAFF DOES, IS FIND THE RIGHT TALENTED PLAYERS. IT REALLY DOES MATTER THE NAME ON THE BACK IN TERMS OF THESE ARE THE TALENTED PLAYERS, NOT JUST

SOMEONE TO FILL THE UNIFORM.

Q. IF WE CAN LOOK AT RASCHER DEMONSTRATIVE 21.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

WHICH IS TITLED "GOLD-PLATED RECRUITING". IT'S A TERM YOU MENTIONED BEFORE. THIS IS FROM ONE OF YOUR REPORTS. THERE'S OTHER EXAMPLES IN YOUR REPORTS OF GOLD-PLATED RECRUITING.

EXPLAIN WHAT THIS EXHIBIT IS AND HOW IT RELATES TO YOUR DISCUSSION OF RECRUITING OF THESE ATHLETES FROM THE PERSPECTIVE OF AN ECONOMIST.

A. SO, IF THERE WEREN'T A RULE ON HOW MUCH THE SCHOOLS COULD COMPENSATE THE ATHLETES, WHEN THEY RECRUIT THEM, THEY WOULD OFFER THEM, YOU KNOW, A PACKAGE OF SORTS. THEY WOULD -- THEY WOULD SAY, YOU ARE GOING TO PLAY IN THIS GREAT FACILITY, YOU ARE GOING TO HAVE THESE GREAT COACHES, AND YOU ARE GOING TO BE ON TV, YOU ARE GOING TO THIS WONDERFUL UNIVERSITY, WE ARE ALSO GOING TO PAY YOU, YOU KNOW, SOME AMOUNT OF MONEY, SOME AMOUNT OF COMPENSATION. AND BECAUSE THEY PUSHED DOWN THAT PAYMENT, UM, THE COMPETITION SLIPS OUT THE SIDES AND ENDS UP GOING INTO THE NEAREST SUBSTITUTES FOR THAT, WHICH IS THESE TRAINING FACILITIES. SOMETIMES I CALL THEM RECRUITING FACILITIES. BECAUSE WHEN THEY LAUNCH THEM OUT, AND PUT A BIG MEDIA PRESS, THEY TALK ABOUT HOW IT'S GOING TO HELP THEM WITH RECRUITING.

YOU KNOW, IN THE NBA YOU DON'T SEE THAT. THE NBA TEAM TRIES TO LURE A PLAYER AND THEY PAY THEM. AND, SURE, THEY HAVE A PLACE FOR THEM TO PRACTICE, IT'S NOT THIS FANCY

RECRUITING FACILITY THAT GETS THE PLAYER TO SAY "YES" TO SCHOOL A OVER SCHOOL B, FOR INSTANCE.

AGAIN, THAT'S BECAUSE THEY PUSH DOWN THE POTENTIAL PAY AND SO THE COMPETITION OCCURS IN OTHER MARKETS -- NOT IN OTHER MARKETS BUT IN THE CLOSEST SUBSTITUTE, WHICH IS THE COACHES AND THE -- AND THE TRAINING FACILITIES OR THE RECRUITING FACILITIES.

Q. ALL RIGHT.

IN THE EXHIBIT, THERE'S A LIST OF SCHOOLS, BAYLOR, TEXAS, NEBRASKA, KANSAS STATE, SYRACUSE, AND VARIOUS STATEMENTS WITH THE WORD "RECRUITING" OR "RECRUITS" BOLDED.

EXPLAIN WHAT THESE STATEMENTS ARE ABOUT AND HOW IT RELATES TO YOUR ANALYSIS.

A. SO, I BELIEVE IN EACH OF MY THREE REPORTS, I KIND OF CONTINUE TO UPDATE THESE LAUNCHES OF THESE NEW -- THESE NEW FACILITIES THAT WOULD COME OUT.

AND I WAS -- I WOULD JUST LOOK AT THE -- LITERALLY, I WOULD JUMP ONLINE TO *SPORTS BUSINESS JOURNAL*, SEE A NEW FACILITY COME OUT, READ THE ARTICLE AND LO AND BEHOLD IT TALKED ABOUT HOW IT WOULD BECAME A RECRUITING ADVANTAGE, OR RECRUITING EDGE. WE NEEDED THIS TO SHOW THE RECRUITS.

SO YOU CAN SEE THESE -- THESE -- THESE LISTS HERE. THESE ARE ALL MAJOR PROGRAMS. BAYLOR, AND TEXAS, AND WEST VIRGINIA, AND NEBRASKA, AND SO FORTH, THAT ARE BUILDING THESE AMAZING FACILITIES BASICALLY IN THE NAME OF GETTING THE ATHLETE TO SAY

"YES" TO THEIR SCHOOL OVER ANOTHER SCHOOL.

AND, AGAIN, YOU KNOW, IN OTHER INDUSTRIES WHEN YOU ARE ALLOWED TO PAY SOMEONE A COMPETITIVE WAGE, IT'S THE COMBINATION OF THOSE THINGS. IT'S NOT, YOU KNOW, SO WHEN YOU PUSH DOWN THE PAY IN THESE CASES, THE FACILITY BECOMES SORT OF EXTRA GOLD PLATED, AND SO FORTH.

Q. THERE'S SOMETHING CALLED BOWEN'S THEORY THAT'S DISCUSSED IN YOUR REPORT. CAN YOU EXPLAIN THAT AND HOW IT RELATES TO YOUR ANALYSIS?

A. YEAH. SO PROFESSOR BOWEN, WHO IS AN ECONOMIST HE WAS ALSO THE PRESIDENT OF UNIVERSITY OF IOWA AND A NUMBER OF OTHER SCHOOLS, HE STUDIED THE ECONOMICS OF EDUCATION FOR A LONG TIME.

AND, YOU KNOW, ONE OF HIS -- HIS THEORIES, WHICH, FRANKLY, MAYBE OBVIOUS NOW THAT WE THINK ABOUT IT, BUT EFFECTIVELY HE SAYS, WHEN, YOU KNOW, A SCHOOL IS TRYING TO GENERATE AS MUCH REVENUE AS THEY CAN, BUT BECAUSE THEY ARE NONPROFITS, THERE'S NO SHAREHOLDER TO TAKE THOSE AWAY AS DIVIDENDS. SO INSTEAD, THEY RE-SPEND THE MONEY, ALL OF IT, ON THE DIFFERENT OBJECTIVES OF THE UNIVERSITY.

AND SO HERE, AS THE ATHLETIC DEPARTMENT'S REVENUES GROW AT 8 PERCENT, 9 PERCENT A YEAR FOR DECADES AND DECADES, THEY TAKE THOSE REVENUES AND THEY JUST RE-SPEND THEM BACK INTO THE ATHLETIC DEPARTMENT AND ELSEWHERE.

AND SO, YOU KNOW, EFFECTIVELY WHAT LOOKS LIKE THEY'RE NOT

MAKING MONEY BECAUSE THEIR EXPENSES EQUAL THEIR REVENUES, THAT JUST BECAUSE THEY TAKE THE REVENUES AND THEY RE-SPEND THEM BECAUSE THERE'S NOTHING ELSE TO DO WITH THEM. SO PART OF THAT RE-SPENDING IS BUILDING THESE GOLD-PLATED FACILITIES SO THE ATHLETES SAY "YES" TO THEIR SCHOOL.

Q. WE TOUCHED ON THIS DAY BEFORE YESTERDAY, BUT CAN YOU GIVE US A REFRESHER COURSE ON YOUR BACKGROUND WITH SURVEYS?

A. RIGHT.

SO, UM, BY MY COUNT, I HAVE CONDUCTED OVER, I THINK, 50 SURVEYS TO CONSUMERS AT SPORTING EVENTS FOCUSED ON VARIOUS THINGS THAT THEY ARE DOING. SO, YOU KNOW, ARE THEY SPENDING MONEY ON CERTAIN THINGS? HOW DO THEY FEEL ABOUT CERTAIN ASPECTS OF THE EVENT? DO THEY RECOGNIZE WHO THE SPONSORS ARE TO TRY TO GET A SENSE OF WHETHER THE SPONSORSHIP IS WORKING OR NOT.

I HAVE DONE THIS SINCE, I GUESS, 1998, SO IT HAS BEEN QUITE AWHILE NOW.

Q. CAN YOU TELL US HOW SURVEYS ARE TREATED WITHIN THE FIELD OF ECONOMICS AND YOUR RESEARCH IN SPORTS ECONOMICS?

A. WELL, SO IN -- IN -- IN MANAGEMENT IN GENERAL AND MARKETING RESEARCH AND IN ECONOMICS, IT'S -- IT'S -- SURVEYS ARE AN IMPORTANT TOOL IN ORDER TO GATHER DATA. BUT THE, YOU KNOW, THE QUESTIONS THAT ARE BEING ASKED ARE VERY IMPORTANT TO THE RESULTS OF THE SURVEY.

SO, THERE'S RESEARCH THAT SHOWS THAT SOMEONE'S INTENT ON

WHAT THEY ARE GOING TO DO IN THE FUTURE IS VERY HARD FOR THEM TO PREDICT WHEN THEY FINALLY DETERMINE WHAT THEY ACTUALLY DO IN THE FUTURE COMPARED TO A SURVEY THAT MIGHT SAY, WHAT IS YOUR FAVORITE TEAM? HOW MUCH MONEY ARE YOU SPENDING THIS WEEKEND ON HOTELS? THOSE ARE EASIER QUESTIONS TO ANSWER.

BUT WHEN SOMEONE ASKS QUESTIONS ABOUT WHAT IS SOMEONE'S INTENT IN THE FUTURE, THEY -- IN ORDER TO GET THOSE TO WORK, YOU REALLY HAVE TO PUT THE PERSON IN THE PROPER FRAME OF MIND, YOU HAVE TO SET UP THE CONTEXT PROPERLY, AND YOU REALLY WANT TO AVOID SOMETHING CALLED PRIMING. YOU DON'T WANT TO PRIME THEM UP TO HAVE THEM THINKING A CERTAIN WAY AND THEN ANSWER ALL OF THE QUESTIONS.

SO CERTAIN TYPES OF SURVEYS ARE MUCH MORE DIFFICULT TO GET USEFUL INFORMATION OUT OF THAN SAY A FACTUAL SURVEY WHERE YOU ARE ASKING SOMEONE THEIR AGE, GENDER, AND SO FORTH.

Q. SO RELATE THAT TO THE ISSUE OF DEMAND FOR A SPORT AND SURVEYS TRYING TO ASSESS A CONSUMER'S INTENT TO PURCHASE.

MR. SINGLA: YOUR HONOR, CAN I HAVE A PROFFER OF WHERE THIS IS IN THE REPORTS? I DON'T RECALL IT.

MR. ISAACSON: IT IS PAGE 70 TO 72 OF THE REPLY REPORT.

MR. SINGLA: THANK YOU.

MR. ISAACSON: IT CONTINUES ON TO 73.

THE COURT: YES?

BY MR. ISAACSON:

Q. GO AHEAD.

A. CAN YOU ASK THE QUESTION AGAIN?

Q. SURE.

SO, SPECIFICALLY, THE ISSUE FOR AN ECONOMIST OF A CONSUMER'S INTENT TO PURCHASE BASED ON SURVEYS.

HOW DOES AN ECONOMIST LOOK AT THAT?

A. WELL, SO -- AS I WAS STATING, YOU KNOW, IT'S -- WE SAW ALL THOSE POLLS, FOR INSTANCE. NOW, AGAIN, THOSE AREN'T SURVEYS, BUT THESE POLLS SAYING THAT, YOU KNOW, THAT -- THAT BASEBALL PLAYERS ARE PAID TOO MUCH, AND YET PEOPLE ARE CONTINUING TO GO OUT AND -- AND SPEND MONEY ON THOSE THINGS.

SO, AGAIN, IT'S VERY DIFFICULT TO, UM, DETERMINE WHAT SOMEONE'S INTENT IS FROM A SURVEY UNTIL THEY ACTUALLY FACE THEMSELVES WITH THOSE EXACT DECISIONS THAT THEY HAVE TO MAKE.

Q. WHAT ABOUT POLLS THAT SAY FANS DON'T WANT ATHLETES TO BE PAID, FOR EXAMPLE?

A. SO POLLS -- I MEAN, YOU KNOW, I THINK DR. NOLL PROBABLY TALKED A LITTLE BIT ABOUT THIS WITH THE OLYMPICS. I'M NOT SURE IF HE TALKED ABOUT POLLS, I CAN'T REMEMBER.

BUT, AGAIN, POLLS THAT MAY ASK -- I DON'T WANT ATHLETES TO BE PAID, I THINK ATHLETES ARE PAID TOO MUCH, OR I THINK THINGS ARE FINE, AGAIN, ARE GOING TO SUFFER FROM THE ISSUE OF PUTTING THEM IN THE PROPER CONTEXT AND NOT PRIMING THE PERSON FOR -- FOR KIND OF SOME BIAS.

AND YOU REALLY HAVE TO LAY OUT THE REAL WORLD FOR THEM. THERE'S CONTINGENT VALUATION STUDIES, THINGS LIKE THAT, THAT TRY TO LAY OUT THE REAL WORLD FOR SOMEONE, AND THEN THEY FINALLY ANSWER THE QUESTION.

MR. ISAACSON: CAN WE LOOK AT DEMONSTRATIVE 22A.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

BY MR. ISAACSON:

Q. THIS IS AN EXAMPLE IN YOUR REPORT HAVING TO DO WITH THE, I GUESS, THE CALIFORNIA ANGELS AND THE ANAHEIM ANGELS.

WILL YOU EXPLAIN TO THE COURT THIS EXAMPLE?

A. RIGHT. THIS IS FROM THE ORANGE COUNTY REGISTER AROUND -- SAYS APRIL 1ST, 2006.

THE ANAHEIM ANGELS -- THEY WERE OWNED BY DISNEY -- WHEN THEY SOLD THE TEAM, THE NEW OWNER CAME IN AND CHANGED THE NAME TO THE LOS ANGELES ANGELS OF ANAHEIM, WHICH IS A BIT OF A MOUTHFUL. BUT HE HAD TO KEEP THE NAME "ANAHEIM" IN THERE SO HE PUT LOS ANGELES AT THE BEGINNING. HE WAS SUED AND HE WON THAT LAWSUIT.

ANYWAY, HE CHANGED THE NAME TO THE LOS ANGELES ANGELS OF ANAHEIM. THIS POLL BY THE ORANGE COUNTY REGISTER, WHICH I THINK IS GOING TO POP UP HERE ANY MINUTE -- YEAH, THERE WE GO.

Q. THREE OUT OF FOUR PEOPLE SURVEYED --

A. THREE OUT OF FOUR PEOPLE SURVEYED THINK THAT -- THAT WAS THE PART ABOUT WASTING ANOTHER -- THERE'S ANOTHER PART THAT SAYS THREE OUT OF FOUR -- I THINK IT'S RIGHT ABOVE THAT. I

KNOW IT'S HARD TO READ. IT'S SMALL. JUST DO THAT. HERE WE GO.

SO THE FIRST BULLET POINT. "ROUGHLY THREE OUT OF FOUR PEOPLE SURVEYED THINK THE ANAHEIM ANGELS IS THE BEST NAME FOR THE TEAM. FEWER THAN 10 PERCENT PREFER THE TEAM'S CURRENT NAME.

SO 75 PERCENT OF THE PEOPLE WANTED THE NAME TO BE ANAHEIM ANGELS, RIGHT?

Q. IF WE LOOK AT THE --

A. THEN THE --

Q. -- LOOK AT THE NEXT EXHIBIT 23B.

A. THERE'S STILL ANOTHER BULLET POINT.

Q. THE THIRD BULLET POINT?

A. YEAH.

Q. THE 3 PERCENT?

A. SO, THE LAST SENTENCE IN THAT BULLET POINT SAYS: "ABOUT 23 PERCENT OF THE RESPONDENTS SAID THAT THEY WOULD NO LONGER SUPPORT THE TEAM BECAUSE OF THE NAME."

AND YET A MONTH LATER, WHEN THE SEASON KICKED OFF, THE ANGELS HAD THEIR HIGHEST ATTENDANCE IN THEIR HISTORY.

SO, AGAIN, PEOPLE WILL SAY ONE THING ABOUT THEIR INTENT AND YET THE DEMAND SHOWS THAT ONCE THEY COME FACE WITH THAT DECISION -- AND I CAN'T -- I DON'T KNOW IF THESE ARE THE SAME PEOPLE WHO ATTENDED, RIGHT, BUT ATTENDANCE WENT UP TO ITS MAXIMUM.

Q. YOU ACTUALLY CHECKED THE ATTENDANCE IN EXHIBIT 22B TO CONFIRM THE ACCURACY OF WHAT HAPPENED AFTER THE SEASON OPENED?

A. YES, THAT'S RIGHT. YOU CAN SEE IN 2006 IT WAS THEIR HIGHEST ATTENDANCE EVER.

Q. RIGHT.

NOW, WE'VE TALKED ABOUT LEAGUES WHERE THEY CHANGE THE AMATEUR RULES AND MOVED TO A DIFFERENT SET OF RULES OR BECAME PROFESSIONAL. DID YOU STUDY LEAGUES THAT WENT THE OTHER WAY, THAT WERE PROFESSIONAL AND SWITCHED TO BEING AMATEUR?

A. RIGHT. YEAH, THAT'S INTERESTING.

IF BEING AMATEUR WERE DEMAND ENHANCING, IF THAT WAS THE THING THAT BROUGHT FANS TO YOUR, YOU KNOW, STADIUM AND GAMES, YOU WOULD THINK THAT SOME LITTLE PROFESSIONAL LEAGUE LIKE, YOU KNOW, THE NATIONAL BASKETBALL DEVELOPMENT LEAGUE, SOMETHING LIKE THAT, MIGHT SAY LET'S GO AMATEUR AND THEN WE WILL INCREASE OUR DEMAND.

AND YET, I HAVE NEVER SEEN A LEAGUE THAT'S ACTUALLY CHOSEN TO DO THAT, THAT GO FROM BEING A PROFESSIONAL LEAGUE TO AN AMATEUR LEAGUE IN ORDER TO SAY, HEY, AMATEURISM IS WHAT DRIVES OUR DEMAND FOR OUR PRODUCTS. I HAVE NEVER SEEN THAT.

Q. NOW, SUPPOSE WE'RE DEAD WRONG. SUPPOSE THE RIGHT ANSWER IS THAT PAYING ATHLETES FOR A SHARE OF NAME, IMAGE AND LIKENESS MONEY WILL KILL THE SPORT.

AS AN ECONOMIST, WHY DOES THE NCAA NEED A RULE TO PROHIBIT SCHOOLS FROM PAYING THAT MONEY?

A. RIGHT. THAT'S THE INTERESTING PART, IS FOR A SCHOOL OR FOR A CONFERENCE, IF THEY DECIDE THAT PAYING MORE THAN, YOU KNOW, MR. PILSON SAID HE WOULD BE FINE WITH $5,000, OR SOME CHARACTERIZATION LIKE THAT, IF THE SCHOOL DECIDED THAT THAT WAS THE MOST THAT THEY THOUGHT THAT THE MARKETPLACE WOULD ACCEPT, THEN THAT'S WHAT THEY WOULD DO. THEY WOULD CHOOSE TO DO THAT. THEY WOULDN'T HURT THEMSELVES ON PURPOSE. THE CONFERENCE WOULDN'T SET A RULE THAT FORCED THEM TO HURT THEMSELVES.

THESE DIFFERENT CONFERENCES OR SCHOOLS, IF, YOU KNOW, THIS INJUNCTION WERE TO GO FORWARD, WILL CHOOSE THE APPROPRIATE LEVEL OF -- AND THE WAY THAT THEY STRUCTURE THE COMPENSATION, WHETHER IT'S A TRUST FUND OR WHATEVER THE CASE IS, IN ORDER TO NOT HURT THEMSELVES. JUST LIKE ANY BUSINESS DOES IN A COMPETITIVE MARKETPLACE; IT DOESN'T DO SOMETHING THAT'S GOING TO HARM ITSELF.

Q. ALL RIGHT. ONE LAST POINT ABOUT DEMAND.

IN THE BOARD OF REGENTS CASE, THE NCAA ARGUED TO THE SUPREME COURT. WHAT DID THEY TELL THE SUPREME COURT ABOUT AMATEURISM AND DEMAND?

A. SO I DON'T KNOW THE EXACT QUOTE --

MR. ISAACSON: IT'S IN HIS REPORT.

MR. SINGLA: GO AHEAD.

MR. ISAACSON: SURE.

THE WITNESS: SO I DON'T KNOW THE EXACT QUOTE. I

DON'T KNOW --

BY MR. ISAACSON:

Q. WELL, I'LL COME BACK TO THAT AND I WILL GET YOU THE EXACT QUOTE.

MR. ISAACSON: SOMEBODY GET ME THE EXACT QUOTE FROM HIS REPORT AND THEN I'LL COME BACK TO THAT. THEN YOU CAN STAND UP AGAIN THEN.

BY MR. ISAACSON:

Q. LET'S TALK ABOUT THE ISSUE OF COMPETITIVE BALANCE.

DR. NOLL HAS ALREADY TOLD US ABOUT THE ECONOMIC LITERATURE ON COMPETITIVE BALANCE. WOULD YOU GIVE US -- SO I WON'T ASK YOU TO BELABOR THIS, IF YOU WOULD SUMMARIZE YOUR OPINION OF THE CONSENSUS OF ECONOMIC LITERATURE ON COMPETITIVE BALANCE AND ITS RELATIONSHIP TO NCAA RULES.

A. SO, THE FIRST CONCLUSION, ESSENTIALLY, IN THE LITERATURE IS THAT NCAA FOOTBALL IS NOT COMPETITIVELY BALANCED. IT'S COMPETITIVELY IMBALANCED IF, YOU KNOW -- AND ALSO I THINK DR. NOLL TOUCHED ON THIS THAT -- THAT THE RESEARCH SHOWS THAT THE RESTRAINT ITSELF EITHER HAS NO IMPACT ON COMPETITIVE BALANCE, OR IT POSSIBLY MAKES IT WORSE BECAUSE IT ENTRENCHES THE POWER IN -- IN THE TOP, THOSE TOP TEAMS CAN STAY THERE, AND THE LOWER TEAMS DON'T HAVE A WAY TO COMPETE THEIR WAY UP INTO THE UPPER ECHELONS IN TERMS OF, YOU KNOW, WINNING GAMES AND GOING TO BOWL GAMES, AND THINGS.

Q. ALL RIGHT.

MR. ISAACSON: EXHIBIT -- CAN WE PUT UP DEMONSTRATIVE NUMBER 23?

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

BY MR. ISAACSON:

Q. ALL RIGHT. THIS IS ECONOMIC LITERATURE DISCUSSING HOW NCAA RULES DO NOT IMPACT COMPETITIVE BALANCE IN COLLEGE SPORTS.

WOULD YOU EXPLAIN YOUR ANALYSIS OF THIS COMING OUT OF YOUR REPORT?

A. ALL RIGHT. SO THIS IS FROM A TEXTBOOK. SO THIS IS, YOU KNOW -- I THINK THIS IS THE MOST POPULAR SPORTS ECONOMICS TEXTBOOK. IT COULD BE NUMBER TWO, I DON'T KNOW.

BUT ROD FORT WROTE THIS. THIS IS HIS SECOND EDITION. YOU CAN SEE AT THE TOP, "COMPETITIVE IMBALANCE EXISTS IN COLLEGE SPORTS." THEN HE SAYS:

> "THE CURSORY ANALYSIS REVEALS THAT NONE OF THE RESTRICTIONS ON PLAYERS ACTUALLY HAVE ANYTHING TO DO WITH COMPETITIVE IMBALANCE. INSTEAD THEY JUST TRANSFER VALUE PRODUCED BY PLAYERS AWAY FROM THE PLAYERS AND TOWARD THE ATHLETIC DEPARTMENT."
>
> "MANY BELIEVE THAT THESE RECRUITING RESTRICTIONS CREATE A LEVEL PLAYING FIELD THAT ENABLES POORER ATHLETIC DEPARTMENTS TO COMPETE WITH THE RICHER ONES."

AND THEN HE GOES ON TO SAY WHAT I SAID, WHICH IS JUST THE

OPPOSITE.

AND THEN FINALLY UNDER THE AMATEUR REQUIREMENT:

"PLAYERS SIMPLY EARN LESS, BUT GO TO THE SAME SCHOOLS AS THEY WOULD OTHERWISE."

THIS IS AGAIN FROM A TEXTBOOK.

Q. RIGHT.

FOR AN ECONOMIST, WHAT'S THE SIGNIFICANCE OF SOMETHING BEING IN A LEADING TEXTBOOK AS OPPOSED TO AN ARTICLE IN A LEADING JOURNAL?

A. RIGHT. SO TYPICALLY, I MEAN, THESE TEXTBOOKS ARE REVIEWED, THE PUBLISHER SENDS THEM OUT -- AND I HAVE ACTUALLY REVIEWED -- I HAVE REVIEWED ONE OF HIS EDITIONS OF HIS TEXTBOOK, BUT -- SO YOU REVIEW THESE TEXTBOOKS AND YOU GET THAT CONSENSUS BECAUSE THAT'S WHAT THE PUBLISHER WANTS. THEY WANT IT NOT TO BE JUST FROM ONE ARTICLE, BUT THEY WANT TO SAY THIS IS A CONSENSUS THAT WE FEEL WE CAN PUT INTO A TEXTBOOK.

Q. IF I CAN ASK YOU TO LOOK AT RASCHER DEMONSTRATIVE 24.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

THE ABSENCE OF COMPETITIVE BALANCE. THIS IS SOMETHING DISCUSSED IN YOUR REPORT. WOULD YOU EXPLAIN TO THE COURT YOUR ANALYSIS HERE?

A. YES. THIS IS AN EXAMPLE OF -- THERE ARE MANY STATEMENTS LIKE THIS BY PEOPLE INVOLVED, WHETHER COLLEGE PRESIDENTS OR ATHLETIC DIRECTORS, OR NCAA STAFF.

BUT THIS IS AN EXAMPLE PRESIDENT OF CLEMSON UNIVERSITY.

AND HE SAYS:

"THE PLAYING FIELD IS NOT AND HAS NEVER BEEN AND NEVER WILL BE LEVEL. TO SAY THE NCAA SHOULD TRY TO CREATE A LEVEL PLAYING FIELD IS IMPOSSIBLE AND IS NOT A WISE PATH TO TAKE."

Q. DOESN'T IT JUST MAKE INTUITIVE SENSE, THOUGH, THAT IF SCHOOLS ARE PERMITTED TO SHARE REVENUE WITH PLAYERS, THAT SCHOOLS WILL -- THAT THE SCHOOLS THAT PAY MORE FOR PLAYERS OR SHARE MORE WITH PLAYERS WILL OUTPERFORM SCHOOLS THAT DON'T?

A. I MEAN, THE ONLY REAL WAY THAT THAT CAN MAKE SENSE IS IF THERE WAS NO OTHER WAY FOR THEM TO COMPETE. SO, WHAT WE TALKED ABOUT BEFORE IS SINCE THEY CAN'T SHARE REVENUES WITH THE PLAYERS, THE BIGGER SCHOOL THAT MIGHT BE WILLING TO SHARE MORE SAYS, OKAY, FINE, SINCE I CAN'T SHARE REVENUES, I WILL DO OTHER THINGS. I WILL BUILD FANCY FACILITIES. I WILL GET THE BEST COACHES, AND THAT'S MY METHOD FOR RECRUITING THE ATHLETE.

SO, WE -- WE -- THERE'S EVIDENCE IN THIS -- IN THIS CASE THAT LOOKS AT THOSE SCHOOLS WITH THE HIGHER REVENUES ARE THE ONES THAT END UP WITH THE BETTER PLAYERS.

Q. ALL RIGHT. IF I CAN ASK YOU TO LOOK AT SOME ANALYSIS YOU DID ON THIS. RASCHER DEMONSTRATIVE 25A ON COACHING PAY.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

THIS IS A CHART ON HOW COACHING PAY IS INCREASING FASTER IN FBS FOOTBALL AND DIVISION I MEN'S BASKETBALL THAN IN THE NFL AND NBA.

WOULD YOU EXPLAIN THE ANALYSIS YOU DID HERE?

A. SO THIS IS JUST A COMPARISON OF SOME OF THE TOP COACHES' SALARIES OVER TIME IN DIVISION I FOOTBALL AND THE NFL. AND IT SIMPLY JUST SHOWS THAT THE RATE OF GROWTH, YOU KNOW, FOR DIVISION I FOOTBALL OVER THAT, I GUESS, IT WOULD BE A SIX-YEAR PERIOD IS ALMOST A 10 PERCENT A YEAR RATE OF GROWTH, WHICH IS QUITE -- QUITE HIGH COMPARED TO THE NFL, WHICH IS AT FOUR AND A HALF PERCENT.

PERHAPS EVEN MORE DRASTIC OF A DIFFERENCE IS DOWN IN COLLEGE BASKETBALL WHERE FROM 2005 THROUGH 2012, AGAIN, I THINK IT WOULD END UP BEING AN EIGHT-YEAR PERIOD, YOU CAN SEE DIVISION I BASKETBALL IS GROWING AT A RATE THAT'S, IN MY QUICK MATH, WOULD BE ALMOST EIGHT TIMES AS FAST AS NBA COACHES' PAY.

SO WE'VE SEEN THIS, I KNOW DR. NOLL COMPARED COACHES' PAY TO UNIVERSITY PRESIDENTS, BUT THIS IS COMPARING HEAD COACHES AND COLLEGE FOOTBALL AND BASKETBALL TO OTHER HEAD COACHES IN THE NBA AND THE NFL, AND THE PAY IS RISING REALLY FAST.

Q. ONE QUESTION.

THERE'S BEEN A LOT OF QUESTIONING IN THIS CASE ABOUT COLLEGE COACHES BEING MENTORS. IS THERE ANYTHING IN THE ECONOMIC LITERATURE THAT SAYS -- THAT DISTINGUISHES COLLEGE COACHES AS MENTOS VERSUS PROFESSIONAL COACHES AS MENTORS?

IS THERE ANYTHING THAT SAYS THAT A PROFESSIONAL COACH SUCH AS PHIL JACKSON OR, YEARS AGO, RED AUERBACH CAN'T BE MENTORS?

A. RIGHT. I HAVEN'T SEEN ANYTHING THAT REALLY DISTINGUISHES,

OTHER THAN THE ACTIVE RECRUITING, THAT -- THE COACHES DO VERY SIMILAR THINGS IN THE NBA, SAY IN THE NCAA BASKETBALL. THEY ALSO MENTOR ATHLETES. THEY ALSO TEACH THEM LEADERSHIP SKILLS. THEY ALSO PROVIDE THEM EXCELLENT TRAINING AND NUTRITION, AND SO FORTH JUST LIKE THEY GET IN COLLEGE BASKETBALL, AND, YET, OF COURSE, IN THE NBA NOT ONLY DO THEY GET ALL THOSE THINGS, BUT THEY GET PAID A COMPETITIVE WAGE.

Q. AND THEN I'LL ASK YOU TO LOOK AT 25B, WHICH IS CONTINUES YOUR COACHING PAY ANALYSIS AND HOW COACHING PAY IS MUCH LARGER RELATIVE TO REVENUES IN FBS FOOTBALL AND DIVISION I MEN'S BASKETBALL THAN IN THE NFL AND NBA.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

WOULD YOU EXPLAIN YOUR ANALYSIS HERE?

A. THIS LOOKS AT THE SIZE OF THE BUSINESS, SO TO SPEAK, HOW MUCH REVENUE IS BEING PRODUCED IN FOOTBALL AND THEN HOW MUCH OF THAT IS GOING TO COACHES' PAY, AND THEN IT COMPARES PRO AND COLLEGE.

AND YOU CAN SEE FOR FOOTBALL IN DIVISION I, THE COACHES ARE PAID MORE THAN TWICE AS A SHARE OF REVENUE, MORE THAN TWICE THAN WHAT THEY ARE IN THE NFL. AND THEN YOU CAN SEE DOWN BELOW FOR BASKETBALL COACHES ARE PAID -- AGAIN, MY QUICK MATH PUTS IT AT SOMEWHERE AROUND THREE AND A HALF TIMES AS MUCH IN COLLEGE AS THEY ARE IN THE PROS WHEN YOU ACCOUNT FOR THE REVENUES THAT ARE BEING PRODUCED BY THE PRODUCT.

MR. ISAACSON: I WOULD MOVE 25A AND 25B INTO

EVIDENCE.

MR. SINGLA: NO OBJECTION, YOUR HONOR.

THE COURT: RECEIVED.

(DEMONSTRATIVE EXHIBIT 25A AND 25B RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. ALL RIGHT.

I WANT TO ASK YOU ABOUT STATISTICAL ANALYSIS YOU DID ABOUT THE RELATIONSHIP BETWEEN PAY AND REVENUE.

IF WE CAN LOOK AT 26A. AND WE WILL FOLLOW THAT BY B.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

THIS IS A STATISTICAL ANALYSIS FROM YOUR REPORT. WOULD YOU EXPLAIN TO THE COURT WHAT YOU DID HERE AND THE RESULTS?

A. YES.

SO THIS IS FOR 2011, IT'S THE HEAD COACHES' SALARY, WHICH IS ON THE VERTICAL AXIS. AND THEN IT'S THE FOOTBALL REVENUE, WHICH IS ON THE HORIZONTAL AXIS. YOU CAN SEE IN THAT MORE COMPETITIVE MARKET THAT THE SCHOOLS THAT GENERATE MORE REVENUE ARE THE ONES THAT HAVE THE HIGHEST PAID COACHES.

SO THE -- EFFECTIVELY THOSE SCHOOLS ARE COMPETING FOR THOSE COACHES AND, YOU KNOW, AND THE COACHES BEING AN INPUT INTO -- INTO THE PRODUCT OF -- OF FOOTBALL, AND THEY ARE PAYING THEM ACCORDING TO THEIR REVENUE. AND THE CORRELATION IT SAYS IS.84. THAT'S VERY HIGH AND VERY STATISTICALLY SIGNIFICANT.

AND YOU CAN SEE GRAPHICALLY THERE'S A STRONG RELATIONSHIP

THERE BETWEEN REVENUE AND HEAD COACHES' PAY.

Q. ALL RIGHT. AND THEN 26B? WOULD YOU EXPLAIN THIS STATISTICAL ANALYSIS THAT YOU DID?

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

A. RIGHT.

SO, IN -- SO THIS IS -- SO, ON THE BOTTOM, IS, AGAIN, THE TOTAL FOOTBALL REVENUE. THIS IS OVER A PERIOD OF YEARS. THIS IS OVER FIVE YEARS.

AND ON THE LEFT SIDE ARE THE STARS OF THE -- HOW MANY STARS A PLAYER GETS. I THINK DR. NOLL TALKED ABOUT RIVALS.COM. THEY RATE THE PLAYERS BY STARS.

I MEAN, IF WE ARE LOOKING AT THE NBA, WE WOULD JUST PUT PAY OF THE PLAYERS. WE WOULD SHOW THAT REVENUE IS CORRELATED WITH PAY, RIGHT? BUT WE CAN'T LOOK AT THAT IN NCAA FOOTBALL BECAUSE THEY ARE NOT ALLOWED TO PAY THE PLAYERS.

SO, INSTEAD, WE COME UP WITH ANOTHER MEASURE OF WHAT WOULD DRIVE PAY, WHICH IS THEIR QUALITY, RIGHT? THIS IS THE TOTAL NUMBER OF STARS ON THOSE -- ON THOSE FRESHMAN RECRUITING CLASSES. AND IT'S HIGHLY CORRELATED WITH THE REVENUE.

SO, AGAIN, THE SCHOOLS, JUST LIKE WITH COACHES, THE SCHOOLS WITH THE HIGHER REVENUE ARE GOING OUT AND GETTING SUCCESSFULLY, EVEN THOUGH THEY CAN'T PAY, THEY ARE GETTING SUCCESSFULLY THOSE HIGHER QUALITY ATHLETES. AND, AGAIN, THE CORRELATION IS HIGH AND STATISTICALLY SIGNIFICANT.

MR. ISAACSON: I WOULD MOVE 26A AND 26B INTO

EVIDENCE.

MR. SINGLA: NO OBJECTION, YOUR HONOR.

THE COURT: RECEIVED.

(DEMONSTRATIVE EXHIBIT 26A AND 26B RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. ALL RIGHT.

NOW, DR. STIROH SUGGESTS THAT ONE OF THE PERILS OF THE SYSTEM WHERE SCHOOLS COULD COMPETE ON SHARING NIL REVENUE WAS THAT ALL OF THE TALENTED ATHLETES THAT IN THE SUN BELT CONFERENCE IS ABLE TO TAKE FROM THE PAC-12 CONFERENCE WOULD NOW BE GOBBLED BY THE PAC-12.

I WANT YOU TO RESPOND TO THIS, BUT FIRST EXPLAIN WITHIN THE SPORTS WORLD -- COLLEGE SPORTS WORLD IS WHERE THE PAC-12 IS RELATIVE TO THE SUN BELT.

A. RIGHT.

SO THE PAC-12 IS ONE OF TODAY'S BIG FIVE CONFERENCES, RIGHT, THAT GENERATES TONS -- HUNDREDS OF MILLIONS IN REVENUE EVERY YEAR. AND THE SUN BELT IS EITHER THE BOTTOM ONE OR TWO FOOTBALL CONFERENCES. IT'S REALLY KIND OF WHERE THE TEAMS THAT ARE JUMPING UP FROM DIVISION II, THEY KIND OF JUMP UP INTO THE SUN BELT OFTEN BECAUSE THAT IS WHERE THEY CAN GET ACCEPTED AND HAVE A SIMILAR SIZE OF A -- OF A UNIVERSITY OR ATHLETIC DEPARTMENT.

Q. YOU LOOKED AT SOME DATA ON THIS AND WE CAN LOOK AT DEMONSTRATIVE EXHIBIT 27.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

PLEASE EXPLAIN TO THE COURT WHAT YOUR ANALYSIS WAS OF THIS EXAMPLE OF THE PAC-12 VERSUS THE SUN BELT.

A. RIGHT.

SO THIS LOOKS AT -- SO, IN ORDER FOR THE BALANCE TO BE UPSET AS DR. STIROH SAID, IN OTHER WORDS, FOR THOSE PLAYERS THAT THE SUN BELT CURRENTLY GETS AWAY FROM THE PAC-12, SHE SAYS, OH, THEY'LL LOSE THEM AND THEY'LL LOSE THEM TO THE PAC-12 IN THE FUTURE IF -- IF NIL PAYMENTS ARE ABLE TO BE MADE.

WE DON'T REALLY SEE THE SUN BELT WINNING THOSE BATTLES TODAY, SO THERE ISN'T REALLY MUCH TO SAVE IN TERMS OF A CHANGE AND WHERE THEY CHOOSE TO GO.

IF YOU LOOK AT ALL THE SUN BELT COMMITS ON THE RIGHT, THAT'S 269 OF THEM, ONLY NINE OF THEM RECEIVED OFFERS TO BOTH THE PAC-10 AND SUN BELT, AND ACTUALLY COMMITTED TO THE SUN BELT. SO IT ISN'T LIKE THE SUN BELT IS CHOOSING -- IS GETTING -- IS WINNING THESE BATTLES TODAY ANYWAY. THE PAC-12 IS WINNING THESE BATTLES AND THE SUN BELT IS GETTING THE NEXT TIER OF ATHLETE.

Q. IF WE LOOK AT THE SAME NUMBER FOR FOOTBALL?

A. IT'S SIMILAR FOR FOOTBALL. IT'S 20 OUT OF A THOUSAND.

Q. IF I CAN ASK YOU TO LOOK AT -- OH.

MR. ISAACSON: I WILL MOVE EXHIBIT -- DEMONSTRATIVE 27 INTO EVIDENCE?

MR. SINGLA: NO OBJECTION, YOUR HONOR.

THE COURT: RECEIVED.

(DEMONSTRATIVE EXHIBIT 27 RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. I WOULD ASK YOU TO LOOK AT DEMONSTRATIVE 28, WHICH WAS EXHIBIT 7 TO ONE OF YOUR REPORTS.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

WOULD YOU EXPLAIN WHAT THIS IS?

A. SO THIS IS AN EXCERPT FROM ONE OF THE SPREADSHEETS THAT EA USES WHEN IT BUILT ITS VIDEO GAME. SO IT GETS THIS SPREADSHEET. THIS IS REALLY AN EXCERPT. I MEAN IT'S SMALL. THE ACTUAL SPREADSHEET IS AROUND 60,000 ATHLETES, AND YOU CAN SEE THERE'S THEIR NAMES. FIRST NAME, THERE'S A LAST NAME. IN FACT, IF YOU GO TO THE BOTTOM, YOU CAN SEE THERE'S TYRONE PROTHRO. AND THERE IS HIS NUMBER 4, AND WE KNOW HE IS A WIDE RECEIVER.

FURTHER OVER TO THE RIGHT OF THIS, WHICH WE DON'T SEE, BUT IT CONTINUES ON FOR COLUMNS AND COLUMNS, IS ALL THIS DATA ABOUT THE PLAYER, THEIR PLAYING SKILLS, EVEN LOCATIONS OF THEIR WRISTBAND.

YOU REMEMBER TYRONE SAID THAT HE WEARS HIS WRISTBAND ON HIS ELBOW, RIGHT? SO THEY HAVE THAT INFORMATION IN THE SPREADSHEETS, AND THEY USE THAT TO POPULATE THE AVATARS IN THE GAME, AND THEN JUST BEFORE THEY SHIP THE GAME, THEY PULL THE NAMES BACK OFF THE JERSEY BECAUSE THAT'S THE AGREEMENT THAT

THEY HAVE WITH THE NCAA.

BUT THEY CLEARLY ARE USING THE PLAYERS' NAMES AND THEIR SKILLS, AND EVERYTHING IN ORDER TO PRODUCE THE GAME, AND THEN, AS I SAID, THEY PULL IT OFF BEFORE THEY SHIP IT.

Q. AND JUST TO BE CLEAR, THIS IS AN EXCERPT FROM TENS OF THOUSANDS OF PAGES OF AN EA DOCUMENT?

A. YES, THAT'S RIGHT.

Q. WHAT YOU ARE SAYING IS, OBVIOUSLY THE NAMES DON'T END UP ON THE AVATAR AT THE END, BUT WHEN THEY ARE CREATING THE AVATAR, THEY HAVE THESE LONG SPREADSHEETS THAT HAVE PLAYERS AND INFORMATION ABOUT THE PLAYERS THAT THEY IMPORT INTO THE GAME AND EXPORT THE NAME BACK OUT?

A. EXACTLY. I MEAN, THE -- THE WAY IN SOME OF THE EMAILS, LOOKS LIKE THEY ACTUALLY PUT THE NAME ON THERE BECAUSE THAT'S THE MECHANISM THAT THEY USE. IT'S PROBABLY IN -- I WON'T GUESS WHAT IT IS.

IN THE MADDEN GAME, YOU SEE THE NAME. IN THE PROFESSIONAL FOOTBALL GAME, YOU SEE THE NAME. SO THEY PUT THE NAME ON THERE AND IT DRIVES THE DATA INTO THE GAME.

Q. THE MADDEN GAME IS THE VIDEO GAME FOR USING PROFESSIONAL NFL PLAYERS?

A. YES.

Q. AND YOU SAW MR. PROTHRO'S NAME. YOU SAW THE NAMES OF OTHER PLAINTIFFS WHEN YOU WENT THROUGH THIS DATA?

A. YES. YES. MANY OF THE NAME PLAINTIFFS ARE IN THIS DATA.

IT WAS A CERTAIN SET OF YEARS, SO IT WAS LIMITED TO THOSE PLAYERS.

MR. ISAACSON: AT THIS JUNCTURE, YOUR HONOR, WE ARE TO THE POINT WHERE I WOULD CONDUCT REBUTTAL TESTIMONY FOR DR. RASCHER OF THE NEW REPORT BY DR. RUBINFELD. AND THIS IS -- WAS THE SUBJECT OF OUR BENCH MEMO, AND WE HAVE OPPOSITION TO DR. RASCHER DOING THIS.

THE COURT: YEAH. IT SEEMS THAT I ALLOWED DR. RUBINFELD'S ADDITIONAL TESTIMONY TO COME IN SO IT WOULD SEEM ONLY FAIR TO ALLOW REBUTTAL TO THAT.

MR. SINGLA: WE DON'T DISAGREE WITH THAT, YOUR HONOR. WHAT WE DISAGREE WITH IS THAT WE ASKED FOR SOME KIND OF DISCLOSURE OF WHAT THE WITNESS WOULD BE SAYING. WHAT WE GOT WERE SOME SLIDES THAT WERE VERY DIFFICULT TO COMPREHEND. WE ASKED FOR A SHORT REPORT, MAYBE AN HOUR OR TWO DEPOSITION AND WE WERE DENIED THAT.

FOR PROFESSOR RUBINFELD, WE OFFERED A REPORT, WE OFFERED A DEPOSITION, WHICH THEY DECLINED. WE OFFERED THAT.

THAT'S OUR ONLY OBJECTION IS THAT WE SHOULD HAVE GOTTEN SOME AMOUNT OF DISCLOSURE.

MR. ISAACSON: WE CREATED CERTAIN SLIDES. WE PROVIDED ALL THE BACKUP TO THE SLIDES, AND THAT WAS ALL WE WERE REQUIRED TO DO FOR REBUTTAL TESTIMONY.

THE COURT: OKAY. WELL, WE WILL HEAR IT. AND IF YOU REALLY FEEL THERE'S SOMETHING YOU ARE NOT ABLE TO DEAL WITH,

THEN YOU CAN RAISE THAT.

MR. SINGLA: OKAY. THANK YOU, YOUR HONOR.

BY MR. ISAACSON:

Q. ALL RIGHT.

ALL RIGHT. LET'S TALK ABOUT DR. RUBINFELD'S NEW REPORT. WHAT DID DR. RUBINFELD GENERALLY DO IN HIS SUPPLEMENTAL REPORT?

A. SO HIS SUPPLEMENTAL REPORT IS GENERALLY ON COMPETITIVE BALANCE IN, YOU KNOW, IN COLLEGE SPORTS.

Q. AND IF I CAN ASK YOU TO LOOK AT EXHIBIT DEMONSTRATIVE 29A.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

SPEARMAN RANK CORRELATION COEFFICIENT.

MR. ISAACSON: LET'S MAKE IT MUCH BIGGER, MATT.

BY MR. ISAACSON:

Q. USING DATA FROM ESPN.COM SAGARIN, CAN YOU EXPLAIN WHAT YOU'VE DONE HERE?

A. SO THERE ARE MULTIPLE MEASURES OF COMPETITIVE BALANCE. ONE OF THEM WOULD BE HOW CLOSE ARE THE GAMES. LIKE WHAT IS THE SPREAD IN THE GAME? IS A BLOWOUT, SO TO SPEAK, OR IS IT CLOSE? THAT'S ONE MEASURE.

ANOTHER MEASURE WOULD BE FROM SEASON TO SEASON DOES A TEAM -- YOU KNOW, DO FANS HAVE AN EXPECTATION THAT THEIR TEAM HAS A CHANCE TO WIN OR IS IT ALMOST PREDETERMINED AT THE BEGINNING OF THE SEASON THAT, GEE, JUST LIKE LAST YEAR, OUR TEAM IS GOING TO FINISH AT THE BOTTOM. OR IF YOU'RE AN

ALABAMA FAN, JUST LIKE LAST YEAR, WE'RE GOING TO FINISH AT THE TOP. THAT'S ONE MEASURE. IN THE ECONOMIC LITERATURE, IT'S CALLED CSE -- CONSECUTIVE -- CSU, CONSECUTIVE SEASON UNCERTAINTY.

Q. SO YOU ARE LOOKING AT CONSECUTIVE SEASON UNCERTAINTY HERE. WOULD YOU -- NCAA, FBS FOOTBALL, AND THE NFL; IS THAT RIGHT?

A. YES.

Q. EXPLAIN HOW YOU DID THIS ANALYSIS.

A. SO, IN THAT FIRST -- IN 2004, YOU CAN SEE A NUMBER, .77, RIGHT?

WHAT I DID THERE IS I LOOKED AT THE DATA FROM -- FROM 2003 AND COMPARED IT TO -- SO I LOOKED AT THE RANKINGS OF THE TEAMS AND HOW THEY FINISHED IN FOOTBALL. KIND OF 1 THROUGH 120.

THEN YOU LOOK THE NEXT SEASON AND YOU WANT TO SEE THOSE SAME TEAMS THE ONES THAT ARE LINED UP, IF THEY WERE, YOU WOULD GET A CORRELATION OF ONE IF IT WAS EXACTLY THE SAME FINISH FROM ONE YEAR TO THE NEXT.

IF THE TEAMS WERE COMPLETELY SCRAMBLED EACH YEAR, LIKE YOU REALLY DIDN'T KNOW, YOU COULDN'T PREDICT NEXT SEASON BY LOOKING AT THIS SEASON, THEN YOU WOULD GET A CORRELATION OF AROUND ZERO, FOR INSTANCE, WHICH WOULD MEAN FROM SEASON TO SEASON, DIFFERENT TEAMS WOULD HAVE A CHANCE TO BE -- TO BE ABLE TO WIN.

BUT IN THIS CASE YOU CAN SEE THAT IT'S .77, IT'S HIGHLY STATISTICALLY SIGNIFICANT. AND THE IMPLICATION IS THAT FROM

SEASON TO SEASON IN COLLEGE FOOTBALL, YOU KNOW, THESE SAME TEAMS ARE FINISHING AT THE TOP. THE SAME TEAMS ARE FINISHING AT THE BOTTOM, AND THERE ISN'T A LOT OF UNCERTAINTY, YOU KNOW, COMPETITIVE BALANCE, SO TO SPEAK, OVER TIME.

WHEN YOU COMPARE THAT TO THE NATIONAL FOOTBALL LEAGUE, YOU CAN SEE THAT THOSE NUMBERS ARE MUCH LOWER THAN THEY ARE FOR -- FOR -- FOR COLLEGE FOOTBALL. SO, IN FACT, COLLEGE FOOTBALL IS NOT AS COMPETITIVELY BALANCED AS THE NFL IF YOU USE THIS METRIC.

Q. IN 29B, IF YOU COULD LOOK AT THAT.

(DEMONSTRATIVE DISPLAYED ON SCREEN.)

YOU MENTION MARGIN OF VICTORY, HOW MUCH YOU WIN THE GAME BY. YOU LOOKED AT THAT DATA AS WELL?

A. YES.

Q. WOULD YOU EXPLAIN YOUR RESULTS IN MARGIN OF VICTORY?

A. SO THIS ALSO COMPARES FBS FOOTBALL TO THE NFL. AND YOU CAN SEE THAT ON THE FAR RIGHT, IT'S KIND OF THE AVERAGE OF ALL THOSE DIFFERENT SEASONS.

AND IN THAT TOP ROW, IT LOOKS AT ALL OF THE FBS GAMES. AND THE AVERAGE MARGIN OF VICTORY IS AROUND 12 AND A HALF FOR COLLEGE FOOTBALL, BUT IN THE NFL, IT'S ONLY ABOUT FIVE AND A HALF. SO THAT'S A BIG DIFFERENCE, ALMOST TWO TOUCHDOWNS VERSUS ALMOST ONE TOUCHDOWN. SO THE GAMES ARE MUCH CLOSER IN THE NFL THAN IN -- IN NCAA FOOTBALL.

AND SO, THAT'S A MEASURE OF -- OF THAT KIND OF

UNCERTAINTY, YOU KNOW, WITHIN THE GAME. YOU KNOW, WHICH GAMES ARE CLOSE, WHICH ONES AREN'T. THE NFL GAMES ARE MUCH CLOSER. THERE'S MUCH MORE COMPETITIVE BALANCE THAN SAY IN COLLEGE FOOTBALL. THAT'S TRUE MEASURING IT THESE DIFFERENT WAYS.

THE NEXT ONE IS CONFERENCE GAMES ONLY, AND THEN FINALLY AT THE BOTTOM IS STANDARD DEVIATIONS. MAYBE I DON'T NEED TO GET INTO THAT, BUT THAT'S HOW VOLATILE THESE THESE SPREADS ARE.

(CONTINUED ON NEXT PAGE; NOTHING OMITTED)

MR. ISAACSON: ALL RIGHT. I WOULD MOVE INTO EVIDENCE 29A AND 29B.

MR. SINGLA: NO OBJECTION, YOUR HONOR.

THE COURT: RECEIVED.

(DEMONSTRATIVE EXHIBITS 29A AND 29B RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. ALL RIGHT. NOW, EXHIBIT 30, DEMONSTRATIVE EXHIBIT 30, IS IN ESSENCE THE SAME ANALYSIS FOR BASKETBALL; IS THAT CORRECT?

A. YES.

Q. ALL RIGHT. SO YOU DON'T HAVE TO GO OVER AGAIN HOW YOU DID THIS, WHY DON'T YOU DISCUSS THE RESULTS IN EXHIBIT 30.

A. RIGHT, SO SIMILAR TO FOOTBALL, THE -- THE SEASON-TO-SEASON CORRELATION OR THE CONSECUTIVE SEASON UNCERTAINTY IS MUCH HIGHER IN THE NBA THAN IT IS IN COLLEGE BASKETBALL.

IN OTHER WORDS, IT'S LESS UNCERTAIN FROM YEAR TO YEAR. KENTUCKY IS GOING TO BE GOOD AGAIN NEXT YEAR IN COLLEGE BASKETBALL, AND THEY WERE GOOD LAST YEAR. AND THOSE TEAMS AT THE BOTTOM DON'T REALLY HAVE MUCH OF A CHANCE TO BE GOOD FROM YEAR TO YEAR IN COLLEGE BASKETBALL, WHILE WE COMPARED TO THE NBA WHERE DIFFERENT TEAMS RISE AND FALL OVER TIME AND WITH MUCH MORE FREQUENCY.

Q. ALL RIGHT. THE -- IF WE CAN LOOK AT --

OH, I WOULD MOVE EXHIBIT 30 INTO EVIDENCE.

MR. SINGLA: NO OBJECTION, YOUR HONOR.

THE COURT: RECEIVED.

(DEMONSTRATIVE EXHIBIT 30 RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. ALL RIGHT. DEMONSTRATIVE EXHIBIT 31, "EXPECTED FOOTBALL SPREADS BASED ON BETTING MARKETS."

A. RIGHT. SO THIS IS A BIT LIKE MARGIN OF VICTORY. MARGIN OF VICTORY IS WHAT ACTUALLY HAPPENED IN THE GAME.

THIS IS A MEASURE OF WHAT CONSUMERS MIGHT EXPECT TO HAPPEN. THIS IS WHAT -- THIS IS THE LAS VEGAS ODDS, WHICH HAVE BEEN PROVEN TO BE EFFICIENT -- AN EFFICIENT MEASUREMENT SYSTEM FOR THE -- FOR THE LIKELY OUTCOME.

AND SO YOU CAN SEE IN THAT FIRST TABLE AT THE BOTTOM, THE BOTTOM ROW IS NFL FOOTBALL. AND SO THE AVERAGE SPREAD IS ABOUT FIVE POINTS -- EXPECTED TO BE FIVE POINTS OR THE MEDIAN SPREAD IS EXPECTED TO BE FOUR POINTS.

AND THEN YOU GO UP TO -- LET'S JUST GO UP TO THE THIRD COLUMN -- I MEAN, YOU KNOW, THIS IS ONE OF THE ISSUES HERE, IS THAT HERE, THE AVERAGE SPREAD IS, YOU KNOW, 18.5. THAT'S NOT QUITE THREE TOUCHDOWNS, BUT THAT'S A BIG EXPECTED SPREAD.

Q. AND THAT'S BCS VERSUS NON-BCS. THAT'S WHERE YOU GOT THE BIG SPREAD OF -- WHERE THE -- THE BETTERS OR THE CONSUMERS ARE EXPECTING THAT GAME TO END WITH, ON AVERAGE, A VICTORY FOR THE BCS SCHOOL OF 18.5?

A. YES, EXACTLY. AND THEN THESE ARE THE BIG SCHOOLS VERSUS THE LITTLE SCHOOLS. AND THEY -- YOU KNOW, THE -- THE BIG SCHOOLS PLAY THE LITTLE SCHOOLS SO THEY CAN GIVE SOME MONEY TO

THE LITTLE SCHOOLS, AND THEN THEY BEAT UP ON THEM, AND, YOU KNOW, THE SPREAD HERE IS 18.5, BUT EVEN ACROSS THE OTHER ROWS, DEPENDING ON WHICH SETS OF GAMES YOU LOOK AT, CLEARLY IN COLLEGE FOOTBALL, THE SPREADS ARE MUCH HIGHER THAN THEY ARE IN THE -- IN THE NFL.

MR. ISAACSON: ALL RIGHT. I WOULD MOVE DEMONSTRATIVE EXHIBIT 31 INTO EVIDENCE.

MR. SINGLA: NO OBJECTION, YOUR HONOR.

THE COURT: RECEIVED.

(DEMONSTRATIVE EXHIBIT 31 RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. IF WE GO TO DEMONSTRATIVE EXHIBIT 32, THIS IS EXHIBIT 2 TO DR. RUBINFELD'S SUPPLEMENTAL REPORT.

AND WOULD YOU EXPLAIN WHAT DR. RUBINFELD IS SHOWING HERE AS YOU UNDERSTAND IT?

A. SO HE'S TAKING INDIVIDUAL YEARS. HE DOES MULTIPLE INDIVIDUAL YEARS, SIX OF THEM. BUT, SAY, FOR 2007, IS THE FIRST YEAR. AND HE'S CORRELATING A RANKING OF THE TEAM'S QUALITY. THERE'S AN RPI SYSTEM OF RATINGS PERFORMANCE INDEX, WHICH IS JUST A SYSTEM TO RANK WHAT TEAM'S NUMBER ONE AT THAT TIME OF -- YOU KNOW, DURING THAT WEEK AND THAT PART OF THE YEAR AND WHAT TEAM'S ALL THE WAY AT THE BOTTOM.

THERE'S 250 OR SO BASKETBALL TEAMS, SO IT'S QUITE A LONG RANKING SYSTEM.

Q. THIS IS BASKETBALL ONLY, AND THERE'S AN RPI THAT RANKS

BASKETBALL TEAMS. AND HE'S RELIED ON THAT.

DO I HAVE THAT RIGHT?

A. YES.

Q. AND NOW HE'S DOING A CORRELATION WITH TOTAL REVENUE AS OPPOSED TO THE SPREADS, THE MARGIN OF VICTORY, AND THE CORRELATION ANALYSIS THAT YOU DID FROM SEASON TO SEASON?

A. RIGHT. SO HE'S -- HE'S SAYING, IS THERE A RELATIONSHIP BETWEEN THE REVENUE THAT THE -- THAT THE -- THAT THE BASKETBALL TEAM GENERATES COMPARED TO THEIR -- THEIR RANKING SYSTEM.

AND, IN FACT, THESE CORRELATIONS ARE HIGHLY STATISTICALLY SIGNIFICANT. THEY'RE NOT ONE. IF THEY WERE ONE, THAT WOULD MEAN THAT YOU COULD LITERALLY RANK THE TEAMS BY REVENUE AND YOU WOULDN'T HAVE TO PLAY THE SEASON. YOU WOULD KNOW EXACTLY WHO'S GOING TO FINISH FIRST, SECOND, AND THIRD. IT WOULD BE QUITE BORING.

BUT THIS IS -- AND DR. RUBINFELD SAYS THAT THEY'RE NOT -- YOU KNOW, HE USES THE WORD "PERFECT," THAT THEY'RE NOT -- OR "PERFECTLY." I FORGET IF IT'S "PERFECT" OR "PERFECTLY," THAT THEY'RE NOT PERFECTLY CORRELATED. BUT ONE WOULDN'T EXPECT THAT TO BE THE CASE. BUT THEY ARE HIGHLY CORRELATED, AND THEY'RE HIGHLY STATISTICALLY SIGNIFICANT.

Q. WELL, YOU SAID --

A. AND SO -- SO, IN FACT, WHETHER YOU LOOK AT REVENUE OR EXPENDITURES, THE TEAMS WITH MORE MONEY FINISH AT THE TOP OF

THE -- OF THE RANKINGS, AND THE TEAMS WITH LESS MONEY FINISH -- YOU KNOW, FINISH AT THE BOTTOM.

Q. YOU SAID THEY WERE STATISTICALLY SIGNIFICANT. DID YOU DO A STATISTICAL TEST OF DR. RUBINFELD'S CORRELATION DATA?

A. YES, I DID. AND YOU CAN SEE FROM, YOU KNOW, EACH OF HIS YEARS, IT'S AROUND .6 TO .7. BUT IF YOU DO A STATISTICAL TEST, THERE'S A, YOU KNOW, 95 PERCENT CONFIDENCE INTERVAL THAT IT'S BASICALLY WITHIN ABOUT 3 -- SO, LIKE, A -- YOU KNOW, A .62 TO A .67 IS -- YOU KNOW, IT'S -- THAT'S THE -- HIGHLY STATISTICALLY SIGNIFICANT, AND THAT'S VERY TIGHT AROUND THOSE, SAY, .65 AVERAGE.

Q. SO YOU NOT ONLY AGREE WITH HIS CORRELATIONS, YOU FIND THEM SIGNIFICANT, AND YOU'RE CONFIDENT THAT THOSE NUMBERS ARE RIGHT AT THE 95 PERCENT ABOVE LEVEL; IS THAT --

A. YES. YES.

Q. OKAY. IF WE CAN LOOK AT DR. -- DEMONSTRATIVE 33, WHICH IS DR. RUBINFELD'S EXHIBIT 5 WHERE YOU SEE THESE DOTS SCATTERED ALL OVER THE PLACE AND A COLLEY RANK.

(DEMONSTRATIVE PUBLISHED.)

BY MR. ISAACSON:

Q. COULD YOU EXPLAIN THAT FOR THOSE OF US WHO WON'T UNDERSTAND THIS.

A. SO THIS IS FOOTBALL FOR 2011-12, AND ON THE VERTICAL COLUMN IS -- IS THE REVENUE RANK. SO ESSENTIALLY TAKE THE ACTUAL DOLLARS OF REVENUE, SORT THEM IN ORDER AND THEN RANK

THEM. SO NUMBER -- NUMBER ONE WOULD BE THE HIGHEST REVENUE RANK. PROBABLY TEXAS -- UNIVERSITY OF TEXAS FOOTBALL.

AND THEN ON THE HORIZONTAL AXIS IS SOMETHING CALLED THE COLLEY RANK. SO THE COLLEY RANK IS A RANK BY -- I THINK THE GENTLEMEN'S LAST NAME IS COLLEY, AND HE -- HE TRIES TO RANK THE TEAMS ACCORDING TO -- TO THEIR QUALITY.

THEY'RE -- THERE'S PUBLISHED RESEARCH THAT SHOWS THAT IT'S -- IT'S NOT A GREAT MEASURE OF THE RANK OF TEAMS BECAUSE IT LEAVES OUT THINGS LIKE THE MARGIN OF VICTORY, OR IF A TEAM LOSES A GAME -- SAY IF ALABAMA LOSES A GAME TO AKRON, IT TREATS THAT THE SAME AS IF ALABAMA LOST A GAME TO LSU, WHICH WOULD BE MORE EXPECTED FOR THEM TO LOSE A GAME TO THEIR RIVAL LSU AS OPPOSED TO A SMALL SCHOOL LIKE AKRON.

Q. WELL, LET'S -- LET'S ACCEPT THE COLLEY RANK FOR A SECOND.

A. YEAH.

Q. SO THERE'S THAT DOTS ALL OVER THE PLACE SO IT LOOKS LIKE THE REVENUES AND THE RANKINGS ARE ALL -- ALL OVER THE PLACE. BUT DOWN IN THE RIGHT-HAND CORNER, IT SAYS "SPEARMAN CORRELATION" -- THAT'S THE SAME TERM YOU USED FOR ONE OF YOUR CHARTS -- .56.

WHAT IS -- WHAT DOES THAT TELL YOU?

A. SO THAT SAYS THAT THESE, IN FACT, ARE CORRELATED. .56 IS STATISTICALLY SIGNIFICANT. AND IT'S -- IT'S -- YOU KNOW, IT'S ABOVE ANY SORT OF RULE OF THUMB TO SAY THAT THEY WOULDN'T BE CORRELATED.

THEY'RE NOT AS CORRELATED AS THE PREVIOUS TABLE WHERE DR. RUBINFELD HAD .65, FOR INSTANCE, AS AN AVERAGE, BUT -- BUT THEY ARE CERTAINLY CORRELATED.

Q. ALL RIGHT. LET'S LOOK AT SOMETHING OTHER THAN THE COLLEY RANK, DEMONSTRATIVE EXHIBIT 34.

(DEMONSTRATIVE PUBLISHED.)

BY MR. ISAACSON:

Q. ALL RIGHT. IS THIS, IN ESSENCE, THE SAME ANALYSIS THAT DR. RUBINFELD DID? REVENUE ON THE LEFT AXIS AND A RANKING SYSTEM ON THE BOTTOM, BUT NOW YOU'RE USING A DIFFERENT RANK, THE SAGARIN RANK.

A. YES. SO THE SAGARIN RANK -- AGAIN THERE'S PUBLISHED RESEARCH THAT SAYS IT'S A BETTER MEASURE OF PREDICTING, YOU KNOW, THE QUALITY OF FOOTBALL TEAMS. SAGARIN IS NOT RESTRICTED TO -- TO LEAVE OUT AS MANY FACTORS AS -- AS COLLEY DOES, SO IT'S NOT SURPRISING THAT HIS RANKING SYSTEM IS BETTER.

AND WHEN YOU USE HIS RANKING SYSTEM, IT HAS A CORRELATION OF .66, WHICH, AGAIN, IS SIMILAR TO WHAT -- THAT PREVIOUS TABLE THAT DR. RUBINFELD HAD THAT HAD THOSE .65'S.

SO, AGAIN, WHAT THIS SAYS IS THE SCHOOLS WITH HIGHER REVENUES, AS YOU -- AS YOU MOVE UP THE -- THE VERTICAL AXIS -- YOU MOVE UP TOWARDS ZERO, THAT MEANS IT'S THE HIGHEST REVENUE TEAM, SO I GUESS IT WOULD BE ONE.

THOSE ARE HIGHLY CORRELATED WITH THE -- THE SUCCESS OF THE

TEAMS. THE TEAMS WITH MORE MONEY WIN MORE, IS EFFECTIVELY WHAT IT IS. THE TEAMS WITH LESS MONEY WIN LESS OFTEN.

Q. AND DID YOU DO STATISTICAL TESTING OF THAT CORRELATION?

A. YES. AND IT'S HIGHLY STATISTICALLY SIGNIFICANT.

Q. ALL RIGHT. THAT'S THE 665 CORRELATION?

A. YES.

Q. IN THE LOWER RIGHT-HAND CORNER.

I WOULD MOVE INTO EVIDENCE EXHIBIT 34 FROM DR. RASCHER'S TESTIMONY.

MR. SINGLA: NO OBJECTION, YOUR HONOR.

THE COURT: RECEIVED.

MR. ISAACSON: ALL RIGHT.

(DEMONSTRATIVE EXHIBIT 34 RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. IF WE TURN TO DEMONSTRATIVE EXHIBIT 35, THIS IS DR. RUBINFELD AGAIN.

(DEMONSTRATIVE PUBLISHED.)

BY MR. ISAACSON:

Q. WOULD YOU EXPLAIN WHAT'S HAPPENING HERE COMPARED TO -- THIS IS NOW -- IS THIS -- LET ME SEE IF I CAN SHORT-CIRCUIT THIS. WE LOOKED AT HIS CORRELATIONS BETWEEN REVENUES AND COLLEY RANK.

IS THIS DR. RUBINFELD'S CORRELATION BETWEEN FOOTBALL EXPENDITURES AND COLLEY RANK?

A. YES.

Q. OKAY. AND, AGAIN, THERE'S DOTS ALL OVER THE PLACE. IN THE LOWER RIGHT-HAND CORNER, THERE'S A CORRELATION OF .54.

WHAT IS YOUR CONCLUSION FROM THAT CORRELATION?

A. AGAIN, THAT IS STATISTICALLY SIGNIFICANT.

Q. OKAY.

AND THEN IF WE TURN TO EXHIBIT 36. JUST AS YOU DID BEFORE, YOU'VE SUBSTITUTED THE SAGARIN RANK FOR THE COLLEY RANK, AND YOU'VE DONE THAT CORRELATION TO TOTAL FOOTBALL EXPENDITURES; IS THAT CORRECT?

A. YES, THAT IS.

Q. ALL RIGHT. AND WHAT CORRELATION DID YOU FIND HERE?

A. SO THAT'S .658 OR .66.

Q. ALL RIGHT. AND WHAT -- TELL US THE SIGNIFICANCE OF THAT.

A. SO IT'S -- IT'S -- YOU KNOW, IT IT'S A HIGHER CORRELATION THAN -- THAN USING THE COLLEY RANK. BUT, AGAIN, THE SIGNIFICANCE IS THE SCHOOLS THAT SPEND MORE MONEY ON THEIR FOOTBALL PROGRAM WIN MORE OFTEN THAN THE SCHOOLS THAT SPEND LESS MONEY WIN LESS OFTEN.

AND IT'S -- IT'S NOT A COINCIDENCE THAT THIS CORRELATION IS ALMOST EXACTLY THE SAME AS ONE WHEN YOU USE REVENUE. THAT GOES BACK TO BOWEN'S REVENUE THEORY OF COST THAT SAYS, LOOK, WE MAKE A CERTAIN AMOUNT, WE SPEND THE SAME AMOUNT. SO WHEN YOU DO THE CORRELATION, YOU'RE BASICALLY USING ALMOST THE SAME NUMBER, JUST ONE OF THEM'S AN EXPENDITURE AND ONE OF THEM'S A REVENUE.

MR. ISAACSON: ALL RIGHT. I MOVE EXHIBIT 30 -- RASCHER EXHIBIT 36.

MR. SINGLA: NO OBJECTION.

THE COURT: RECEIVED.

(DEMONSTRATIVE EXHIBIT 36 RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. ALL RIGHT. NOW, THE NEXT DEMONSTRATIVE 37 IS AN EXHIBIT IN FROM DR. RUBINFELD'S REPORT, HIS EXHIBIT 13.

A. YES.

Q. CUMULATIVE DISTRIBUTION OF BUT-FOR LIVE BROADCAST PAYMENTS. WOULD YOU EXPLAIN THE CHART, AS YOU UNDERSTAND IT?

A. OKAY. SO THIS IS FOR FOOTBALL OVER A FOUR-YEAR CAREER. AND SO DR. RUBINFELD HAS TAKEN FROM MY DAMAGES STUDY -- HE'S TAKING WHAT PAYMENTS THOSE SCHOOLS MIGHT HAVE OFFERED THEIR RECRUITS. AND HE'S LOOKING AT SCHOOLS IN WHICH --

I'LL TRY TO USE AN EXAMPLE. IF A PLAYER WAS PLAYING FOR OHIO STATE UNIVERSITY, AND IN MY DATA, IT SHOWS THAT UNIVERSITY OF MICHIGAN WOULD HAVE PAID MORE THAN $10,000 -- WOULD HAVE OFFERED MORE THAN $10,000 IN NIL PAYMENTS TO THAT ATHLETE, WHICH IS $2,500 A YEAR, SO IT'S ACTUALLY SIMILAR TO THE STIPEND THAT WE HAVE NOW OR THAT PEOPLE ARE TALKING ABOUT.

BUT IN ANY EVENT, IF MICHIGAN WERE TO OFFER THAT ATHLETE $10,000, UNDER THE ASSUMPTION THAT THE ATHLETE WOULD THEN NOT HAVE CHOSEN OHIO STATE BUT INSTEAD WOULD HAVE CHOSEN MICHIGAN, RIGHT, SO THEN THEY WOULD HAVE SWITCHED SCHOOLS.

DR. RUBINFELD GOES AND HE COUNTS UP HOW MANY ATHLETES MAY HAVE SWITCHED SCHOOLS IF THEY WERE TO RECEIVE THE TYPE OF PAYMENT THAT CAME FROM MY DAMAGES STUDY, WHICH IS THE LARGER VERSION OF -- MY DAMAGES STUDY HAD A BROAD RANGE, AND HE -- HE PICKED THE TOP RANGE.

Q. ALL RIGHT. AND WAS THAT UNDER YOUR 50 PERCENT SHARING MODEL?

A. YES. SO THAT'S -- YEAH, AGAIN, THE RANGE OF BROADCAST REVENUE AS AN EXAMPLE IN MY DAMAGES STUDY WAS EITHER THE PLAYERS WOULD RECEIVE SOMEWHERE BETWEEN 10 PERCENT TO 50 PERCENT DEPENDING ON SOME OF THE OTHER RULES THAT THE NCAA HAD.

AND SO HE'S -- HE'S CHOSEN THE 50 PERCENT.

Q. OKAY. AND NOW IF WE CAN LOOK AT DEMONSTRATIVE 38, THIS IS AN ANALYSIS THAT YOU PREPARED.

A. YES.

(DEMONSTRATIVE PUBLISHED.)

BY MR. ISAACSON:

Q. ALL RIGHT. WOULD YOU EXPLAIN WHAT YOU -- THIS IS A STATISTICAL ANALYSIS YOU PREPARED.

WOULD YOU TELL ME WHAT YOU DID HERE AND EXPLAIN THE RESULTS.

A. SO I INVESTIGATED WHERE THOSE ATHLETES WOULD HAVE POTENTIALLY SWITCHED FROM. IN OTHER WORDS, DR. RUBINFELD SAID THESE ATHLETES, YOU KNOW, WOULD HAVE RECEIVED A HIGHER

OFFERING IF THEY WERE TO TAKE THAT HIGHER OFFER THAT'S AT LEAST $10,000 OVER FOUR YEARS, WHICH IS $2,500 A YEAR -- YOU KNOW, THAT THEY WOULD HAVE SWITCHED. AND SO I LOOKED TO SEE WHERE THEY WOULD SWITCH TO AND FROM. SO --

Q. LET ME --

A. YEAH.

Q. IN YOUR UNDERLYING ANALYSIS THAT DR. RUBINFELD'S LOOKING AT, YOU CAN SEE WHAT SCHOOLS THESE -- THESE ATHLETES WENT TO SCHOOL TO, AND SO YOU COULD DETERMINE WHERE THEY WOULD BE SWITCHING FROM. AND UNDER DR. RUBINFELD'S ANALYSIS, YOU COULD SEE WHERE THEY WOULD BE SWITCHING TO; IS THAT RIGHT?

A. RIGHT, BECAUSE OF THE -- THE OTHER SCHOOLS THAT HAD -- HAD RECRUITED THEM. SO YOU CAN JUST LOOK AT THOSE SCHOOLS AND SEE IF ANY OF THOSE SCHOOLS WOULD HAVE MADE A LARGER OFFER THAN THE ONE THAT THEY ACTUALLY CHOSE.

Q. OKAY. SO EXPLAIN -- CONTINUE WITH EXPLAINING YOUR ANALYSIS AND THE RESULTS.

A. RIGHT. SO THE -- THIS LITTLE TABLE AT THE TOP WHERE IT SAYS "COMMIT" ON THE LEFT SIDE, AND THEN "OFFER" ON THE -- ON THE TOP PART OF THAT TABLE -- IF WE CAN HIGHLIGHT THAT. CAN WE GET THAT HIGHLIGHTED THERE? I JUST WANT TO BE SURE WE'RE AT THE RIGHT SPOT.

SO THE WORD "COMMIT" ON THE UPPER -- ON THE LEFT PART OF THE TABLE, AND THEN THE WORD "OFFER" AT THE TOP PART OF THAT.

(DEMONSTRATIVE PUBLISHED.)

THE WITNESS: NO, NO, NO --

BY MR. ISAACSON:

Q. "OFFER." "OFFER" AT THE TOP.

A. YEAH. YEAH. THERE YOU GO. SORRY ABOUT THAT.

(DEMONSTRATIVE DISPLAYED.)

THE WITNESS: SO "COMMIT" IS WHERE THE ATHLETE ACTUALLY CHOSE TO GO, AND "OFFER" IS -- IS WHERE THEY -- THEY WOULD HAVE GONE HAD THEY AGAIN BEEN OFFERED AT LEAST $10,000 MORE OVER THE FOUR YEARS. AND YOU CAN SEE THAT THE BULK OF THE ATHLETES WHO WOULD HAVE SWITCHED SCHOOLS WOULD BE SWITCHING AMONG SCHOOLS OF SIMILAR QUALITY, LIKE, YOU KNOW, OHIO STATE TO MICHIGAN OR ALABAMA TO AUBURN UNIVERSITY --

BY MR. ISAACSON:

Q. -- JUST OFFENDED A LOT OF PEOPLE, BUT GO ON.

A. WHICH IS -- YOU KNOW, ALABAMA TO AUBURN UNIVERSITY, WHICH IS -- WHICH IS IN THE SAME CONFERENCE, THE SOUTHEASTERN CONFERENCE.

SO -- SO IT IS MY OPINION THAT AN ATHLETE SWITCHING FROM A MAJOR SCHOOL TO ANOTHER MAJOR SCHOOL WOULDN'T REALLY AFFECT COMPETITIVE BALANCE THAT MUCH. IT'S WHAT'S -- WHAT MIGHT REALLY AFFECT COMPETITIVE BALANCE MORE WOULD BE AN ATHLETE SWITCHING FROM A SMALLER SCHOOL IN THE LOWER-TIER CONFERENCES UP INTO THE LARGER-TIER CONFERENCES.

AND I'VE MEASURED THAT TO BE ABOUT 9 PERCENT OF ALL OF FOOTBALL ATHLETES ON THE -- ON THE VARIOUS TEAMS.

Q. AND TO BOIL IT DOWN, IN ESSENCE, WE HEARD -- YOU WERE HERE WHEN MR. PROTHRO TESTIFIED, AND HE SAID HE WANTED TO -- HE ALWAYS WANTED TO GO TO ALABAMA. AND IF HE WAS OFFERED BY -- MORE MONEY BY ANOTHER SCHOOL, IS WHAT YOUR DATA SHOWING THAT IF YOU COULD TALK MR. PROTHRO INTO GOING OUT OF ALABAMA, THAT HE'S GOING TO GO TO ANOTHER BIG FOOTBALL SCHOOL, BUT HE'S NOT GOING TO GO TO THE HORIZON LEAGUE?

A. RIGHT. I MEAN -- RIGHT. HE SAID HE WAS RECRUITED BY -- I THINK HE SAID EVERY SCHOOL IN THE SEC EXCEPT FLORIDA -- AND I FORGOT WHAT THE OTHER ONE WAS. BUT --

SO HE HAD -- HE HAD THIS OPPORTUNITY TO GO TO DIFFERENT SCHOOLS. HE CHOSE ALABAMA. AND WHAT THIS -- WHAT DR. RUBINFELD'S ANALYSIS DOESN'T ACCOUNT FOR IS MAYBE ALABAMA WOULD HAVE COUNTERED AND SAID, WELL, WE'LL PAY YOU 10,000 MORE, THEN, IN NIL -- IN NIL PAYMENTS.

THERE'S NO WAY THAT -- FOR US TO KNOW THAT, WHETHER THE OTHER SCHOOL WOULD HAVE COUNTERED WITH THAT, JUST USING MY -- MY DAMAGES ESTIMATES FOR THE DIFFERENT SCHOOLS.

Q. ALL RIGHT. AND THEN AT THE BOTTOM OF THE CHART, DID YOU DO THE SAME ANALYSIS FOR BASKETBALL?

A. YES. SO YOU DO THE SAME ANALYSIS FOR BASKETBALL, AND YOU SEE THAT MOST OF THE -- OR THAT THE SWITCHING FROM THE LITTLE SCHOOLS TO THE BIG SCHOOLS, SO TO SPEAK -- THE SMALLER TIER -- THE LOWER TIER TO THE HIGHER TIER, ONLY ABOUT 7 PERCENT OF THE -- OF THE COLLEGE BASKETBALL PLAYERS WOULD HAVE SWITCHED

UP.

SO, I MEAN, I WANT TO BE CLEAR THAT ISN'T ZERO. I MEAN SOME ATHLETES WOULD -- WOULD SWITCH UP, BUT IT'S NOT A -- A LARGE NUMBER IN ANY SENSE OF THE WORD.

MR. ISAACSON: ALL RIGHT. I WOULD MOVE EXHIBIT 38 INTO EVIDENCE.

MR. SINGLA: NO OBJECTION.

THE COURT: RECEIVED.

(DEMONSTRATIVE EXHIBIT 38 RECEIVED IN EVIDENCE)

BY MR. ISAACSON:

Q. FINALLY, IF WE COULD SHOW DR. RUBINFELD (SIC) PARAGRAPH 136 OF HIS REPLY REPORT.

(PAUSE IN THE PROCEEDINGS.)

(OFF-THE-RECORD DISCUSSION.)

MR. ISAACSON: "DR. RASCHER." I'M SORRY. I'M SORRY. PARAGRAPH 136 OF DR. RASCHER'S REPLY REPORT. SORRY.

(DEMONSTRATIVE PUBLISHED.)

BY MR. ISAACSON:

Q. AND THIS IS WHERE YOU -- YOU'RE DISCUSSING AMATEURISM AND EFFECTS ON DEMAND. AND ONE OF THE POINTS YOU NOTED WAS THAT "IN ORAL ARGUMENT BEFORE THE SUPREME COURT IN BOARD OF REGENTS, THE NCAA REPRESENTED THEN BY JUDGE FRANK EASTERBROOK ARGUED THAT PAYING THE ATHLETES WOULD INCREASE DEMAND FOR THE PRODUCT. JUDGE EASTERBROOK ARGUED WHEN THE NCAA SAYS WE ARE RUNNING PROGRAMS OF AMATEUR FOOTBALL, IT IS PROBABLY REDUCING

ITS NET PROFITS. IT MIGHT BE ABLE TO GET MORE VIEWERS AND SO ON IF IT HAD SEMI-PROFESSIONAL CLUBS RATHER THAN AMATEUR CLUBS."

WAS THAT SOMETHING CONSISTENT WITH YOUR OPINIONS TODAY?

MR. SINGLA: OBJECTION, YOUR HONOR. I THINK HIM INTERPRETING WHAT HAPPENED WITH ORAL ARGUMENT IN THE SUPREME COURT OF THE UNITED STATES IS NOT PROPER TESTIMONY FOR AN ECONOMIST.

THE COURT: JUST ASKED IF IT WAS CONSISTENT WITH WHAT HE THOUGHT, DOES HE AGREE WITH IT, SO I DON'T THINK THAT'S OBJECTIONABLE, ALTHOUGH HE WASN'T JUDGE EASTERBROOK AT THE TIME.

MR. ISAACSON: I SAID, YES. I WOULDN'T -- I DID SAY "THEN JUDGE EASTERBROOK." NOW JUDGE EASTERBROOK, THEN LAWYER EASTERBROOK.

THE WITNESS: RIGHT.

NO, THIS IS COMPLETELY CONSISTENT WITH -- WITH MY OPINION THAT -- THAT -- YOU KNOW, AS IT SAYS, IT WOULD REDUCE NET PROFITS. AND AS HE STATES, IT MIGHT BE ABLE TO GET MORE VIEWERS AND SO ON IF IT HAD SEMI-PROFESSIONAL CLUBS RATHER THAN THE AMATEUR CLUBS.

SO EFFECTIVELY DEMAND COULD BE ENHANCED BY PAYING THE ATHLETES, NOT DIMINISHED, AS THE NCAA'S NOW CLAIMING.

MR. ISAACSON: I HAVE NO FURTHER QUESTIONS.

CROSS-EXAMINATION

BY MR. SINGLA:

Q. GOOD MORNING, DR. RASCHER.

A. GOOD MORNING, MR. SINGLA.

Q. I'D LIKE TO START WITH COMPETITIVE BALANCE, IF THAT'S ALL RIGHT.

A. OKAY.

Q. NOW, IT'S YOUR OPINION THAT COMPETITIVE BALANCE IS IMPORTANT FOR SPORTS LEAGUES, CORRECT?

A. A CERTAIN DEGREE OF COMPETITIVE BALANCE.

Q. COMPETITIVE BALANCE IS AS IMPORTANT IN YOUR VIEW TODAY AS IT WAS A HUNDRED YEARS AGO FOR SPORTS LEAGUES, CORRECT?

A. I DON'T KNOW. I MEAN -- I DON'T KNOW. I DON'T KNOW THAT I'VE THOUGHT ABOUT A HUNDRED YEARS AGO NECESSARILY THINKING ABOUT HOW IT COMPARES TODAY.

Q. AND SPORTS LEAGUES CREATE RULES SPECIFICALLY IN ORDER TO PROMOTE COMPETITIVE BALANCE, CORRECT?

A. YES, THAT IS TRUE.

Q. SPORTS LEAGUE CREATE RULES SPECIFICALLY TO MAKE SURE THEY MAINTAIN THEIR DESIRED LEVEL OF COMPETITIVE BALANCE, CORRECT?

A. THAT'S WHAT THEY TRY TO DO.

Q. AND YOU BELIEVE THAT A SALARY RESTRICTION IS ONE OF THE MOST EFFECTIVE WAYS FOR A SPORTS LEAGUE TO MAINTAIN OR IMPROVE ITS COMPETITIVE BALANCE, CORRECT?

A. IT DEPENDS HOW -- HOW IT'S IMPLEMENTED, YES.

Q. AND YOU BELIEVE THAT THE REASON THAT A SALARY RESTRICTION FORCES TEAMS TO SPEND A SIMILAR AMOUNT ON PLAYERS, CORRECT?

A. YES. I MEAN, THAT'S -- THAT'S -- AGAIN, ASSUMING THAT IT'S IMPLEMENTED IN THAT WAY. IT DEPENDS ON THE TYPE OF SALARY RESTRICTION. THERE ARE SALARY RESTRICTIONS THAT DON'T DO THAT.

Q. AND FOR THAT REASON, YOU BELIEVE THAT SALARY RESTRICTIONS FOR SPORTS LEAGUES CAN BE PROCOMPETITIVE, CORRECT?

A. I MEAN, IT DEPENDS, AGAIN, ON -- YEAH. I MEAN, IT DEPENDS AGAIN ON -- ON, YOU KNOW, HOW IT'S IMPLEMENTED AND WHERE IT'S SET, AND THINGS LIKE THAT.

Q. YOU BELIEVE THAT SALARY RESTRICTIONS MAY SUPERFICIALLY APPEAR TO BE ANTICOMPETITIVE, BUT MAY INSTEAD PROMOTE COMPETITIVE BALANCE AND, HENCE, BE PROCOMPETITIVE, CORRECT?

A. AGAIN, IT JUST DEPENDS HOW THEY'RE IMPLEMENTED.

Q. BUT THAT'S -- THAT'S -- YOU BELIEVE THAT'S TRUE DEPENDING ON HOW IT'S IMPLEMENTED, CORRECT?

A. RIGHT. DEPENDING ON HOW IT'S IMPLEMENTED.

THE COURT: ARE YOU TALKING ABOUT SALARY RESTRICTIONS ON INDIVIDUAL SALARIES? OR ON THE TOTAL AMOUNT THAT A TEAM CAN SPEND ON SALARIES FOR THAT TEAM?

BY MR. SINGLA:

Q. IT'S EITHER ONE, CORRECT, SIR?

A. I MEAN, WELL -- IT DEPENDS. I MEAN, A SALARY CAP IS REALLY MORE ABOUT A TEAM TOTAL PAYMENT SYSTEM AS OPPOSED TO

INDIVIDUAL PAYMENT SYSTEMS.

Q. NOW, YOU PRESENTED A -- A NUMBER OF CHARTS TO THE COURT ON COMPETITIVE BALANCE, CORRECT?

A. YES.

Q. AND WHAT YOU LOOKED AT IN THOSE CHARTS WAS YOU LOOKED AT THE LEVEL OF COMPETITIVE BALANCE IN THE NCAA TODAY.

A. RIGHT, IN THE LAST FEW YEARS, YEAH.

Q. UNDER THE CURRENT SET OF NCAA RULES, CORRECT?

A. WELL, YES. YEAH, WHATEVER THE SITUATION WAS FOR THAT GIVEN YEAR.

Q. AND YOU PRESENTED NO GRAPHS OR CHARTS ON HOW COMPETITIVE BALANCE WOULD CHANGE IF THE PLAINTIFFS WIN THIS CASE, CORRECT?

A. I DON'T KNOW IF I -- I MEAN, THAT LAST TABLE, THAT -- IS ONE EXAMPLE OF LOOKING AT HOW SOME -- SOME PLAYERS MIGHT GO FROM A LOWER TIER TO AN UPPER TIER.

I MEAN, THAT'S AN EXAMPLE OF -- OF THAT.

Q. OKAY. SO IN THE LAST CHART THAT WE LOOKED AT --

CAN WE PULL IT UP? I BELIEVE IT'S CHART S53.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. THIS CHART IS WHAT YOU'RE TALKING ABOUT.

A. YES.

Q. AND YOU'RE SAYING IT SHOWS THAT SOME OF THE ATHLETES MAY MOVE FROM LOWER TIERS OF CONFERENCES TO THE BIG SIX CONFERENCES, CORRECT?

A. A SMALL PERCENTAGE.

Q. OKAY. SO OTHER THAN THIS CHART, YOU HAVE PROVIDED NO ANALYSIS OF HOW COMPETITIVE BALANCE MIGHT CHANGE IF THE PLAINTIFFS WIN THIS CASE, CORRECT?

A. NO. 'CAUSE I THINK ABOUT THE THREE REPORTS I SUBMITTED. I'M --

Q. I'M TALKING ABOUT THE CHARTS THAT YOU SHOWED TODAY.

A. OH. LET'S SEE.

Q. OF THE CHARTS YOU SHOWED TODAY, THIS IS THE ONLY ONE THAT HAS ANYTHING TO DO WITH WHAT COMPETITIVE BALANCE WILL LOOK LIKE IF THE PLAINTIFFS WIN, CORRECT?

A. I DON'T KNOW THAT THAT'S TRUE. I'M THINKING ABOUT THE STARS CHART THAT WE LOOKED AT THAT HAD THE NUMBER OF STARS.

Q. BUT --

A. AND --

Q. -- YOU DIDN'T -- SIR, YOU DIDN'T MODEL WHAT COMPETITIVE BALANCE WOULD LOOK LIKE IF THE PLAINTIFFS WIN; YOU DIDN'T MODEL THAT.

A. WELL, I'M SHOWING THAT -- THAT THE PLAINTIFFS -- I MEAN, THAT THE NCA SCHOOLS SPEND MONEY TO GET THE RECRUITS TO COME TO THEIR SCHOOL REGARDLESS OF WHAT THE RULE IS.

IN OTHER WORDS, THEY FIND A WAY TO SPEND THE MONEY AND SO -- SO THAT THE ATHLETES LINE UP WITH THE REVENUE AND THE EXPENDITURES.

Q. SO YOU'RE SAYING NOTHING WILL CHANGE. YOUR ASSUMPTION

IS -- STRIKE THAT.

WHAT YOU'RE SAYING IS NOTHING'S GOING TO CHANGE IF THE PLAINTIFFS WIN IN TERMS OF WHICH STUDENTS GO TO WHICH SCHOOLS.

THAT'S WHAT YOU'RE SAYING.

A. NO, I DIDN'T -- THAT'S NOT COMPETITIVE BALANCE, IF THE STUDENT SWITCHES A SCHOOL FROM OHIO STATE TO MICHIGAN.

Q. NOW, YOU BELIEVE THAT IF THE NCA RULES ARE ELIMINATED, THEN ATHLETES WITH BETTER SKILL WILL BE PAID MORE THAN AVERAGE ATHLETES, CORRECT?

MR. ISAACSON: OBJECTION, CAN WE HAVE AN UNDERSTANDING OF WHAT NCAA RULES HE'S REFERRING TO.

MR. SINGLA: SURE.

Q. IF THE PLAINTIFFS WIN THIS CASE, YOU BELIEVE THAT THE ATHLETES WITH MORE SKILL AND BETTER PERFORMANCE WILL BE PAID MORE THAN AVERAGE ATHLETES.

A. I DON'T KNOW WHAT -- WHAT THE -- AN INJUNCTION WOULD LOOK LIKE. LIKE I DON'T KNOW WHAT RULE, YOU KNOW -- I MEAN, IN MY DAMAGES ANALYSIS, BECAUSE THE NCAA HAS CLAIMED THAT NOT BEING PAID FOR PERFORMANCE IS ONE ASPECT OF HOW THEY DEFINE THAT "AMATEURISM," THEN THEY WOULDN'T BE PAID -- ATHLETES WOULDN'T BE ALLOWED TO BE PAID MORE THAN OTHER ATHLETES.

Q. SIR --

A. SO AS A GROUP, YOU WOULD HAVE TWO OR THREE ATHLETES, YOU KNOW -- OR A WHOLE TEAM GETTING PAID THE SAME AMOUNT OF GROUP LICENSING. THAT'S HOW GROUP LICENSING WORKS.

Q. SIR, IF WE TAKE THE ANALYSIS AND OPINIONS THAT YOU HAVE GIVEN IN THIS CASE SERIOUSLY, THEN WE WOULD CONCLUDE THAT ATHLETES WITH MORE SKILL AND BETTER PERFORMANCE WILL BE PAID MORE THAN AVERAGE ATHLETES IF THESE RULINGS THAT ARE BEING CHALLENGED ARE ELIMINATED, CORRECT?

A. NO. THAT'S -- IT -- IT DEPENDS ON WHAT RULES ARE NOT -- YOU KNOW, WHAT'S LEFT OF THE RULES.

MR. SINGLA: COULD WE GET PAGE 738 TO 739 OF THE TRANSCRIPT?

(DEMONSTRATIVE PUBLISHED.)

(OFF-THE-RECORD DISCUSSION.)

MR. SINGLA: 738 TO 739.

Q. SIR, YOU WERE ASKED:

"Q. UNDER THE ANALYSIS AND OPINIONS THAT YOU HAVE GIVEN IN THIS CASE, IF SOMEONE WERE TO TAKE YOUR OPINION SERIOUSLY, THEY WOULD CONCLUDE THAT ATHLETES WITH MORE SKILL AND BETTER PERFORMANCE WILL BE PAID MORE THAN AVERAGE ATHLETES IF THE NCAA'S RULES THAT YOU'RE CHALLENGING ARE ELIMINATED.

AND YOU ANSWERED, "RIGHT. I THINK THAT'S THE EQUILIBRIUM, YES." THAT'S AT PAGES 738 TO 39, LINES 24 TO 7.

(DEMONSTRATIVE PUBLISHED.)

THE WITNESS: ALL RIGHT. FIRST OF ALL --

BY MR. SINGLA:

Q. SIR -- LOOK, I HAVEN'T HAD A QUESTION YET, SIR.

SIR, IS THAT THE QUESTION YOU WERE ASKED AND THE ANSWER YOU GAVE?

A. I MEAN, I GUESS IF THAT'S WHAT IT SAYS THERE.

Q. OKAY. NOW -- AND EVEN IF EVERYONE ON A TEAM --

A. WE WERE -- WE WERE --

Q. SIR --

(SIMULTANEOUS COLLOQUY.)

THE COURT: SO I'LL TALK.

YOU NEED TO WAIT FOR A QUESTION.

BY MR. SINGLA:

Q. AND, SIR, IF SCHOOLS GIVE THE ATHLETES BROADCAST REVENUES, AS THE PLAINTIFFS ARE SUGGESTING, THEN BETTER ATHLETES WILL GO TO SCHOOLS THAT HAVE MORE MONEY TO GIVE, CORRECT?

A. CAN YOU -- CAN YOU SAY THAT AGAIN?

Q. YEAH. IF SCHOOLS CAN GIVE ATHLETES BROADCAST REVENUES THE WAY THE PLAINTIFFS ARE SUGGESTING, THEN BETTER ATHLETES WILL GO TO SCHOOLS WITH MORE MONEY TO GIVE THEM, CORRECT?

A. AS -- YOU MEAN BETTER ATHLETES MORE SO THAN TODAY? OR JUST WHAT WE SEE TODAY? LIKE, I DON'T -- YOU MEAN "BETTER ATHLETES." BETTER ATHLETES GO FOR THE SCHOOLS THAT OFFER THEM MORE. IT'S JUST THROUGH TRAINING FACILITIES AND COACHES. SO I DON'T KNOW. ARE YOU SAYING RELATIVE TO TODAY? I'M NOT SURE.

Q. YES. RELATIVE TODAY.

A. NO.

Q. SIR, YOU POSITED THE -- THE IDEA THAT IF ALABAMA WANTED TO RECRUIT MR. PROTHRO AND OFFER HIM $50,000, AUBURN COULD COME FORWARD AND OFFER HIM 60, CORRECT?

A. I DIDN'T PUT A NUMBER TO IT, BUT THEY COULD OFFER HIM MORE.

Q. RIGHT. THE REASON THEY WOULD DO THAT IS TO TRY TO ENTICE MR. PROTHRO TO ATTEND THEIR SCHOOL, CORRECT?

A. CORRECT.

Q. NOW, YOU WERE DISCUSSING EARLIER WITH MR. ISAACSON THE DAMAGES ANALYSIS THAT YOU DID IN THIS CASE, RIGHT?

WHEN YOU WERE TALKING ABOUT MR. RUBINFELD'S SLIDES -- DR. RUBINFELD'S SLIDES, YOU WERE TALKING ABOUT SOME OF THE DAMAGE ANALYSIS YOU HAD DONE, CORRECT?

A. RIGHT, 'CAUSE DR. RUBINFELD HAD -- HAD LOOKED AT THE DAMAGES ANALYSIS AS A FORECAST FOR THE FUTURE.

Q. AND ONE OF THE THINGS THAT YOU DID IN THIS CASE WAS TO TRY TO MODEL HOW MUCH SCHOOLS WOULD PAY ATHLETES IF THE NCA RULES THAT ARE BEING CHALLENGED WERE ELIMINATED, CORRECT?

A. WOULD HAVE PAID IN THE PAST, NOT NECESSARILY WILL PAY IN THE FUTURE.

Q. CORRECT. AND YOU BELIEVE -- SO YOU'RE SAYING THAT WHAT YOU CALCULATED WAS FOR PAST YEARS, LIKE 2009 OR 2010, RIGHT?

A. CORRECT.

Q. AND NOW WE'RE TALKING ABOUT THE FUTURE, CORRECT?

A. YES.

Q. AND YOU BELIEVE THAT THE TWO OUGHT NOT TO BE THAT DIFFERENT, CORRECT?

A. I THINK CERTAINLY THERE ARE THINGS IN THE PAST THAT COULD GO INTO THE FUTURE. BUT, YOU KNOW, IT DEPENDS ON HOW THE NCAA -- YOU KNOW, IT DEPENDS ON WHAT RESTRICTION, SPECIFICALLY HOW IT'S LIFTED. IT DEPENDS ON HOW THE CONFERENCES REACT TO IT. SEE, IN THE PAST, THEY AREN'T REACTING TO OTHER CHANGES, THAT THERE'S NOT THE -- THE CHANGEOVER OF THE EQUILIBRIUM.

Q. SIR, YOU BELIEVE THE TWO WOULD BE NOT THAT DIFFERENT, CORRECT?

A. I MEAN, I DON'T KNOW WHAT ASPECTS WOULD BE DIFFERENT, BUT THERE CERTAINLY WOULD BE ASPECTS --

(SIMULTANEOUS COLLOQUY.)

THE WITNESS: -- SIMILAR FROM THE PAST TO THE FUTURE.

BY MR. SINGLA:

Q. THE AMOUNTS AND THE DAMAGE MODEL REFLECT WHAT WOULD HAPPEN IN THE FUTURE, CORRECT?

A. AGAIN, IT DEPENDS IF IT'S -- THERE -- IN MY DAMAGES MODEL AND IN THE PART OF THAT YOU QUOTED WHEN WE WERE TALKING ABOUT ONE OF THE DAMAGES MODEL WHERE THE SCHOOLS WERE ALLOWED TO PAY DIFFERENT AMOUNTS TO THE ATHLETES, THAT'S WHY I SAID YES, IF THE SCHOOLS ARE ALLOWED TO PAY DIFFERENT AMOUNTS TO THE ATHLETES, THEY PROBABLY WILL FOR BETTER ATHLETES, RIGHT?

IN THE OTHER DAMAGES MODEL, WHICH FOLLOWS MORE CLOSELY WITH THE NCAA'S RULES ABOUT AMATEURISM WHERE THE ATHLETES

CAN'T BE PAID DIFFERENT AMOUNTS FOR THEIR PERFORMANCE, RIGHT, THEN IN THAT CASE, THE ATHLETES WOULDN'T BE PAID DIFFERENT AMOUNTS.

AND IT DEPENDS ON IF THE SCHOOLS COMPETED AS THE NBA DOES AND THE NFL DOES --

Q. THAT'S NOT MY QUESTION. THAT'S NOT MY QUESTION. I'M NOT ASKING -- ALL I'M ASKING YOU IS THE DAMAGES MODEL YOU DID, WHETHER THEY'RE PAID THE SAME OR DIFFERENT AMOUNTS ON THE TEAM, YOU BELIEVE THAT THEY OUGHT NOT TO BE DIFFERENT THAN WHAT WILL HAPPEN IN THE FUTURE, CORRECT?

A. THAT'S JUST TOO BROAD AND GENERALIZED.

MR. SINGLA: CAN I GET PAGE 737 AND 738 OF THE TRANSCRIPT?

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. SIR, YOU WERE ASKED THIS QUESTION STARTING AT LINE 21:

"Q. AND IS THERE ANY PLACE IN YOUR REPORTS OTHER THAN THE DAMAGES MODELS WHICH YOU PUT FORWARD ANY DESCRIPTION OF WHAT THE WORLD WOULD LOOK LIKE IN THE FUTURE IF THE CHALLENGED NCAA RULES WERE ELIMINATED?

"A. I DON'T THINK THAT I DESCRIBED IT THAT WAY. BUT AGAIN, THE CONCEPT OF --"

A. -- SEE. YOU'RE JUST READING AHEAD, AND I CAN'T SEE IT SO YOU NEED TO SLOW DOWN.

Q. SURE.

CAN WE HAVE IT TO LINE 7?

(DEMONSTRATIVE PUBLISHED.)

MR. SINGLA: "ANSWER: I DON'T THINK THAT I DESCRIBED IT THAT WAY BUT, AGAIN, THE CONCEPT OF THE -- THE BUT-FOR WORLD IS, IN SOME SENSE, GOING FORWARD AND LOOKING BACKWARDS, THEY OUGHTN'T BE THAT DIFFERENT.

"Q. THEY OUGHT NOT TO BE THAT DIFFERENT.

"A. YEAH, RIGHT."

THE WITNESS: YEAH, IN SOME SENSE --

BY MR. SINGLA:

Q. SIR, THERE'S NOT A QUESTION PENDING.

(PAUSE IN THE PROCEEDINGS.)

BY MR. SINGLA:

Q. SIR, THAT'S THE QUESTION YOU WERE ASKED AND THE ANSWER THAT YOU GAVE CORRECT UNDER OATH?

A. YES.

MR. SINGLA: MAY I APPROACH THE WITNESS, YOUR HONOR?

THE COURT: YES.

MR. SINGLA: (HANDING DOCUMENT.)

Q. SIR, I'M SHOWING YOU YOUR DAMAGES MODEL, CORRECT?

MR. ISAACSON: WHAT --

BY MR. SINGLA:

Q. IT'S EXHIBIT C TO YOUR REPORT, CORRECT?

MR. ISAACSON: DO YOU HAVE A --

(OFF-THE-RECORD DISCUSSION.)

THE WITNESS: YES THIS LOOKS LIKE -- YOU KNOW, THE LETTER HAS BEEN HOLE-PUNCHED SO I CAN'T SEE IT, BUT THIS LOOKS LIKE IT WOULD BE -- YOU SAY IT'S EXHIBIT C?

BY MR. SINGLA:

Q. YES.

A. OKAY.

MR. ISAACSON: CAN WE HAVE A COPY?

MR. SINGLA: I DID NOT BRING A COPY FOR COUNSEL. I APOLOGIZE. IT'S PART OF THE EXPERT REPORTS.

I ASSUME -- I'M SORRY. I ASSUMED YOU WOULD HAVE IT.

MR. KLAUS: WE HAVE THEM OVER HERE --

MR. ISAACSON: I DON'T HAVE ALL THE VERY LONG EXHIBITS.

THE COURT: SO YOU CAN MOVE ON, AND COUNSEL WILL GET A COPY FOR THE OTHER SIDE.

MR. ISAACSON: THAT'S FINE.

BY MR. SINGLA:

Q. NOW, SIR, YOU RELIED IN YOUR REPORTS ON THE RIVALS.COM DATABASE, CORRECT?

A. YES.

Q. AND THAT SAME DATA SOURCE THAT DR. NOLL RELIES ON, RIGHT?

A. YES.

Q. AND YOU AND YOUR FIRM HELPED DR. NOLL IN HIS REPORTS, CORRECT?

A. I MEAN, I DIDN'T HELP HIM, BUT SOME -- SOME OF THE STAFF

AT OSKR DID.

Q. SOME OF YOUR FIRM DID HIS BACKUP ANALYSIS AND THE COMPUTATIONS FOR HIM, CORRECT?

A. I MEAN, AGAIN, I DON'T KNOW EXACTLY WHAT -- HOW THEY DIVIDED UP ANY TYPE OF WORK.

MR. SINGLA: OKAY. CAN WE SEE DR. NOLL'S REPORT AT PAGE 41? THAT'S DR16.

Q. AND DR. NOLL ANALYZED HOW MANY OF THE TOP RECRUITS RANKED BY RIVALS.COM WENT TO DIFFERENT CONFERENCES, RIGHT?

(DEMONSTRATIVE PUBLISHED.)

THE WITNESS: YES.

BY MR. SINGLA:

Q. ALL RIGHT.

AND IF WE PULL UP THE LAST FEW LINES OF THE FULL PARAGRAPH.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. YOU'LL SEE HE CONCLUDED THAT -- THAT FOR FIVE-STAR RECRUITS, 83 PERCENT -- SORRY. STRIKE THAT. FOR FIVE-STAR RECRUITS, 86 PERCENT OF FOOTBALL RECRUITS CHOSE A BCS SCHOOL.

DO YOU SEE THAT?

A. YES, I SEE THAT.

Q. AND DR. NOLL CONCLUDED, AM I RIGHT, THAT 60 PERCENT OF FOOTBALL RECRUITS WHO ARE FOUR STAR ATTENDED A BCS SCHOOL, RIGHT?

A. YES.
Q. THAT'S HIS CONCLUSION, RIGHT, FROM THE ANALYSIS OF THIS DATA?
A. YES.
Q. AND THAT MEANS 40 PERCENT OF THESE FOUR-STAR RECRUITS DID NOT GO TO A BCS SCHOOL, RIGHT?
A. I MEAN, I DIDN'T DO THAT, SO I DON'T KNOW.
Q. BUT THAT'S WHAT THE IMPLICATION WOULD BE?
A. I DON'T KNOW THAT THAT'S THE IMPLICATION.
Q. WELL, 60 PERCENT AND 40 PERCENT EQUAL A HUNDRED PERCENT, CORRECT?
A. YEAH, BUT I DON'T KNOW WHERE THEY WENT.
Q. NOW, I WANT TO LOOK AT YOUR NUMBERS FOR A SECOND. SO LET'S TAKE A SCHOOL. LET'S TAKE VANDERBILT. THAT'S PAGE 162 OF THAT EXHIBIT THERE, SIR.
MR. ISAACSON: ARE WE PUTTING IT ON THE SCREEN?
MR. SINGLA: SURE. WE CAN PUT -- I DON'T THINK WE NEED TO.
Q. SO, SIR, FOR PAGE --
MR. ISAACSON: COUNSEL, I'D APPRECIATE IF YOU PUT IT ON THE SCREEN SO I CAN SEE IT ALSO.
MR. SINGLA: I'M SORRY. I DON'T KNOW IF WE HAVE THE ABILITY.
MR. NICKELS, IF YOU HAVE THE ABILITY TO PUT EXHIBIT C ON THE SCREEN, PLEASE DO SO.

Q. SIR, NOW, FOR VANDERBILT, IT SHOWS THAT THE BROADCAST PAYMENTS IN VANDERBILT TO ITS FOOTBALL TEAM WOULD BE $554,916 A YEAR, CORRECT?

A. I DON'T -- I DON'T KNOW WHERE YOU'RE -- I DON'T SEE THAT.

Q. PAGE 162. ARE YOU THERE, SIR?

A. I THINK SO. THE -- THE HOLE PUNCHES ARE THROUGH ALL THE NUMBERS, SO I DON'T -- I CAN'T ALWAYS SEE THE NUMBERS.

Q. WELL, I APOLOGIZE FOR THAT.

SO YOU'LL SEE THAT THERE'S --

THE COURT: I DON'T KNOW THAT THE WITNESS HAS FOUND IT. PERHAPS YOU COULD GO UP AND HELP HIM.

MR. SINGLA: OKAY. THANK YOU, YOUR HONOR.

THE WITNESS: I MEAN, I SEE THAT NUMBER. I MEAN, I DON'T KNOW WHERE --

MR. SINGLA: THIS NUMBER.

(SOTTO VOCE DISCUSSION BETWEEN THE WITNESS AND MR. SINGLA.)

THE WITNESS: THAT NUMBER?

MR. SINGLA: (INDICATING.)

Q. SIR, WHAT IS THE NUMBER LISTED ON PAGE 500 -- 162 FOR VANDERBILT FOR 2010 FOR THE PAYMENTS THAT WE MADE FROM BROADCAST TO THE FOOTBALL TEAM?

A. (REVIEWING DOCUMENT.)

SO BROADCAST FOOTBALL, IS THIS DURING ELIGIBILITY OR AFTER ELIGIBILITY?

Q. HOW MUCH WOULD THE SCHOOL PAY TO THE FOOTBALL TEAM TO

RECRUIT THEM?

THIS IS YOUR ANALYSIS, SIR.

A. NO, THIS IS -- THIS IS -- I DON'T KNOW -- AS IT DURING ELIGIBILITY OR AFTER ELIGIBILITY?

Q. LET'S JUST TAKE THE DURING ELIGIBILITY NUMBER.

A. OKAY. SO ACCORDING TO IF THE SCHOOLS WERE TO DO WHAT THE NBA AND NFL DOES, WHICH IS PAY ABOUT 50 PERCENT OF BROADCAST REVENUES, IN A GROUP LICENSE TO -- THEY DON'T DO IT IN A GROUP LICENSE -- BUT IN A GROUP LICENSE IN THIS CASE TO THE ATHLETES, THEY WOULD PAY THE FOOTBALL TEAM ABOUT $5.5 MILLION.

Q. 5.5 MILLION?

A. THAT'S 50 PERCENT. IT JUST SHOWS HOW BIG THE BROADCAST REVENUES ARE.

IS THAT WHAT YOU SEE?

Q. SURE. THAT'S FINE.

A. OKAY.

Q. NOW, IF WE DIVIDE THAT AMONG 85 FOOTBALL PLAYERS ON AVERAGE, YOU'D AGREE THAT'S ABOUT $65,000?

A. I MEAN, I DON'T --

Q. TRUST MY CALCULATOR?

A. I'LL -- YEAH, I'LL TRUST YOUR CALCULATOR.

Q. AND OVER FIVE YEARS, THAT WOULD BE ABOUT $325,000, AGAIN TRUSTING MY CALCULATOR.

SOUNDS ABOUT RIGHT?

A. RIGHT. AND THAT'S SOMEWHERE AROUND -- RIGHT, SO THIS

IS -- IS THIS -- SO WHICH -- IS THIS FULL? PARTIALLY PULLED OR FULLY PULLED?

Q. I BELIEVE THIS IS FULLY PULLED, SIR. THIS IS YOUR ANALYSIS.

A. RIGHT. SO IF THEY WERE TO GIVE 50 PERCENT OF BROADCAST REVENUE, RIGHT, LIKE THE NBA AND THE NFL.

Q. RIGHT. THAT'S WHAT YOUR WHOLE REPORT POSITS, THAT THEY WILL GET 50 PERCENT OF BROADCAST REVENUE, CORRECT?

A. THAT'S -- THAT'S ONE MODEL BECAUSE THAT'S WHAT WE SEE IN A SIMILARLY COMPETITIVE MODEL LIKE THE NBA AND A NFL.

Q. OKAY. NOW LET'S TAKE ANOTHER SCHOOL. LET'S TAKE MEMPHIS ON PAGE 74.

A. (REVIEWING DOCUMENT.)

Q. SO WE HAVE $325,000 FOR VANDERBILT FOR ONE ATHLETE OVER FIVE YEARS, CORRECT?

A. AGAIN, IN THE PAST, THAT'S WHAT THEY WOULD HAVE DONE HAD THEY FOLLOWED WHAT WE SEE IN THE NFL.

Q. OKAY. NOW, IN -- FOR MEMPHIS, HOW MUCH WOULD THE NUMBER BE?

A. IT'S --

Q. ACCORDING TO YOUR MODEL.

A. RIGHT, BECAUSE MEMPHIS DOESN'T GENERATE MUCH IN BROADCAST REVENUE, SO, THEREFORE, 50 PERCENT OF THAT BROADCAST REVENUE IS ONLY $239,000.

Q. $239,000.

A. RIGHT. IS THAT THE PAGE YOU'RE ON?

Q. YES, THAT'S CORRECT.

NOW, IF I DIVIDE THAT BY 85 ATHLETES AND TIMES FIVE YEARS, WOULD YOU AGREE THAT'S ABOUT $14,000?

A. I MEAN, I -- I DON'T HAVE -- I -- I GUESS, IF THAT'S WHAT YOUR MATH SAYS.

Q. OKAY. SO --

A. WAIT.

Q. SO AT MEMPHIS --

A. WAIT. WAIT. WAIT. OKAY. WHATEVER. IF THAT'S YOUR MATH.

Q. AT MEMPHIS, THE ATHLETES WOULD GET $14,000. AND AT VANDERBILT, $325,000, RIGHT?

A. AGAIN, VANDERBILT PLAYS IN THE SEC CONFERENCE THAT GENERATE -- HAS A BILLION-DOLLAR T.V. CONTRACT, AND MEMPHIS DOESN'T.

Q. I'M NOT ASKING WHY. I'M NOT ASKING WHY.

I JUST WANT A -- THE ANSWER TO MY QUESTION, VERY SIMPLE.

WHAT WE'RE SAYING IS, IN YOUR MODEL, IF WE TAKE IT SERIOUSLY, ATHLETES AT VANDERBILT WILL GET $325,000, FOOTBALL PLAYERS, ON AVERAGE. AND AT MEMPHIS, $14,000. THAT'S ALL I'M ASKING.

A. THERE IS NO "WOULD GET." THIS IS THE PAST.

Q. THIS IS YOUR MODEL OF THE PAST.

A. THIS IS THE PAST.

Q. THIS IS THE BEST MODEL YOU HAVE OF THE FUTURE, RIGHT, THAT YOU'VE PROVIDED?

A. IT DEPENDS ON HOW THESE CONFERENCES -- JUST LIKE I TESTIFIED TO EARLIER, THE CONFERENCES WILL -- WILL -- WILL PICK A MODEL THAT SATISFIES THEIR NEEDS. AND MY MODEL WAS WHAT ARE -- WHAT ARE THE CLOSEST YARDSTICKS TO NCAA FOOTBALL AND BASKETBALL? THIS IS THE NBA AND THE NFL, AND THIS IS WHAT THEY DO.

SO THIS JUST SHOWS THAT MEMPHIS PLAYS IN THE LOWER TIER THAN -- THAN VANDERBILT DOES.

Q. AND SO WHEN THE RECRUITING HAPPENS AT THE HIGH SCHOOL -- WITH THESE HIGH SCHOOL ATHLETES IN TENNESSEE IN THE FUTURE, THE STUDENTS CAN BE CHOOSING BETWEEN AN OFFER FROM VANDERBILT, WHICH MAY BE HUNDREDS OF THOUSANDS OF DOLLARS, OR MEMPHIS STATE, WHICH COULD BE TENS OF THOUSANDS OF DOLLARS, RIGHT?

A. IT DEPENDS IF -- WELL, MEMPHIS -- YOU KNOW, IT DEPENDS -- I DON'T THINK MEMPHIS IS IN U.S. -- CONFERENCE U.S.A. ANYMORE, BUT ANYWAY. I THINK THEY MOVED UP. THEY'RE ONE OF THE SCHOOLS THAT DECIDED TO INVEST IN MOVING UP.

SO SCHOOLS CAN DECIDE TO STAY DOWN HERE AND OFFER LESS OF AN OFFER, OR THEY COULD DECIDE TO MOVE UP INTO THE HIGHER CONFERENCES AND OFFER A GREATER --

Q. AND IF WE LOOK AT YOUR MODEL, THE BIG CONFERENCE SCHOOLS, THE DOLLARS ARE SIMILAR, ON THIS ORDER OF MAGNITUDE UNDER YOUR MODEL, RIGHT?

A. I MEAN, THAT'S BROAD -- WHAT DO YOU MEAN? I MEAN --
Q. THE DAMAGES NUMBER -- STRIKE THAT.
THE -- THE PAYMENTS THAT WOULD BE MADE BY THE SCHOOLS UNDER YOUR MODEL TO FOOTBALL PLAYERS AT THE BIG CONFERENCES ALL AROUND THE SAME -- IN THE SAME RANGE, HUNDREDS OF THOUSANDS OF DOLLARS?
A. IT IS TRUE THAT THE BIG FIVE OR SIX CONFERENCES HAVE SIMILAR, YOU KNOW, BILLION-DOLLAR T.V. PACKAGES THAT PAY THE SCHOOLS SIMILAR AMOUNTS OF MONEY 'CAUSE WHAT THE CONFERENCES DO IS THEY SHARE THE MONEY PRETTY EQUALLY, SO, THEREFORE, EACH OF THE SCHOOLS IN THE CONFERENCE HAS A COMPARABLE AMOUNT OF BROADCAST REVENUE --
Q. AND --
(SIMULTANEOUS COLLOQUY.)
THE WITNESS: SO WITHIN A CONFERENCE, THEY WOULD BE ABLE TO PAY SIMILAR AMOUNTS. AND THEN, YOU KNOW, THE DIFFERENT THE LOWER-TIER CONFERENCES WOULD ESSENTIALLY OFFER --
(SIMULTANEOUS COLLOQUY.)
BY MR. SINGLA:
Q. -- SMALLER CONFERENCES, THE NUMBERS WOULD BE AROUND THE AMOUNT, THE TENS OF THOUSANDS OF DOLLARS.
A. I HAVEN'T -- YOU'RE LOOKING AT ONE CONFERENCE, SO I'D HAVE TO LOOK THROUGH ALL THE DIFFERENT CONFERENCES.
Q. WELL, WE CAN GO THROUGH YOUR MODEL AND TRY TO FIGURE IT

OUT THE SAME WAY WE'VE DONE IT SO FAR, RIGHT?

A. I MEAN, WE CAN DO THAT IF YOU WANT.

Q. NOW, LET'S LOOK AT BASKETBALL FOR A SECOND.

COULD WE PULL UP PROFESSOR NOLL'S SLIDE NO. 6.

YOU WERE HERE IN COURT WHEN PROFESSOR NOLL TESTIFIED?

A. PART OF THE TIME.

Q. AND YOU SAW HIS CHART COMPARING THE RECRUITING BATTLES BETWEEN THE DIFFERENT CONFERENCES?

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. THIS CHART, YOU REMEMBER THIS?

A. I REMEMBER THAT IT WAS UP THERE, YEAH. IT WAS HARD TO SEE IT FROM THE BACK ROW.

Q. OKAY. LET'S TAKE ONE. LET'S TAKE ONE OF THE BOXES HERE. IF WE CAN ZOOM IN ON THE BOX "PAC 12" VERSUS "OTHERS" SINCE WE'RE IN CALIFORNIA, ON THE RIGHT THERE, YOU SEE THAT THE WIN/LOSS BETWEEN --

A. I DON'T SEE --

(SIMULTANEOUS COLLOQUY.).

MR. SINGLA: THIS IS FOOTBALL. I WANT THE NEXT SLIDE. I WANT THE BASKETBALL SLIDE.

(PAUSE IN THE PROCEEDINGS.)

MR. SINGLA: SORRY. IT'S -- MR. NICKELS, IT'S THE BASKETBALL, SO LET ME PUT IT UP ON THE ELMO.

(PAUSE IN THE PROCEEDINGS.)

MR. SINGLA: CAN I HAVE THE ELMO, PLEASE?

THE CLERK: YOU HAVE IT.

MR. SINGLA: THANK YOU.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. THIS IS THE BASKETBALL SLIDE, CORRECT?

A. IT'S NOT ON MY SCREEN.

Q. DO YOU SEE IT NOW?

A. YEP.

Q. OKAY. SO LET'S LOOK AT THE RECRUITING BATTLES THAT DR. NOLL TESTIFIED ABOUT. AND LET'S LOOK AT PAC 12 VERSUS OTHER CONFERENCES, SMALLER CONFERENCES. OKAY?

AND RIGHT NOW, THE RECRUITING BATTLES SEEMS TO BE SPLIT ABOUT HALF/HALF, APPROXIMATELY; FAIR ENOUGH?

A. AGAIN, I DIDN'T -- I DON'T KNOW EXACTLY HOW HE DID HIS ANALYSIS --

Q. THAT'S WHAT --

A. -- SO I HAVE A HARD TIME TESTIFYING TO WHAT DR. NOLL DID.

Q. OKAY. NOW, TODAY, IF WE LOOK IN YOUR CHART, LET'S FLIP TO A PAGE 150 IN YOUR EXHIBIT THERE AND LOOK AT OREGON STATE.

(PAUSE IN THE PROCEEDINGS.)

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. AND YOU PROJECTED THAT, BACK IN 2010, IF THE SCHOOLS HAD BEEN ABLE TO PAY BROADCAST REVENUES TO ATHLETES, THAT OREGON

STATE WOULD HAVE PAID ITS FOOTBALL TEAM $2.9 MILLION, CORRECT?

A. IF THEY HAD BEEN ALLOWED TO DO THAT AND THEY COMPETED IN A SIMILAR FASHION AS THE N-B -- OR IN THIS CASE, THE NATIONAL FOOTBALL LEAGUE, WHICH PAYS ABOUT 55 PERCENT OF ITS BROADCAST REVENUE TO -- TO THE PLAYERS -- I ONLY -- I ONLY LOOKED AT 50 IN THIS CASE.

Q. YOU HAVE THEIR BASKETBALL TEAM, THREE -- ABOUT $3 MILLION, CORRECT?

A. RIGHT. AGAIN, THE -- THE -- RIGHT. EXACTLY.

SO THAT'S SIMILAR -- YOU CAN SEE IT'S SIMILAR ACROSS THE SCHOOLS WITHIN THE CONFERENCE BECAUSE THE CONFERENCE HAS A BIG T.V. CONTRACT, AND THEY GET MARCH MADNESS MONEY, AND THEY SHARE IT EQUALLY. THEY SHARE THEIR T.V CONTRACT --

(SIMULTANEOUS COLLOQUY.)

(OFF-THE-RECORD DISCUSSION.)

BY MR. SINGLA:

Q. I'M GOING TO HAVE TO INTERRUPT YOU, SIR.

MY QUESTION WAS VERY STRAIGHTFORWARD. MY QUESTION WAS SIMPLE. THEIR BASKETBALL TEAM, UNDER YOUR MODEL, WOULD HAVE BEEN PAID ABOUT 3 MILLION, CORRECT?

I JUST NEED A YES OR NO, CORRECT?

A. IN THE PAST -- AGAIN, IF THEY WERE TO HAVE 50 PERCENT -- THERE'S MORE THAN ONE MODEL. YOU KEEP SAYING --

(SIMULTANEOUS COLLOQUY.)

(OFF-THE-RECORD DISCUSSION.)

THE COURT: WHICH MODEL?

BY MR. SINGLA:

Q. THE MODEL THAT YOU'RE LOOKING AT IN EXHIBIT C.

A. RIGHT, WHICH IS THE MODEL WHERE THEY EQUALLY SHARE REVENUES. RIGHT?

IN THIS CASE, THEY WOULD HAVE EQUALLY SHARED -- AGAIN, IF THAT'S THE RULE THE NCAA WERE TO HAVE, THEN THEY WOULD EQUALLY SHARE ABOUT $3 MILLION IF, IN FACT, THE CONFERENCE'S RULE WOULD HAVE BEEN -- WOULD HAVE BEEN SOMETHING LIKE YOU CAN COMPETE UP TO WHERE THE NFL COMPETES, SAY 50 PERCENT.

Q. OKAY. AND THAT WOULD MEAN THAT EACH BASKETBALL PLAYER ON AVERAGE WOULD GET ABOUT $237,000 A YEAR IN YOUR MODEL?

A. AGAIN, THAT'S SIMILAR TO WHAT THE NBA DOES. AND SO IF, IN FACT, THEY WERE ALLOWED THEN TO COMPETE FOR UP TO 50 PERCENT, THEN THAT'S HOW THE NUMBERS PLAY OUT.

NOW, AGAIN, THE CONFERENCES COULD CHOOSE THROUGH COMPETITION WHAT THEY WANT TO DO. THAT'S THE WHOLE POINT OF COMPETITION, IS THAT THE --

Q. SIR --

(SIMULTANEOUS COLLOQUY.)

BY MR. SINGLA:

Q. I'M GOING TO INTERRUPT YOU AGAIN.

MY QUESTIONS ARE VERY STRAIGHTFORWARD. IF YOU WANT TO GIVE EXPLANATIONS, MR. ISAACSON IS A VERY SKILLED LAWYER. HE WILL COME BACK HERE ON REDIRECT, AND HE'LL GIVE ALL THE

OPPORTUNITY YOU NEED TO EXPLAIN YOURSELF.

IF YOU COULD JUST ANSWER MY QUESTIONS.

SO THAT WOULD MEAN THAT OREGON STATE WOULD PAY EACH BASKETBALL PLAYER ABOUT $230,000 A YEAR, CORRECT?

A. RIGHT. AGAIN, IF THEY -- IF YOU'RE ON 50 PERCENT MODEL.

Q. RIGHT. AND IN FIVE YEARS, IT WOULD BE ABOUT $1.2 MILLION FOR A BASKETBALL PLAYER, RIGHT?

A. EXACTLY. AGAIN, THIS IS THE MODEL. I'M JUST -- THIS IS THE MODEL THAT THE NBA USES.

Q. OKAY. IT'S THE MODEL YOU PUT TOGETHER, CORRECT, SIR, FOR THE CASE?

A. YES. YES.

Q. OKAY. SO IF YOU'D TURN TO PAGE 409, LET'S LOOK AT IDAHO.

(PAUSE IN THE PROCEEDINGS.)

BY MR. SINGLA:

Q. FOR IDAHO, THE NUMBER WOULD BE -- THE TEAM WOULD BE ABLE TO AFFORD TO PAY, UNDER YOUR MODEL, ITS BASKETBALL PLAYERS BACK IN 2010 $863,000, CORRECT?

A. IT'S 833, BUT CLOSE, YEAH. RIGHT? IS THAT -- WE ON THE SAME PAGE?

Q. PAGE 409? WAC DAMAGES 2010 TO 11?

A. I HAVE 2009 TO 10. OH, I'M ON 408. SORRY. AGAIN, THE HOLE -- THE WHOLE PUNCH --

Q. I APOLOGIZE ABOUT THAT HOLE PUNCH?

A. RIGHT. SO IT WOULD HAVE GONE UP FROM 833 TO 863.

Q. SO 863 MEANS THAT EACH OF THE ATHLETES ON THE IDAHO TEAM WOULD HAVE GOTTEN ABOUT $330,000 OVER A FIVE-YEAR CAREER. YOU DO THE MATH. DIVIDE BY 13 AND MULTIPLY BY 5.

A. WELL, I MEAN, I DON'T KNOW ABOUT FIVE AS OPPOSED TO FOUR, BUT --

Q. OKAY. SO AT OREGON STATE, AN ATHLETE WOULD BE OFFERED POTENTIALLY $1.2 MILLION OVER A FIVE-YEAR CAREER. AND AT IDAHO --

A. FIVE-YEAR CAREER? WHY ARE YOU -- I DIDN'T TALK -- I MEAN, I'M TALKING ABOUT THE FOUR YEARS OF -- OF PLAYING.

Q. OKAY. OVER FOUR YEARS. SO OVER FOUR YEARS AT OREGON STATE, THEY'D BE OFFERED ABOUT A MILLION DOLLARS. AND AT IDAHO OVER FOUR YEARS, THE OFFER -- THEY'D BE OFFERED ABOUT $250,000?

A. AGAIN, I'M TAKING ALL YOUR MATH AND CALCULATIONS. I HAVE NO IDEA. YOU'RE -- YOU'RE ZIPPING THROUGH THEM, SO I DON'T KNOW IF THEY'RE CORRECT OR -- OR WHAT.

Q. OKAY. BUT ASSUMING THE MATH IS RIGHT, I'M RIGHT, CORRECT?

(LAUGHTER.)

BY MR. SINGLA:

Q. ASSUMING THE NUMBERS ARE RIGHT, THAT'S WHAT YOUR MODEL SHOWS?

A. RIGHT. IDAHO WOULD PAY LESS THAN OREGON STATE AS THEY DO NOW.

Q. OKAY. AND SO WHEN WE'RE LOOKING AT PROFESSOR NOLL'S

ANALYSIS OF HOW THE RECRUITS DIVVY UP BETWEEN THE BIG CONFERENCE AND THE SMALL CONFERENCE TODAY AND WE COMPARE TO THE FUTURE, THERE MAY BE SOME CHANGES, RIGHT?

A. I DON'T KNOW. CHANGES WHAT?

Q. WELL, IT SEEMS TO ME REASONABLE, DOESN'T IT -- STRIKE. IT SEEMS TO YOU REASONABLE, DOESN'T IT, THAT BETTER PLAYERS ARE GOING TO MIGRATE TO THE BIGGER CONFERENCES UNDER WHAT THE PLAINTIFFS ARE PROPOSING.

A. LOOK, I -- I -- DID THAT ANALYSIS AND WE TALKED ABOUT IT. AND IT'S -- WAS LESS THAN 10 PERCENT OF THE PLAYERS WOULD MIGRATE TO -- TO THE BIGGER CONFERENCES.

MANY OF THOSE SCHOOLS THAT THEY CHOOSE NOW, IF YOU LOOK AT THE SCHOOLS WHO ACTUALLY WIN THOSE BATTLES THERE'S ARE IN THE SMALLER CONFERENCES, THOSE SCHOOLS CONTINUE TO JUMP UP INTO THE BIGGER CONFERENCES. SO THE ONES THAT ARE ACTUALLY ABLE TO WIN THOSE BATTLES ARE ACTUALLY JUMPING UP INTO THE BIG CONFERENCES NOW AS IT STANDS.

Q. NOW, SIR, YOU RELY IN YOUR ANALYSIS ON NIELSEN DATA, CORRECT?

THE COURT: SORRY. WHY DON'T WE TAKE A BREAK? IT'S 12:05; WE'LL BREAK UNTIL 12:15.

MR. SINGLA: THANK YOU.

(RECESS TAKEN AT 12:05 P.M.; PROCEEDINGS RESUMED AT 12:15 P.M.)

THE CLERK: REMAIN SEATED, COME TO ORDER. THIS COURT

IS BACK IN SESSION.

THE COURT: GO AHEAD.

BY MR. SINGLA:

Q. SIR, I'D LIKE TO TURN BACK TO EXHIBIT C -- APPENDIX -- YOUR APPENDIX C FOR JUST ONE MINUTE. AND JUST FOR THE RECORD TO BE CLEAR, APPENDIX C IS THE MODEL THAT YOU PREPARED FOR THE CASE. IT'S A MODEL YOU PREPARED FOR THIS CASE, CORRECT?

A. YES, I'M TRYING TO SEE IF IT'S ONE MODEL OR BOTH. THERE'S TWO MODELS, AND I DON'T KNOW IF -- IF -- I'M TRYING TO RECALL IF -- 'CAUSE, AGAIN, I -- DAMAGES WERE NOT HAPPENING IN THIS CASE, SO I DIDN'T KNOW WE WERE GOING TO BE TALKING A LOT ABOUT DAMAGES.

BUT I DON'T KNOW THIS IS THE ONE MODEL, WHICH IS THE GENERAL, YOU KNOW, FULLY PULLED MODEL, OR IF IT'S THE PARTIALLY PULLED MODEL. I DON'T KNOW IF IT'S BOTH OR ONE OF THEM.

Q. OKAY. IF YOU LOOK AT IT, IT SHOWS BOTH THE FULLY PULLED NUMBERS AND AT THE BOTTOM THE PARTIALLY PULLED NUMBERS.

DO YOU SEE THAT OF EACH PAGE?

A. ON ONE OF THE TABLES, YEAH.

Q. SO THIS IS THE DAMAGES MODEL YOU PUT TOGETHER FOR THIS CASE, CORRECT?

A. I MEAN, I SEE -- LET ME JUST -- I'M TRYING TO CLARIFY. I SEE IT SAYS, "APPENDIX C.B," AND I'M WONDERING WHAT APPENDIX C.A IS AS I SIT HERE, 'CAUSE AGAIN --

Q. IT'S EARLIER IN THE BINDER, SIR.

A. (REVIEWING DOCUMENT.)

I'M JUST TRYING TO SEE THE DIFFERENCE BETWEEN C.A AND C.B WHERE -- IT MIGHT BE A DIFFERENT YEAR. AGAIN -- I MEAN, THIS IS STUFF I PUT TOGETHER. I JUST DON'T IF IT'S THE ONE MODEL -- THE 10 PERCENT MODEL, THE 50 PERCENT MODEL OR --

Q. OKAY. IS IT FAIR TO SAY THAT THIS IS A MODEL THAT YOU PUT TOGETHER FOR THIS CASE TO ESTIMATE WHAT YOU BELIEVE COLLEGES WOULD PAY STUDENT ATHLETES BACK IN TIME IF THE PLAINTIFFS' RULES THAT THEIR -- THE RULES THAT THEY'RE CHALLENGING WERE NOT IN PLACE?

A. YES, IT WAS A REASONABLE ESTIMATE OF WHAT COMPETITION WOULD HAVE LED TO HAD THEY COMPETED IN A SIMILAR FASHION TO THE NBA AND A NFL.

Q. RIGHT. WITHOUT THE RESTRICTIONS ON COMPENSATING STUDENT ATHLETES FOR THEIR QUOTE NIL'S, CORRECT?

A. WELL, YES. I MEAN, THERE'S -- IT DEPENDS ON -- IT DEPENDS ON WHAT RULE -- YOU KNOW, HOW IT'S TREATED WITHIN THE -- THE CONCEPT OF THE NCAA'S OTHER RULES ON EQUALLY SHARING.

I MEAN, THAT'S -- THAT'S THE DIFFERENCE HERE. THAT'S WHY THERE'S A 10 PERCENT MODEL WHICH HAS A, YOU KNOW, LOWER PAYMENT ON THE -- ON THE EQUAL SHARING. AND THEN THERE'S A FULLY PULLED MODEL WHICH HAS THIS HIGHER PAYMENT ON EQUAL SHARING.

MR. SINGLA: WE WOULD MOVE EXHIBIT C INTO EVIDENCE,

YOUR HONOR.

MR. ISAACSON: OBJECTION. THE HEARSAY REPORT -- THE EXPERT REPORTS HAVE NOT BEEN PUT ON EXHIBIT LISTS. AND THIS IS MANY, MANY PAGES OF HEARSAY IN WHICH HE'S NOT BEEN ALLOWED TO TESTIFY. I HAVE NO PROBLEM WITH HIM CROSS-EXAMINING BASED ON THIS, BUT TO DUMP 400 PAGES --

THE COURT: OH, IT'S 400 PAGES?

MR. SINGLA: WELL, YOUR HONOR, IT IS THE PLAINTIFFS' DAMAGES MODEL, AND WE WOULD BE HAPPY --

(SIMULTANEOUS COLLOQUY.)

THE COURT: -- FOUR HUNDRED PAGES OF CHARTS AND TABLES, I GUARANTEE.

MR. SINGLA: WE WILL BE HAPPY TO PRODUCE AN EXTRACT OF THIS, OF THE MOST RELEVANT PAGES, AND COME DOWN TO, YOU KNOW, 20 TO 30 PAGES; THAT'S FINE.

MR. ISAACSON: NOT ON THEIR EXHIBIT LIST.

MR. SINGLA: YOUR HONOR, IT -- WE'VE BEEN USING IT ON CROSS-EXAMINATION.

THE COURT: YOU CAN CERTAINLY USE IT.

MR. SINGLA: BUT I DON'T KNOW WHY IT HAS TO BE ON A EXHIBIT LIST FOR CROSS-EXAMINATION PURPOSES.

THE COURT: IT DOESN'T.

GO AHEAD.

MR. SINGLA: NO, NO, NO. TO GET IT ADMITTED NOW. HE HAS TESTIFIED --

THE COURT: I JUST DON'T KNOW THAT IT'S GOING TO BE HELPFUL TO ME TO READ EVEN 30 OR 40 PAGES OF CHARTS. I HAVEN'T SEEN IT YET, SO I DON'T KNOW.

MR. SINGLA: YOUR HONOR, WE WOULD LIKE IN THE RECORD THE ANALYSIS THAT THE PLAINTIFFS HAVE DONE OF WHAT THEY BELIEVE COLLEGES WOULD PAY STUDENT ATHLETES. IT'S AN IMPORTANT PART OF OUR COMPETITIVE BALANCE PROCOMPETITIVE JUSTIFICATION.

SO WE WOULD LIKE THIS INTO EVIDENCE. AND IF THE 400 PAGES IS TOO MANY, WE WILL PREPARE AN EXTRACT OF ONE YEAR WHICH WILL BE MANY FEWER PAGES.

THE COURT: OKAY.

MR. SINGLA: THANK YOU, YOUR HONOR. SHOULD WE PREPARE AN EXTRACT --

THE COURT: OH, NO, I DON'T WANT 400 PAGES.

MR. SINGLA: WE'LL PRODUCE AN EXTRACT OF A SINGLE YEAR.

THE COURT: I GUESS SO. I MEAN, I THINK YOU'RE USING EXAMPLES, AND I UNDERSTAND THAT YOU HAVE EXAMPLES AND YOU COULD MAKE ONE FROM EVERY SCHOOL IN THE WORLD AND IT WOULD BE A LOT LARGER. BUT I'M NOT SURE WHY THAT MATTERS IF WE HAVE ALL OF THEM IN THERE. I UNDERSTAND YOUR POINT.

MR. SINGLA: THANK YOU, YOUR HONOR. BUT I APPRECIATE ALLOWING US TO PUT IN AN EXTRACT OF THIS FOR ONE YEAR, WHICH WOULD BE MANY FEWER PAGES.

THE COURT: I'LL TAKE A LOOK AT IT.

MR. SINGLA: THANK YOU, YOUR HONOR.

THE CLERK: BUT IT'S NOT ADMITTED.

THE COURT: NO, NOT YET.

MR. SINGLA: THE COURT IS NOT ADMITTING THE EXTRACT?

THE COURT: I HAVEN'T SEEN IT YET.

MR. SINGLA: OKAY.

THE COURT: I'LL TAKE A LOOK AT IT.

MR. SINGLA: THANK YOU, YOUR HONOR.

Q. NOW, SIR --

THE COURT: I HAVEN'T -- YOU HAVEN'T HAD IT ON THE SCREEN, SO I DON'T KNOW EVEN KNOW WHAT IT LOOKS LIKE.

MR. SINGLA: I CAN PROVIDE THE COURT MY COPY IF YOU LIKE.

THE COURT: NOT ESPECIALLY.

BY MR. SINGLA:

Q. SIR, NOW YOU RELY ON NIELSEN DATA, CORRECT?

A. CAN I -- CAN I CLOSE THIS UP?

Q. YES.

A. OKAY.

(PAUSE IN THE PROCEEDINGS.)

BY MR. SINGLA:

Q. SIR, YOU RELY ON NIELSEN DATA, CORRECT, FOR SOME OF YOUR ANALYSES?

A. FOR THE -- FOR THE DAMAGES ANALYSIS.

Q. WELL, ALSO FOR SOME OF THE ANALYSES YOU PUT UP ON THE SCREEN TODAY, CORRECT?

A. I'M JUST TRYING TO RECALL. DID --

MR. SINGLA: CAN WE SEE SLIDE 67?

THE WITNESS: I MEAN, I'M SURE -- I JUST HAVE TO SEE WHAT -- I'M JUST TRYING TO RECALL WHAT SLIDE I WOULD HAVE USED -- NIELSEN DATA.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. USED NIELSEN RATINGS.

A. YES.

Q. CORRECT?

A. YES.

Q. YOU BELIEVE NIELSEN IS A RELIABLE SOURCE OF DATA ON TELEVISION VIEWERSHIP?

A. I KNOW IT'S USED A LOT BY PEOPLE IN ACADEMIA OUTSIDE OF ACADEMIA.

MR. SINGLA: SO LET'S GO TO THE NIELSEN WEBSITE, IF WE COULD.

(DEMONSTRATIVE PUBLISHED.)

MR. SINGLA: AND LET'S GO TO DATA ON THE NIELSEN WEBSITE FOR WORLD SERIES T.V. RATINGS.

Q. SO THIS IS A ARTICLE -- SOMETHING ON THE NIELSEN WEBSITE THAT HAS NIELSEN RATINGS FOR THE WORLD SERIES. AND YOU SEE AT THE BOTTOM, THERE'S A SPREADSHEET. CAN WE PULL THAT

SPREADSHEET UP?

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. SO, SIR, HAVE YOU SEEN THIS DATA? HAVE YOU USED THIS?

A. (REVIEWING DOCUMENT.)

YEAH, I JUST -- I -- I JUST BEEN LOOKING AT IT.

Q. OKAY. SO YOU SEE, SIR, THAT THE RATINGS -- WELL, FOR THE RECORD, RATINGS ARE THE PROPORTION -- PERCENTAGE OF TOTAL U.S. HOUSEHOLDS WATCHING A SPECIFIC TELEVISION PROGRAM, CORRECT?

A. YES. AND THEN A SHARE -- RIGHT. YES.

Q. AND THE SHARE IS THE PERCENTAGE OF TELEVISIONS THAT ARE ON -- HOUSEHOLDS WITH THE TELEVISION ON THAT ARE WATCHING A PROGRAM?

A. YES.

Q. AND YOU'RE -- IN YOUR ANALYSIS THAT WE WERE LOOKING AT JUST A SECOND AGO, YOU USED NIELSEN RATINGS, RIGHT?

A. YES.

Q. SO LET'S LOOK AT THE NIELSEN RATINGS FOR WORLD SERIES, AND IF WE SCROLL DOWN, WOULD YOU AGREE THAT IT PEAKS IN 1980?

A. (REVIEWING DOCUMENT.)

I MEAN, THE -- I -- THERE'S A -- YEAH, 1980, 1978 SEEM TO HAVE THE SAME RATING.

Q. OKAY. AND I TOOK THIS DATA, SIR, AND I GRAPHED IT -- THIS RATINGS -- AGAINST YOUR BASEBALL CHART. YOUR SLIDE ON BASEBALL.

CAN WE SEE THAT?

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. AS I REMEMBER, YOU PREPARED A SLIDE WHERE YOU LOOKED AT --

(DEMONSTRATIVE PUBLISHED.)

MR. SINGLA: IT'S THE -- IT'S THE SLIDE I PREPARED, MR. NICKELS.

Q. YOU PREPARED A SLIDE --

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. -- WHERE YOU LOOKED AT POLLS ABOUT PEOPLE'S VIEWS OF BASEBALL PLAYERS' SALARIES OVER TIME, RIGHT?

A. RIGHT.

Q. AND YOU SAID THAT STARTING IN ABOUT 1981, PEOPLE STARTING COMPLAINING IN THESE POLLS ABOUT THE AMOUNTS THAT BASEBALL PLAYERS WERE PAID, CORRECT?

A. (REVIEWING DOCUMENT.)

YES, IT LOOKS LIKE THAT FIRST POLL THAT I HAVE IN THERE IS 1981.

Q. AND EVEN THROUGH 2010, PEOPLE ARE COMPLAINING THAT HIGH SALARIES ARE ONE OF THE TOP PROBLEMS IN BASEBALL, CORRECT?

A. RIGHT. THEY -- THEY COMPLAIN ABOUT IT, AND THEY CONTINUE TO BUY THE PRODUCT.

Q. AND IF WE LOOK AT THE NIELSEN RATINGS, SIR, THE VIEWERSHIP OF THE WORLD SERIES HAS GONE FROM 30-SOME PERCENT OF U.S.

HOUSEHOLDS DOWN TO ABOUT 10 PERCENT OF U.S. HOUSEHOLDS SINCE THAT TIME, CORRECT?

A. RIGHT. YOU'RE -- YOU'RE LOOKING AT YOUR VERTICAL COLUMN THERE ON THE LEFT SIDE. IS THAT WHAT YOU MEAN?

Q. AS NIELSEN RATINGS?

A. YEAH.

Q. CORRECT?

SO THAT'S THAT HAPPENED TO THE VIEWERSHIP OF THE WORLD SERIES SINCE 1980, CORRECT?

A. RIGHT.

Q. NOW, REVENUES CONTINUE TO GO UP IN BASEBALL, HOWEVER, BECAUSE OF CHANGES IN THE MEDIA MARKET, CORRECT?

A. WELL, THAT'S ALSO WHY THE RATINGS DROPPED. RATINGS HAVE DROPPED --

Q. MY QUESTION -- SIR, MY QUESTION IS, DID --

(SIMULTANEOUS COLLOQUY.)

BY MR. SINGLA:

Q. WAIT A MINUTE. JUST ANSWER MY QUESTION. REVENUES INCREASED BECAUSE OF CHANGES IN THE MEDIA MARKET, CORRECT?

YES OR NO? IS THAT RIGHT?

A. THAT IS ONE REASON.

Q. OKAY.

A. THERE ARE MANY REASONS.

Q. OKAY. NOW, YOU ALSO TALKED ABOUT THE OLYMPICS, CORRECT?

A. YES.

Q. SO LET'S LOOK AT NIELSEN DATA -- THIS IS DR13 -- FOR THE OLYMPICS.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. AND YOU'VE LOOKED AT NIELSEN DATA FOR THE OLYMPICS PREVIOUSLY?

A. I HAVE, YES.

MR. SINGLA: IF WE COULD ZOOM IN TO THE TOP BOX THERE.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. AND LET'S LOOK AT THE -- THE TOTALS COLUMN, THE TOTAL OLYMPICS COLUMN ON THE RIGHT.

DO YOU SEE THAT IT LOOKS LIKE THE VIEWERSHIP PEAKED AROUND 1976? DO YOU SEE THAT, SIR?

A. I SEE THAT.

Q. AM I READING THE DATA FROM NIELSEN CORRECTLY?

A. YES.

Q. AND THE VIEWERSHIP HAS DECLINED PRETTY STEADILY SINCE THEN, CORRECT?

A. (REVIEWING DOCUMENT.)

I MEAN, THESE ARE THE RATINGS -- I MEAN, JUST SO YOU KNOW, THESE RATING -- WHAT A RATING POINT CHANGES EVERY YEAR, LIKE SO EVEN IF A RATING POINT DROPS, THE NUMBER OF THE POPULATION GROWS, AND SO IT'S A PERCENTAGE OF THOSE POPULATIONS.

(SIMULTANEOUS COLLOQUY.)

THE WITNESS: SO I MEAN, IT'S -- YOU KNOW, THIS IS A PERCENTAGE OF THAT -- OF THE POPULATION, BUT THE POPULATION GROWS, BUT YES -- NO, IT'S GONE DOWN.

BY MR. SINGLA:

Q. THE PERCENTAGE OF AMERICAN HOUSEHOLDS WATCHING THE OLYMPICS HAS DECLINED DRAMATICALLY SINCE ABOUT 1980, RIGHT?

A. CORRECT.

Q. AND THAT'S IN THE SAME PERIOD THAT YOU SAY POLLS SHOW THAT PEOPLE WERE UPSET ABOUT THE OLYMPICS ABANDONING AMATEURISM, CORRECT?

A. I MEAN, IT'S -- YEAH.

Q. IT'S OVERLAPS IN TIME.

A. IT DOES OVERLAP IN TIME.

Q. NOW, CAN WE SEE THE -- YOU ALSO CITED THIS ARTICLE FROM THE *ORANGE COUNTY REGISTER*, RIGHT, ABOUT THE LOS ANGELES ANAHEIM ANGELS?

(DEMONSTRATIVE PUBLISHED.)

THE WITNESS: YES.

BY MR. SINGLA:

Q. AND THE NAME CHANGE?

A. YES.

Q. AND YOU WERE TALKING ABOUT A POLL THAT WAS DONE IN APRIL 2006, CORRECT?

A. I THINK THAT'S THE DATE. IF THAT'S WHAT IT SAYS.

Q. AND THE POLL SHOWED THAT 23 PERCENT OF -- THIS IS ON THE NEXT PAGE -- SAID THEY WOULD NO LONGER SUPPORT THE TEAM BECAUSE OF THE NAME CHANGE, RIGHT?

(DEMONSTRATIVE PUBLISHED.)

THE WITNESS: YES, THAT'S CORRECT.

BY MR. SINGLA:

Q. OKAY. NOW, IF YOU GO TO THE SLIDE 43, YOU PREPARED A CHART OF ATTENDANCE AT THE ANAHEIM GAMES, CORRECT?

(DEMONSTRATIVE PUBLISHED.)

MR. SINGLA: IF WE COULD ZOOM IN ON THE TABLE.

THE WITNESS: YES.

BY MR. SINGLA:

Q. OKAY. AND IF I AM READING THIS CORRECTLY, THE HOME GAME ATTENDANCE FROM 2000 TILL ABOUT 2005 WAS RISING PRETTY RAPIDLY; WOULD YOU AGREE?

A. I MEAN, IT -- YOU CAN SEE WHAT THE NUMBERS ARE, RIGHT? YOU CAN -- YOU KNOW, RAPIDLY YOU CAN DEFINE HOW YOU WANT.

(SIMULTANEOUS COLLOQUY.)

THE WITNESS: IT WENT UP FROM 2000 TO 2005, YES.

BY MR. SINGLA:

Q. IT WENT FROM 2 MILLION IN 2000 TO ABOUT 3.4 MILLION IN 2005, CORRECT?

A. YES, IT DID.

Q. AND THEN IN 2000 AND -- AND THEN IN 2006, IT FLATTENED OUT. THE GROWTH FLATTENED OUT. WOULD YOU AGREE?

A. YES. IT'S -- SO THAT SURVEY WAS -- SO THEY PUBLISHED THAT ON APRIL OF 2006, SO RIGHT AS THE 2006 SEASON WAS KICKING OFF, RIGHT? AND SO THAT'S WHEN IT PEAKED, RIGHT AFTER THAT SURVEY.

Q. RIGHT.

A. SO THE ATTENDANCE WAS THE HIGHEST RIGHT AFTER THE SURVEY.

Q. RIGHT, THE -- THE DIFFERENCE BETWEEN 2005 AND 2006 IS ALMOST NOTHING?

A. IT'S SMALL, YES.

Q. OKAY.

A. SO THE FANS, YEAH -- EXACTLY, THAT'S THE POINT. SO THE FANS DIDN'T TURN AWAY.

Q. OKAY. AND THEN FROM 2006 TO 2013, THE ATTENDANCE HAS DECLINED, CORRECT, SIR?

A. IT HAS GONE DOWN SOME.

Q. NOW, IF YOU LOOK -- "DOWN SOME," SIR, IT'S GONE FROM 3.4 MILLION TO 3 MILLION, CORRECT?

A. IT'S GONE DOWN 10 PERCENT OR -- LET'S SEE. MAYBE LESS THAN 10 PERCENT, YES.

Q. IT'S ABOUT 13 PERCENT, CORRECT, SIR?

A. WELL, I WOULD THINK IT'S MORE LIKE 10 PERCENT, BUT --

Q. AND SIR, CAN WE TURN TO SLIDE 36?

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. NOW, THIS IS THE TWO YOU SAID DATAPOINTS FOR SHOWING THAT NCAA FANS DON'T CARE ABOUT AMATEURISM. RIGHT?

A. I MEAN, THE -- THIS IS TWO POINTS THAT RELATE TO THAT. THAT'S NOT -- YOU MADE IT SOUND LIKE THEY'RE THE ONLY TWO DATAPOINTS.

Q. AND THESE ARE TWO SCANDALS THAT WERE HEAVILY REPORTED IN THE PRESS, RIGHT?

A. I WOULDN'T CALL THEM SCANDALS.

Q. OKAY. THEY WERE TWO SENSATIONAL STORIES THAT WERE REPORTED IN THE PRESS.

A. I MEAN, A PLAYER SIGNED HIS AUTOGRAPH AN GOT IN TROUBLE FOR IT, SO IT WAS -- DEFINITELY WAS REPORTED IN THE PRESS. THERE'S A LOT OF MEDIA COVERAGE.

Q. AND YOU'RE SAYING THEREAFTER, CONSUMERS TUNED IN TO WATCH, RIGHT? THAT'S WHAT YOU'RE SAYING?

A. YES, THAT'S RIGHT.

Q. THAT'S WHAT THIS SHOWS, RIGHT?

A. YES. THE -- THE PLAYER -- EXACTLY WHAT I SAID. THE PLAYERS WERE FOUND TO -- TO HAVE VIOLATED THE AMATEURISM PRINCIPLES THE NCAA HAS AND YET THE FANS WATCHED.

Q. THEY WATCHED THE GAMES IN WHICH THOSE VERY PLAYERS PLAYED?

A. YES.

Q. DO YOU REMEMBER TONYA HARDING, SIR?

A. YES, I DO.

Q. AND DO YOU REMEMBER THE VIOLENT INCIDENT WITH TONYA -- BETWEEN TONYA HARDING AND NANCY KERRIGAN WHERE NANCY KERRIGAN WAS ATTACKED?

A. I KIND OF REMEMBER IT.

Q. AND DO YOU REMEMBER THAT THE -- THE -- THEIR COMPETITION BETWEEN THE TWO OF THEM WAS ONE OF THE MOST HIGHLY WATCHED EVENTS IN TELEVISION HISTORY?

A. I DON'T KNOW THAT. I DON'T -- I DON'T REMEMBER THAT.

Q. OKAY. WELL, YOU WOULDN'T SAY THAT BECAUSE EVERYONE TUNED IN TO WATCH THESE TWO, THAT PEOPLE THOUGHT IT WAS OKAY FOR SOMEONE TO ATTACK A PARTICIPANT IN AN ICE-SKATING COMPETITION, WOULD YOU?

A. I MEAN, THAT HAS NOTHING TO DO WITH AMATEURISM.

Q. ALL RIGHT. CAN WE TURN TO TRIAL EXHIBIT 1133.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. YOU -- YOU REFERRED TO THIS DOCUMENT, SIR?

A. YEAH. YOU KNOW, THERE'S TWO DOCUMENTS WITH SIMILAR FONTS, BUT THIS IS THE ONE THAT I -- THAT I HAD BEFORE, YEAH. THERE'S TWO -- THERE'S LITERALLY TWO DOCUMENTS THAT HAVE ALMOST THE SAME --

Q. OKAY. NOW, CAN WE TURN TO PAGE 35?

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. NOW, WHAT THE DOCUMENT SAYS IS THAT THE JERSEYS AND VIDEO GAMES BRING 12 TO $15 MILLION IN ANNUAL ROYALTIES TO ALL COLLEGES AND UNIVERSITIES. THAT'S WHAT THE DOCUMENT SHOWS, RIGHT?

A. (REVIEWING DOCUMENT.)

THAT'S WHAT IT SAYS, YES.

Q. AND THERE ARE 350 ABOUT COLLEGES IN DIVISION I, RIGHT?

A. I DON'T KNOW IF THERE WERE AT THAT TIME. THAT WAS 2004.

Q. OKAY. THERE WERE 300-SOME BACK THEN.

A. YEAH.

Q. AND YOU DON'T KNOW WHAT FRACTION OF THAT REPRESENTS JERSEYS VERSUS VIDEO GAMES.

A. NO, I DON'T. I KNOW THE NUMBER'S -- THE NUMBER'S MUCH LARGER NOW, AND IT WOULD BE LARGER IF THEY ACTUALLY HAD THE -- THE NIL'S ON THEM.

Q. NOW, FOR PURPOSES OF THIS CASE, YOU HAVE NOT --

YOU CAN TAKE THAT DOWN.

FOR PURPOSES OF THIS CASE, YOU HAVE NOT ANALYZED WHETHER NFL COACHES ARE ON THE SAME MARKET AS NCAA FOOTBALL COACHES, CORRECT?

A. NO, I HAVE NOT.

Q. AND YOU HAVE NOT ANALYZED WHETHER NBA COACHES ARE IN THE SAME MARKET AS DIVISION I BASKETBALL COACHES, CORRECT?

A. I HAVE NOT.

Q. NOW, CAN WE PUT UP THE SLIDE THAT YOU HAD ON GOLD PLATING OF RECRUITING. THIS WAS YOUR QUOTES FROM THE VARIOUS COLLEGES, SLIDE 51. DR -- SLIDE 51.

NOW --

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. NOW, THIS WAS YOUR EVIDENCE OF GOLD PLATING WAS THE FACT THAT ALL THESE COLLEGES, WHEN TALKING ABOUT NEW ATHLETIC FACILITIES, MENTIONED RECRUITING. RIGHT?

A. RIGHT. THEY ALL SAY THAT THEY -- A BIG REASON THEY BUILT THESE -- INVESTED SO MUCH IN THEM IS SO THEY CAN RECRUIT ATHLETES.

Q. LET'S TURN TO THE QUOTE ABOUT NEBRASKA. LET'S PICK ONE OUT.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. NOW, AM I RIGHT, THEY SAY -- THEY'RE SAYING THEY SPENT $1.8 MILLION FOR UPDATING NEBRASKA HISTORICAL DISPLAYS.

DO YOU SEE THAT?

A. RIGHT, I'M JUST -- CAN I JUST READ IT?

(REVIEWING DOCUMENT.)

YES, I SEE THAT.

Q. AND THEN THEY SAY, "THESE UPDATES WOULD ASSIST IN RECRUITING." RIGHT?

A. YES, THAT'S WHAT THEY SAY.

Q. NOW, YOU DON'T REALLY THINK THAT THEY WERE SPENDING $1.8 MILLION FOR HISTORICAL DISPLAYS 'CAUSE THEY THOUGHT IT WOULD ATTRACT ATHLETES, DO YOU?

A. THAT'S WHAT THE SCHOOLS DO, YEAH. WHEN MICHIGAN DID A $10 MILLION HALL OF CHAMPIONS -- AND THIS IS YEARS AGO WHEN

$10 MILLION WAS A LOT; NOW THEY SPEND A LOT MORE THAN THAT TYPICALLY.

THAT WAS WHAT THEIR REASON WAS, IS TO HAVE THE SHOW -- TO SHOW THE ATHLETE WHERE THEY -- THEY COULD BE UP ON THE WALLS IN THE FUTURE. I MEAN, IT COULD BE THEM UP THERE WITH THEIR IMAGES AND THEIR FACE AND THEIR NUMBER AND EVERYTHING, AND SO THAT'S -- THAT'S ONE OF THE REASONS WHY THEY DO THAT.

Q. WELL, ONE OF THE SCHOOLS YOU QUOTE HERE IS UNIVERSITY OF TEXAS, RIGHT? ON YOUR SLIDE?

A. I -- I'D HAVE TO LOOK -- I SEE IT NOW, YEAH. IT'S A TINY FONT, BUT --

Q. CAN WE PULL UP THE UNIVERSITY OF TEXAS -- THIS IS DR22 -- DISCUSSION OF THEIR NEW COMPUTER SCIENCE COMPLEX.

SO IN THE DISCUSSION OF THEIR NEW COMPUTER SCIENCE COMPLEX, YOU SEE THEY SAY --

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. -- THAT THE NEW COMPLEX WILL HELP US RECRUIT -- SORRY -- HELP US ATTRACT THE BEST NEW FACULTY AND STUDENTS.

A. I DON'T -- YEAH, YOU HAVE TO LET ME SEE IT.

(DEMONSTRATIVE PUBLISHED.)

THE WITNESS: LET ME JUST READ THIS REAL FAST.

I SEE THAT.

BY MR. SINGLA:

Q. AND LET'S LOOK AT WISCONSIN, IS ANOTHER SCHOOL ON YOUR

SLIDE. LET'S LOOK AT WISCONSIN'S DISCUSSION OF THEIR NEW CHEMISTRY BUILDING PROJECT. THIS IS DR23.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. AND THEY SAY, "THE CHEMISTRY BUILDING PROJECT WILL HELP US --"

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. "-- RETAIN AND RECRUIT TOP FACULTY AND STUDENTS," RIGHT? THAT'S WHAT THEY SAID?

A. RIGHT. THAT'S WHAT UNIVERSITIES DO.

Q. THAT'S WHAT UNIVERSITIES DO.

SO LET'S LOOK AT COLORADO STATE, ANOTHER EXAMPLE THAT YOU HAVE ON YOUR SLIDE OF, QUOTE, GOLD-PLATED RECRUITING. AND THEY'RE OPENING A NEW ANIMAL SCIENCES BUILDING.

AND ON PAGE 9, THEY SAY THAT "WHEN THE ANIMAL SCIENCE BUILDING PROGRAM IS APPROVED, IT WILL PROVIDE MONUMENTAL LEVERAGE FOR ENHANCED EFFORTS TO RECRUIT AND EDUCATE STUDENTS," RIGHT?

A. THE UNIVERSITIES COMPETE FOR STUDENTS, RIGHT? AND PART OF THAT -- PART OF THE COMPETITION IS SCHOLARSHIPS, WHICH CAN -- CAN BE ANY AMOUNT. THERE'S NO COLLUSION ON WHAT THE SCHOLARSHIPS THAT THEY CAN OFFER.

PART OF IT, OF COURSE, IS THE RESEARCH FACILITIES AND THE DORM ROOMS. AND, YOU KNOW, WE JUST FINISHED ONE OVER AT USF.

AND IN ATHLETICS, THEY DO THE SAME THING. IT'S JUST THAT BECAUSE OF THE INEFFICIENT SUBSTITUTION OF NOT BEING ABLE TO PAY THE ATHLETE, THEY OVERSPEND, THEY -- THEY SPEND EXTRA AMOUNTS ON THESE RECRUITING FACILITIES BECAUSE THEY'RE NOT ALLOWED TO RECRUIT THE ATHLETE.

THESE STUDENTS GET -- GET RECRUITED WITH A COMBINATION OF THINGS. IT'S SCHOLARSHIPS, AND IT'S -- AND IT'S FACILITY AND ALL. AND THERE'S NO LIMIT, THERE'S NO COLLUSION ON THE AMOUNT.

Q. IT'S VERY COMMON FOR COLLEGES TO DESCRIBE THEIR KNOWLEDGE AND FACILITIES AS ASSISTING WITH RECRUITING FACULTY OR STUDENTS, RIGHT? THAT'S VERY COMMON?

A. IT IS.

Q. NOW, IF THERE IS INEFFICIENT SUBSTITUTION GOING ON, YOU WOULD AGREE -- YOU BELIEVE THAT SOME OF THAT IS BEING SPENT ON COACHES AND FACILITIES, CORRECT? THAT'S YOUR VIEW.

A. YES. THOSE ARE THE NEAREST SUBSTITUTES TO MONEY. AND SO THAT'S WHAT THE ATHLETES -- THAT'S WHAT THE SCHOOLS SPEND THEIR -- THEIR EFFORTS ON IN THE ATHLETIC DEPARTMENT, IS THE HOW DO WE GET THEM TO SAY YES TO US.

JUST LIKE IN COLORADO, HOW DO WE GET A STUDENT TO SAY YES? WE BUILD A BETTER SCIENCE BUILDING AND HOPE THAT THEY CHOOSE US COLORADO VERSUS ANOTHER SCHOOL.

Q. BUT YOU AGREE THAT THEY WILL ALSO OFFER EXTRA COACHES, RIGHT?

A. EXTRA COACHES? I MEAN, THE --
Q. DIFFERENT KINDS OF COACHES. THAT'S ONE WAY THEY'LL SPEND MONEY TO ATTRACT STUDENTS, RIGHT?
A. ATHLETES?
Q. YES. TO ATTRACT ATHLETES.
A. SO I DON'T UNDERSTAND. SO -- YEAH. SO YEAH, SO THEY -- THEY DO. THEY -- IN FACT, SOUTHEASTERN CONFERENCE JUST VOTED TO ALLOW EVERYONE TO HAVE AN EXTRA COACH, AND SO THEY'RE USING THAT FOR -- FOR PART OF THEIR RECRUITING PURPOSES.
Q. AND THEY MIGHT HIRE NUTRITIONISTS, RIGHT, FOR THE STUDENTS?
A. FOR THE ATHLETES?
Q. FOR THE ATHLETES.
A. YES.
Q. AND THEY MIGHT HIRE PHYSICAL TRAINERS FOR THE STUDENT ATHLETES, RIGHT?
A. YEAH. THE SCHOOLS ARE TRYING TO CREATE WINS, AND SO THAT'S -- THEY'RE GOING TO HIRE ALL THE SAME PROCESSES THAT THE NFL AND THE NBA HIRE IN ORDER TO CREATE THOSE WINS. ABSOLUTELY.
Q. AND IF THERE'S INEFFICIENT SUBSTITUTIONS GOING ON, THEY MIGHT PROVIDE SPECIAL STUDY HALLS OR TUTORING CENTERS, CORRECT?
A. YEAH. I MEAN, I THINK MR. O'BANNON AND MR. PROTHRO TALKED ABOUT THAT, AND -- AND THE ATHLETES NEED TO MAINTAIN THEIR

ELIGIBILITY SO THEY CAN PLAY, SO THEY CAN WIN GAMES, IS ONE OF THE REASONS WHY THEY DO THAT.

Q. NOW, CAN WE SEE YOUR SLIDE 2? THIS IS YOUR FOOTBALL REVENUE AND EXPENSE NUMBERS.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. AND THIS CHART THAT YOU TESTIFIED ABOUT ONLY HAS 65 OUT OF 120 OR SO FBS SCHOOLS THAT ARE AT ISSUE IN THIS CASE, RIGHT?

A. YES, IT'S GOT THE MAJOR CONFERENCE SCHOOLS.

Q. AND YOU LOOKED AT THE OTHER 60 SCHOOLS TO SEE HOW THE REVENUES AND EXPENSES COMPARED. YOU LOOKED AT IT?

A. YES.

Q. JUST YES OR NO, YOU LOOKED.

AND -- BUT THEN YOU DECIDED NOT TO MAKE A TABLE FOR THOSE OTHER 60 SCHOOLS, RIGHT?

A. RIGHT. THIS WAS JUST A SLICE. AND PART OF THIS WAS TO COMPARE TO THE NHL TEAMS, FOR INSTANCE.

Q. AND YOU KNOW THAT THE REVENUE COLUMN THERE ON THE LEFT INCLUDES MONEY THAT THE UNIVERSITY CENTRAL BUDGET GIVES TO THE ATHLETIC DEPARTMENT, RIGHT?

A. WELL, IT DEPENDS. I MEAN -- (REVIEWING DOCUMENT.)

FOR SOME OF THESE SCHOOLS, THEY GIVE MONEY TO THE UNIVERSITY DIRECTLY. LOTS OF MONEY INDIRECTLY. I MEAN, THE --

Q. SIR, MY QUESTION --

(SIMULTANEOUS COLLOQUY.)

BY MR. SINGLA:

Q. MY QUESTION IS VERY --

A. NO.

Q. MY QUESTION IS VERY STRAIGHTFORWARD.

YOU KNOW THAT THE REVENUE COLUMN THERE INCLUDES MONEY THAT THE UNIVERSITY CENTRAL BUDGET GIVES TO THE ATHLETIC DEPARTMENT TO SUPPORT THE ATHLETIC DEPARTMENT, CORRECT?

A. IT DEPENDS ON THE SCHOOL.

Q. AND YOU KNOW THAT THE REVENUE COLUMN THERE INCLUDES STUDENT FEES THAT ARE ASSIGNED TO THE ATHLETICS DEPARTMENT, CORRECT?

A. AGAIN, IT DEPENDS ON THE SCHOOL.

MR. SINGLA: NOW, CAN WE LOOK AT SLIDE 30?

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. AND THESE ARE YOUR EXAMPLES OF WHAT YOU'RE CALLING "RELATED PARTY TRANSACTIONS," RIGHT?

A. YES.

Q. AND THIS IS YOUR SET OF EXAMPLES OF WHY YOU THINK THAT THE UNIVERSITIES' AUDIT AND FINANCIAL STATEMENTS DO NOT REFLECT ECONOMIC REALITY, RIGHT?

A. RIGHT. THEY'RE NOT MEANT TO REFLECT ALL OF THE THINGS THAT THE ATHLETIC DEPARTMENT DOES FOR THE UNIVERSITY. ECONOMICALLY, THEY'RE JUST MEANT TO REPORT THE DATA THAT --

THAT THEY'RE ASKED TO REPORT.

Q. AND ONE OF THE EXAMPLES YOU GIVE AS SUPPORT IS WESTERN KENTUCKY UNIVERSITY. RIGHT?

A. YES.

Q. AND YOU'RE RELYING ON AN ARTICLE FROM 1992 ABOUT WESTERN KENTUCKY UNIVERSITY, RIGHT?

A. YES, IT'S AMAZING EVEN BACK THEN HOW IMPORTANT THE FOOTBALL PROGRAM WAS TO WESTERN KENTUCKY UNIVERSITY. SINCE 1992, YOU KNOW, THINGS HAVE GONE --

Q. SIR, MY QUESTION WAS JUST, WAS THE ARTICLE FROM 1992. WAS IT?

A. WHAT?

Q. WAS THE ARTICLE FROM 1992?

A. I THINK THAT'S THE DATE. I DON'T HAVE IT IN FRONT OF ME.

Q. AND YOU KNOW THE NCAA HAS CHANGED ITS RULES ON HOW ACCOUNTING IS REPORTED IN ATHLETIC DEPARTMENTS SINCE THEN, RIGHT?

A. THERE HAS BEEN SOME CHANGES SINCE 1992, YES.

Q. AND YOU ALSO LIST ARIZONA THERE AS A DATAPOINT FOR YOU, RIGHT?

A. YES.

Q. AND FOR ARIZONA, YOUR DATAPOINT IS THAT THEY HAD A LINE IN THEIR --

MR. ISAACSON: YOUR HONOR, I OBJECT. HE MOVED TO EXCLUDE THE DISCUSSION OF THE UNIVERSITY OF ARIZONA ON DIRECT.

MR. SINGLA: THAT'S NOT CORRECT, YOUR HONOR. ARIZONA'S ONE OF THE ONES IN HIS REPORT.

MR. ISAACSON: I WITHDRAW --

MR. SINGLA: THAT'S WHY I CAN CROSS-EXAMINE HIM ON IT.

MR. ISAACSON: I APOLOGIZE. I APOLOGIZE.

BY MR. SINGLA:

Q. SIR, FOR ARIZONA, YOU CITE A LINE IN THEIR FINANCIALS ON SPORTS CAMPS, CORRECT?

A. I DON'T REMEMBER WHAT I CITE AT THIS POINT.

MR. SINGLA: OKAY. WELL, LET'S LOOK. IF WE BRING UP YOUR CLASS CERT REPORT, PAGE 75.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. IF WE GO TO THE BOTTOM THERE, AND YOU ZOOM IN WHERE IT SAYS, "UNIVERSITY OF ARIZONA," THE ONLY THING YOU'RE CITING ABOUT THE UNIVERSITY OF ARIZONA IS THAT THERE'S A ZERO DOLLAR ENTRY UNDER "SPORTS CAMPS," RIGHT?

A. RIGHT. THEY HAVE SPORTS CAMPS --

Q. SIR, IS THAT ALL YOU'RE CITING --

A. -- THEY DON'T MAKE REVENUE FROM IT.

Q. IS THAT ALL YOU'RE CITING, THE ZERO DOLLARS ON SPORTS CAMPS?

A. WELL, I'M CITING WHAT THE FOOTNOTE SAYS.

Q. WHICH IS THAT THERE'S ZERO DOLLARS IN SPORTS CAMPS, RIGHT?

A. (REVIEWING DOCUMENT.)

IN REVENUES AND EXPENSES. YEAH.

Q. AND THERE'S ZERO DOLLARS -- EXACTLY.

AND THAT'S THE ONLY THING YOU CITE ABOUT UNIVERSITY OF ARIZONA TO QUESTION THEIR FINANCIALS.

A. RIGHT. I MEAN -- BUT I KNOW THEY HAVE SPORTS CAMPS.

Q. OKAY. AND THEN FOR GMU, WHICH IS ANOTHER THING -- ANOTHER DATAPOINT YOU CITE, ALL YOU CITE -- WE CAN LOOK AT IT HERE, THIS NEXT PARAGRAPH.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. -- IS THE FACT THAT YOU'RE NOT SURE WHERE THEIR CONCESSIONS REVENUE IS GOING. THAT'S THE ONLY THING YOU CITE ABOUT GMU, RIGHT?

A. WELL, I MEAN, YOU'RE CHARACTERIZING IT THAT WAY. WHY DON'T I JUST TELL YOU WHAT IT SAYS.

Q. SIR, FIRST OF ALL, WITH RESPECT TO GMU, THE ONLY ISSUE YOU FOUND IN THEIR FINANCIALS THAT GAVE YOU PAUSE IS ABOUT CONCESSIONS. I'LL SAY -- IS THAT RIGHT?

A. THAT'S ALL I LOOKED FOR.

Q. AND THE ONLY ISSUE YOU FOUND WAS THE AMOUNT OF CONCESSIONS THEY LISTED WAS NOT AS MUCH AS YOU THOUGHT THERE MIGHT BE THERE, RIGHT?

A. THAT'S YOUR CHARACTERIZATION. YOU WANT ME JUST TO TELL YOU WHAT -- WHAT I THINK ABOUT IT OR --

Q. WELL --

A. 'CAUSE YOU'RE PUTTING -- YOU'RE CHARACTERIZING IT A CERTAIN WAY AND WANTING ME TO SAY --

Q. GO AHEAD. EXPLAIN IT.

A. SO THEY HAVE A DEAL FOR SOMETHING LIKE $4 MILLION FOR CONCESSIONS, AND SO YOU WOULD THINK THAT SOME OF THAT WOULD SHOW UP IN THE ATHLETIC DEPARTMENT. AND YET, THEY ONLY REPORT THAT THEY MADE OVER THEIR ENTIRE SEASON $3,500 IN CONCESSIONS.

AND SO THAT MAKES ME THINK -- I KNOW THEY'RE SELLING SOME HOT DOGS OVER THERE AT GEORGE MASON UNIVERSITY AND SOME COKES AND EVERYTHING. AND THAT REVENUE IS SHOWING UP JUST SOMEWHERE ELSE ON CAMPUS. AND, AGAIN, THAT'S FINE, BUT IT MAKES IT LOOK LIKE THE ATHLETIC DEPARTMENT IS NOT GENERATING AS MUCH MONEY AS IT IS.

Q. AND IF WE GO BACK TO SLIDE 30, NOW, YOU HAVE NO IDEA WHAT VOLUME THESE KINDS OF REVENUES THAT YOU THINK ARE BEING MIS-ACCOUNTED FOR REPRESENT AT ALL, DO YOU?

(DEMONSTRATIVE PUBLISHED.)

THE WITNESS: VOLUME OF REVENUES?

BY MR. SINGLA:

Q. YES, YOU HAVE NO IDEA HOW MUCH THE CONCESSIONS OR SPORTS CAMPS -- IF THERE IS AN ISSUE, YOU HAVE NO IDEA HOW MUCH IT IS.

A. WELL, I JUST MENTIONED GEORGE MASON AS ONE EXAMPLE.

Q. BUT FOR OTHER SCHOOLS, YOU HAVE NO IDEA HOW MUCH IT IS.

A. I MEAN, I KNOW WHAT IT IS FOR THE ONES I'M NOT ALLOWED TO TALK ABOUT LIKE BOISE STATE.

Q. BUT THE ONES THAT ARE ACTUALLY DISCLOSED IN YOUR REPORT THAT YOU CAN TALK ABOUT, YOU HAVE NO IDEA.

A. OKAY. SO I'M CONFUSED NOW. THERE'S WESTERN KENTUCKY AND GEORGE MASON, WE TALKED ABOUT THOSE, RIGHT? AND THEN THERE'S A FEW OTHERS THERE THAT I WON'T -- I WON'T TALK ABOUT, SO --

Q. AND YOU HAVE NO IDEA WHAT THE VOLUME OF THESE KINDS OF REVENUES THAT YOU THINK MIGHT BE MIS-ACCOUNTED FOR REPRESENTS AT THE AVERAGE SCHOOL.

A. WELL, NO, THAT'S NOT TRUE. SO ONE OF THE STUDIES I CITE, AS I SAID BEFORE, TAKES THESE AND MAKES THESE ADJUSTMENTS AND SAYS, GOSH, WHAT LOOKS LIKE A 10 PERCENT -- ONLY 10 PERCENT OF THE SCHOOLS ARE MAKING MONEY, ONCE HE MAKES THESE ADJUSTMENTS, IT'S REALLY 90 PERCENT OF THE SCHOOLS ARE MAKING MONEY.

SO THAT'S -- SO ON AVERAGE, THAT -- THE AVERAGE SCHOOL IS TURNING OVER FROM WHAT LOOKS LIKE A LOSS TO A -- TO AN ACTUAL GAIN.

MR. SINGLA: CAN WE GET PAGE 322 OF THE TRANSCRIPT.

Q. SIR, YOU WERE ASKED THIS QUESTION:

"Q. WHAT'S THE VOLUME OF THOSE REVENUES AT THE AVERAGE SCHOOL?

"A. NOBODY KNOWS THAT, I MEAN, THAT I KNOW OF, BECAUSE YOU HAVE TO DO A KIND OF CASE STUDY OF THOSE INDIVIDUAL SCHOOLS."

SIR, WERE YOU ASKED THAT QUESTION AND DID YOU GIVE THAT ANSWER?

A. YES, AND I -- NOW I REMEMBER BRIAN GOFF'S STUDY WHICH I CITE IN MY REPORT.

Q. CAN WE GET A --

DO YOU KNOW WHO ROBERT FRANK IS?

A. I KNOW WHO HE IS, YES.

Q. WHO IS HE?

A. I BELIEVE HE'S STILL A PROFESSOR AT CORNELL UNIVERSITY. I DON'T KNOW IF HE'S STILL THERE OR NOT, BUT --

Q. AND HE'S ECONOMIST?

A. YES.

Q. AND HAVE YOU READ HIS ARTICLE ADDRESSING THIS WHOLE ISSUE?

A. I -- I DON'T KNOW. I DON'T --

MR. SINGLA: CAN WE SEE --

A. TRYING TO REMEMBER.

MR. SINGLA: -- DR26?

THE WITNESS: I'M JUST TRYING TO REMEMBER.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. SO THIS IS AN ARTICLE FROM ROBERT FRANK, CORRECT?

(DEMONSTRATIVE PUBLISHED.)

THE WITNESS: (REVIEWING DOCUMENT.)

I -- IT SAYS IT IS, YES.

BY MR. SINGLA:

Q. NOW, ONE OF THE THINGS THAT YOU WERE TESTIFYING ABOUT IS THAT THERE ARE ALL THESE OTHER VALUES THAT THE ATHLETIC DEPARTMENT PROVIDES TO THE UNIVERSITY, LIKE DONATION -- INCREASING DONATIONS AND INCREASING ENROLLMENT, THINGS LIKE THAT, RIGHT?

A. YES.

Q. AND LET'S TURN TO THE LAST PAGE OF PROFESSOR FRANK'S STUDY AND LOOK AT HIS CONCLUSION.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. AND HE SAYS, "THE MOST FORCEFUL CONCLUSION THAT CAN BE DRAWN ABOUT THE INDIRECT EFFECTS OF ATHLETIC SUCCESS IS THAT THEY ARE SMALL AT BEST WHEN VIEWED FROM THE PERSPECTIVE OF ANY INDIVIDUAL INSTITUTION."

DO YOU SEE THAT HE SAYS THAT?

A. YEAH, I SEE IT THERE.

Q. AND HE SAYS ALUMNI DONATIONS AND APPLICATIONS FOR ADMISSION SOMETIMES RISE IN THE WAKE OF CONSPICUOUSLY SUCCESSFUL SEASONS AT A SMALL NUMBER OF INSTITUTIONS, BUT SUCH INCREASES LIKELY TO BE BOTH SMALL AND TRANSITORY."

DO YOU SEE THAT?

A. I SEE THAT HE SAYS THAT.

Q. "MORE TO THE POINT," HE SAYS, "THE EMPIRICAL LITERATURE PROVIDES NOT A SHRED OF EVIDENCE TO SUGGEST THAT AN

ACROSS-THE-BOARD CUTBACK IN SPENDING ON ATHLETICS WOULD REDUCE EITHER DONATIONS BY ALUMNI OR APPLICATIONS BY PROSPECTIVE STUDENTS."

DO YOU SEE THAT?

A. I SEE THAT HE SAYS THAT.

Q. DOES THIS CHANGE YOUR OPINIONS ABOUT THE SUPPOSEDLY GREAT INDIRECT EFFECTS OF ATHLETIC DEPARTMENTS?

A. WELL, HE SAYS THAT IF THEY SPENT LESS ON ATHLETICS, HE DOESN'T SEE THAT THAT WOULD HARM DONATIONS, SO IF -- YOU KNOW, IF SOME OF THAT MONEY WENT TO THE STUDENTS AND THEY HAD TO SPEND IT ON FEWER THINGS, HE SAYS THAT.

BUT THIS IS NON-PEER-REVIEWED ARTICLE. IT'S AT ODDS WITH WHAT THE LITERATURE SAYS. IT'S OLDER THAN SOME OF THE RESEARCH THAT COMES OUT AND IS PEER-REVIEWED AND SAYS THAT DONATION GOES UP, THAT ENROLLMENT GOES UP, THAT TUITION GOES UP.

THESE ARE ALL STATISTICALLY SIGNIFICANT FINDINGS IN THE RESEARCH LITERATURE. IN FACT, THERE'S A RECENT DISSERTATION THAT LOOKS DIRECTLY AT THE DONATIONS TO A SCHOOL. AND IT SAYS, ATHLETIC SUCCESS DOUBLES THE AVERAGE GROWTH IN DONATIONS AT THESE UNIVERSITIES, SO I -- I DISAGREE WITH THIS NON-PEER-REVIEWED STUDY.

MR. SINGLA: AND IF WE LOOK AT SLIDE 30 AGAIN --

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. NOW, YOU HAVE UNDER "REVENUES NOT LISTED" ALL KINDS OF INDIRECT EFFECTS OR BENEFITS TO UNIVERSITY THAT YOU THINK THE ATHLETIC DEPARTMENT PROVIDES, RIGHT?

A. YES.

Q. DIVERSITY, ENROLLMENT, DONATIONS, THINGS LIKE THAT THAT YOU THINK THE ATHLETIC DEPARTMENT PROVIDES AS A VALUE TO THE UNIVERSITY?

A. WELL, IT'S NOT JUST THAT I THINK, BUT THAT THE LITERATURE THINKS ALSO.

Q. NOW, YOU DIDN'T, HOWEVER, CONSIDER ON THE OTHER SIDE ALL OF BENEFITS AND VALUES THAT THE UNIVERSITY PROVIDES TO THE ATHLETIC DEPARTMENT, DID YOU?

THE NON-MONETARY BENEFITS THE UNIVERSITY PROVIDES TO THE ATHLETICS DEPARTMENT; YOU DIDN'T CONSIDER THAT, DID YOU?

A. I MEAN, THE -- I DON'T KNOW EXACTLY WHAT YOU MEAN. I MEAN, CAN YOU GIVE ME AN EXAMPLE?

Q. SIR, THAT'S JUST MY QUESTION IS, DID YOU CONSIDER IN ANY WAY ANY OF THE NON-MONETARY INDIRECT BENEFITS THE UNIVERSITY PROVIDES TO AN ATHLETIC DEPARTMENT?

A. I MEAN, I LIST STUDENT SERVICES THERE, FOR INSTANCE.

Q. YES.

A. SO IS THAT -- I DON'T KNOW WHAT YOU MEAN BY THAT, SO I DON'T KNOW HOW TO ANSWER IT.

Q. NOW, YOU SAID -- IF WE LOOK AT YOUR SLIDE 31 --

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. -- THAT YOU TOOK FOR YOUR ANALYSES --

MR. ISAACSON: YOUR HONOR, I OBJECT. THIS SLIDE WAS NOT USED WITH THE WITNESS.

MR. SINGLA: OKAY. WE CAN TAKE IT DOWN.

MR. ISAACSON: THE REASON IT WASN'T USED WAS COUNSEL OBJECTED TO IT.

MR. SINGLA: THAT'S FINE.

Q. YOU SAID THAT IN YOUR ANALYSES, YOU REALLOCATED SOME OF MONIES IN THE EADA REPORTS, CORRECT?

A. YES, THE UNALLOCATED PORTION LIKE THE 27 MILLION IN DONATIONS THAT OHIO STATE GETS THAT CLEARLY IS -- IS -- SHOULD BE REPORTED UNDER SOME OF THE SPORTS TEAMS MOSTLY --

Q. SO WHAT YOU DID IS THROUGHOUT THE EADA DATA FOR ALL THE UNIVERSITIES, IS THAT IF THERE WAS MONIES THAT WERE UNALLOCATED TO ANY PARTICULAR SPORT, YOU REALLOCATED THEM TO THE SPORTS.

A. TO ALL THE SPORTS.

Q. RIGHT. ALL OF THE MONIES THAT WERE UNALLOCATED?

A. RIGHT.

Q. AND SO BECAUSE BASKETBALL AND FOOTBALL REPRESENT THE LION'S SHARE OF REVENUE AT MOST UNIVERSITIES, THAT MEANS ALL OF THE UNALLOCATED EXPENSES IN YOUR ANALYSIS WERE ALLOCATED TO BASKETBALL -- SORRY -- ALMOST ALL OF THE UNALLOCATED EXPENSES

WERE REALLOCATED TO BASKETBALL AND FOOTBALL?

A. NO.

Q. WELL, LET'S LOOK AT SLIDE 33.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. NOW, THIS IS SOME DATA THAT YOU RELIED UPON IN YOUR ANALYSES, CORRECT?

A. YEAH, THIS WASN'T IN MY DIRECT --

Q. I UNDERSTAND.

A. THAT'S FINE. I DON'T KNOW WHAT THE RULES ARE AND ALL THAT STUFF.

Q. OKAY. SO WHAT YOU'RE SAYING IS -- YOU SEE THE COLUMN THAT SAYS "NON-SPECIFIC" -- "NON-PROGRAM SPECIFIC"?

A. I SEE THAT.

Q. WHAT YOU'RE SAYING IS YOU TOOK THE MONIES -- ALL THE MONIES IN THAT COLUMN AND REASSIGNED THEM TO FOOTBALL, MEN'S BASKETBALL, WOMEN'S BASKETBALL, AND OTHER SPORTS, RIGHT?

A. SO THIS IS A -- A CASE -- RIGHT. SO IF YOU LOOK AT THE TICKET SALES --

Q. SIR, MY QUESTION IS, DID YOU -- MY QUESTION IS DID YOU TAKE ALL OF THE MONIES IN THE NON-PROGRAM SPECIFIC AND REASSIGN THEM TO THE OTHER FOUR COLUMNS?

A. YES.

Q. YES OR NO?

A. YES.

Q. AND BECAUSE FOOTBALL AND MEN'S BASKETBALL REPRESENT THE LION'S SHARE OF THE REVENUE, THAT MEANS ALMOST ALL OF THE NON-PROGRAM SPECIFIC FUNDS WERE REALLOCATED TO THOSE TWO SPORTS?

A. RIGHT. THOSE TICKET SALES ARE FOR -- ARE IN ORDER TO GET TICKETS FOR FOOTBALL AND BASKETBALL, BUT THEY -- BUT THEY REPORTED THEM UNDER "NON-PROGRAM SPECIFIC."

Q. HOW DO YOU KNOW THAT?

A. BECAUSE THOSE -- THIS IS THE -- THIS IS THE -- YOU KNOW, YOU DONATE TO THE PROGRAM, SO THAT WAY THEN YOU CAN BUY TICKETS WITH -- FOR BETTER SEATS. IT'S LIKE I DO AT CAL.

Q. SO YOU THINK THAT THE UNIVERSITY OF TEXAS DOES NOT KNOW WHICH GAMES OR SPORTS THOSE $17 MILLION IN TICKETS GO TO. THAT'S YOUR TESTIMONY?

A. I THINK THEY COULD SPEND THE TIME IF THEY WANTED TO, BUT THEY HAVE NO REASON TO BECAUSE IT'S NOT REQUIRED UNDER THEIR REPORTING STATEMENTS.

BUT IF YOU'RE GOING TO DO AN ECONOMIC ANALYSIS OF THE IMPORTANCE OF FOOTBALL, IT'S REQUIRED THAT YOU ALLOCATE THAT REVENUE.

Q. OKAY. AND SO YOUR ANALYSES OF THE UNIVERSITY PROFITS AND LOSS, YOUR EXPERT OPINIONS ARE BASED ON THAT KIND OF REALLOCATION?

A. WELL, I'M NOT TALKING ABOUT THE -- THE PROFITS. I'M TALKING ABOUT -- NIL ROYALTIES WOULD BE BASED ON REVENUE, SO

I'M TRYING TO GET THE PROPER -- IN COMPARISON, THE PROPER REVENUES.

Q. YOUR VIEW OF THE FACT THAT COLLEGE ATHLETIC DEPARTMENTS ARE FINANCIALLY DOING VERY WELL IS BASED ON THAT KIND OF REALLOCATION.

A. THAT'S ONLY PART OF IT.

Q. OKAY. AND YOU SEE UNDER "PARKING," YOU REASSIGNED PARKING, TOO. YOU THINK THE UNIVERSITY DOESN'T KNOW WHEN THE PARKING'S FOR FOOTBALL VERSUS SOMETHING ELSE?

A. I MEAN, AT CAL, THEY DIDN'T -- THEY JUST WOULD -- THE DEPARTMENT OF PARKING AND TRANSPORTATION WOULD -- WOULD -- WOULD PICK UP THAT REVENUE AND SO WHO KNOWS WHAT THEY DID WITH IT.

SO -- RIGHT, SO -- I MEAN, THEY -- AGAIN, THEY MIGHT KNOW, BUT THEY DON'T ASSIGN IT THAT WAY ALWAYS. AND SOME SCHOOLS DO. EVERY SCHOOL DOES IT DIFFERENTLY.

Q. OKAY. AND WHAT YOU DID IS FOR ALL THE SCHOOLS, YOU ASSIGNED -- THE THINGS THAT ARE IN "NON-PROGRAM SPECIFIC" YOU ASSIGNED THEM TO FOOTBALL AND MEMBER'S BASKETBALL AND THE OTHER SPORTS IN PROPORTION TO THEIR REVENUES?

A. RIGHT. IN PROPORTION TO HOW THEY WERE ALREADY ALLOCATING REVENUES, 'CAUSE THE BIGGER PROGRAMS ARE -- ARE GOING TO BE DRIVING MORE PARKING. THERE'S MORE PEOPLE THAT ARE PAYING FOR PARKING AT TEXAS FOOTBALL THAN AT THE TEXAS SWIMMING. I DON'T THINK THAT'S CONTROVERSIAL.

Q. NOW, TURNING TO NIL'S FOR A SECOND, THE FACT THAT A PROFESSIONAL ATHLETES GET A SHARE OF BROADCAST REVENUES HAS NOTHING TO DO WITH NIL RIGHTS, CORRECT?

A. WELL, I MEAN, THE COLLECTIVE BARGAINING AGREEMENTS ESSENTIALLY SAYS, YOU KNOW -- AGAIN, I DON'T HAVE THE -- YOU KNOW, THE QUOTES IN MY HEAD, BUT, YOU KNOW, THEY ALLOW THEM TO PUT THEM ON TELEVISION AND IN EXCHANGE, THEY GET A -- LIKE IN FOOTBALL, THEY GET A SPECIFIC PERCENTAGE OF THAT TELEVISION REVENUE, SOMETHING LIKE 55 PERCENT.

Q. SO YOU AGREE THAT IF THE COURTS WERE TO DECIDE THAT THERE WERE NO NAME, IMAGE, AND LIKENESS RIGHTS IN BROADCAST, THAT NBA AND NFL ATHLETES WOULD GET THE SAME SHARE OF BROADCAST REVENUES, CORRECT?

A. I DON'T KNOW WHAT THAT MEANS. "SAME SHARE" OF WHAT? I DON'T KNOW WHAT THAT MEANS.

Q. WELL, IF IT WERE THE LAW AND CLEAR IN YOUR MIND, THAT THERE WERE NO SUCH THING AS NIL RIGHTS IN BROADCAST, YOU BELIEVE THAT THE PROFESSIONAL ATHLETES WOULD STILL GET THE SAME SHARE THAT THEY GET TODAY OF BROADCAST REVENUES?

A. RIGHT. SO THE -- THE -- THEY SIT DOWN, AND I'M JUST TRYING TO THINK -- THINK THIS THROUGH.

SO THEY SIT DOWN AND COLLECTIVELY BARGAIN, AND THEY GET LET'S CALL IT 50 PERCENT OF BROADCAST REVENUE. AND I DON'T KNOW IF IT'S BECAUSE THERE'S AN NIL RIGHT, OR THERE'S -- OR THE USE OF THE NIL ITSELF IS WHY THEY PAY THEM THE 50 PERCENT

'CAUSE THEY PUT THEM ON TELEVISION, AND THEY PAY THEM SPECIFICALLY FOR THAT AMOUNT.

Q. NOW, SOMETIMES YOU SEE ON CV, "MADE FOR TV SPORTS EVENTS" LIKE THE TIGER WOODS CHALLENGE, RIGHT?

A. RIGHT.

Q. OR FEDERER/NADAL TENNIS MATCH, THAT'S MARKETED AS THE FEDERER/NADAL TENNIS MATCH, RIGHT?

A. I MEAN, OCCASIONALLY YOU SEE THAT KIND OF STUFF.

Q. OKAY. IF YOU PUT THAT KIND OF -- THOSE KIND OF SPECIAL EVENTS ASIDE, YOU HAVE NEVER SEEN ROYALTY PAYMENTS TO ANY ATHLETES IN ANY SPORT FOR PLAYING IN A LIVE GAME ON TELEVISION, CORRECT?

A. I MEAN, I DON'T KNOW WHAT YOU MEAN BY THAT. I MEAN, LITERALLY, THE BROADCAST REVENUE IS GENERATED, AND THEY SHARE IN THE NBA AND NFL 50 PERCENT OF IT WITH THE ATHLETES. AND IT'S BECAUSE THEY'RE ON TELEVISION. IF THEY WERE NOT ON TELEVISION, AND THEY DIDN'T SELL THOSE -- THEY DIDN'T GET THOSE MEDIA RIGHTS -- THEY DIDN'T SELL THEM FOR MONEY, THEN THEY WOULDN'T BEING PAYING THOSE ATHLETES THAT MUCH MONEY, SO I DON'T SEE HOW --

(SIMULTANEOUS COLLOQUY.)

MR. SINGLA: -- 885 OF THE DEPOSITION.

(DEMONSTRATIVE PUBLISHED.)

MR. SINGLA: AND IF YOU CAN PULL UP LINES 17 TO 5. 884, 17, TO 885, 5.

(DEMONSTRATIVE PUBLISHED.)

THE WITNESS: OKAY. LET ME JUST READ THAT FOR A SECOND.

MR. SINGLA: AND I'LL START -- I JUST PUT THE PRIOR QUESTION/ANSWER FOR YOUR BACKGROUND, BUT I'LL START AT 885, LINE 1.

"Q. SO PUTTING ASIDE THE TIGER WOODS FEDERER/NADAL TYPE OF SITUATIONS, YOU HAVEN'T SEEN ROYALTY PAYMENTS BEING MADE FOR APPEARING ON TELEVISION IN A GAME.

"A. NOT THAT I CAN THINK OF AS I SIT HERE."

Q. IS THAT THE QUESTION YOU WERE ASKED AND THE ANSWER YOU GAVE, SIR?

A. YES.

MR. SINGLA: ONE MOMENT, YOUR HONOR.

NO FURTHER QUESTIONS, YOUR HONOR.

REDIRECT EXAMINATION

BY MR. ISAACSON:

Q. YOU WERE ASKED ABOUT A WORLD SERIES RATINGS, SIR, AND THE NIELSEN RATINGS?

A. YES.

MR. ISAACSON: CAN WE LOOK AT SOME INFORMATION ABOUT HISTORIC NIELSEN RATINGS.

(DEMONSTRATIVE PUBLISHED.)

BY MR. ISAACSON:

Q. IS THIS A -- YOU LOOKED AT NIELSEN RATINGS OVERALL OVER

TIME; IS THAT RIGHT?

A. (REVIEWING DOCUMENT.)

YES.

Q. OKAY.

MR. SINGLA: EXCUSE ME, YOUR HONOR, THIS WAS NOT DISCLOSED TO US.

MR. ISAACSON: IT'S FOR RE --

THE COURT: WELL, IT'S REDIRECT. YOU ASKED ABOUT NIELSEN RATINGS --

MR. SINGLA: I DID, YOUR HONOR, BUT I'M NOT SURE HOW THE WITNESS WOULD HAVE PREPARED THIS SLIDE BETWEEN THE TIME.

THE COURT: ANTICIPATED YOUR CROSS.

MR. ISAACSON: YES.

MR. SINGLA: ANTICIPATED MY CROSS.

MR. ISAACSON: YES.

MR. SINGLA: OKAY.

MR. ISAACSON: AND I DON'T ACTUALLY THINK THIS FACT IS CONTROVERSIAL. WHAT WE'RE NOW JUST GOING TO DISCUSS IS THE TELEVISION RATINGS FOR EVERYTHING HAVING GONE DOWN.

Q. WOULD YOU EXPLAIN WHAT THIS CHART SHOWS ABOUT HISTORIC NIELSEN T.V. RATINGS.

A. IT'S EXACTLY WHAT YOU JUST SAID. SO, SURE BASEBALL RATINGS HAVE DROPPED. THERE'S NOW HUNDREDS OF CHANNELS; THERE USED TO BE THREE. AND SO PEOPLE, OF COURSE, ARE GOING TO FRAGMENT THEMSELVES AND WATCH DIFFERENT THINGS ON TELEVISION.

THAT'S ALSO TRUE WITH THE OLYMPICS.

BUT THE IMPORTANT PART IS THAT'S ALSO TRUE WITH -- WITH ALL OF THESE DIFFERENT SHOWS ON TELEVISION. AND SO IF ONE JUST LOOKS AT RATINGS FOR ANYTHING, THEY'VE DROPPED, EVEN IF THE DEMAND FOR -- FOR THE SPORT HAS GONE UP, AS I'VE SHOWN IN THE HUGE GROWTH IN REVENUE FOR -- FOR BASEBALL.

Q. I THINK THERE'S THIS OTHER THING CALLED THE INTERNET THAT'S HAVING AN EFFECT ON TELEVISION RATINGS AS WELL.

A. RIGHT. SO NOT JUST THE CHANNELS, YOU'RE RIGHT.

Q. YOU WERE ASKED TO LOOK AT THE DATA ON THE -- A PERIOD OF FLATTENING FOR THE ATTENDANCE OF -- OF THE LOS ANGELES ANGELS. WHEN YOU LOOK AT ATTENDANCE IN A STADIUM AND WHETHER IT'S FLATTENING, DO YOU ALSO HAVE TO TAKE INTO ACCOUNT WHETHER THE STADIUM WAS ALREADY SOLD OUT ON MANY DAYS?

A. YES. THAT'S CALLED THE CAPACITY CONSTRAINT. AND IF YOU WERE DOING AN ANALYSIS OF ATTENDANCE, YOU WOULD DO WHAT'S CALLED A CENSORED REGRESSION, AND YOU WOULD NOTE -- YOU KNOW, SO THE -- THE ATTENDANCE YOU SEE IS GOING TO BE CAPPED ANYWAY AT SELLOUTS, EFFECTIVELY.

Q. ALL RIGHT. AND THEN FINALLY, IF WE COULD PUT UP RASCHER DEMONSTRATIVE EXHIBIT 13, WHICH IS THE --

(DEMONSTRATIVE PUBLISHED.)

BY MR. ISAACSON:

Q. -- THE TEXAS SLIDE THAT YOU WERE ASKED TO LOOK AT. I WANT TO MAKE SURE THE COURT UNDERSTANDS THIS EXAMPLE, THOUGH YOU'RE

NOT RESPONSIBLE FOR PUTTING THE LONGHORNS ON THERE.

THE "NON-PROGRAM SPECIFIC" COLUMN, ALL RIGHT, THE PREVIOUS COLUMNS FROM THE -- AS TEXAS REPORTED IT WERE FOOTBALL, BASKETBALL, WOMEN'S BASEBALL (SIC) --

A. BASKETBALL.

Q. WOMEN'S BASKETBALL AND THEN OTHER SPORTS, SO ALL OF THE SPORTS ARE ACCOUNTED FOR IN THOSE FOUR COLUMNS, RIGHT?

A. YES, I BELIEVE SO. AGAIN, THEY CREATED THIS, BUT I WOULD THINK OTHER SPORTS WOULD INCLUDE ALL OF THEM.

Q. SO WHEN THE LAST COLUMN, "NON-PROGRAM SPECIFIC," THAT'S MONEY AS TEXAS ACCOUNTS FOR IT THAT'S NOT ALLOCATED TO ANY SPORT.

A. YES, THAT'S RIGHT.

Q. RIGHT. SO WHEN THERE'S $17 MILLION IN TICKET SALES, THOSE WERE TICKETS THAT WERE SOLD FOR SOME SPORT; THEY WEREN'T SOLD FOR NOTHING.

A. THAT'S CORRECT.

Q. DO I HAVE THAT RIGHT?

A. THAT'S CORRECT.

Q. OKAY. BUT TEXAS DOESN'T ATTRIBUTE THEM TO ANY SPORT WHETHER IT'S THE SOCCER TEAM OR THE FOOTBALL TEAM.

A. THAT'S CORRECT.

Q. OKAY. AND THE SAME THING IS TRUE OF THE PARKING NUMBER, THE ROYALTIES, ET CETERA?

A. RIGHT. SOMEONE'S PAYING PARKING FOR SOME EVENT.

MR. ISAACSON: OKAY. I HAVE NO FURTHER QUESTIONS.

MR. SINGLA: YOUR HONOR, COULD I JUST HAVE ONE MOMENT? COULD I ASK FOR JUST ONE SECOND?

THE COURT: YES.

(PAUSE IN THE PROCEEDINGS.)

RECROSS-EXAMINATION

BY MR. SINGLA:

Q. JUST A COUPLE OF QUESTIONS.

SIR, CAN WE PUT UP MY SLIDE -- MY BASEBALL SLIDE AGAIN?

DID YOU SEE MY SLIDE BEFORE TESTIFYING TODAY?

(DEMONSTRATIVE PUBLISHED.)

THE WITNESS: YEAH, I SAW IT LAST NIGHT, I GUESS.

BY MR. SINGLA:

Q. HOW DID YOU SEE IT, SIR?

A. I DON'T REMEMBER HOW I SAW IT.

Q. WHAT DO YOU MEAN, YOU DON'T REMEMBER?

A. I MEAN, I DON'T REMEMBER -- MAYBE IT WAS LAYING ON THE TABLE. I DON'T REMEMBER.

Q. DID SOMEONE GIVE IT TO YOU TO LOOK AT?

A. NO.

(OFF-THE-RECORD DISCUSSION.)

MR. SINGLA: NOW, YOUR HONOR, COULD WE MOVE THIS INTO EVIDENCE AS A DEMONSTRATIVE AND SUMMARY?

THE COURT: THINK WE NEED A NUMBER.

MR. SINGLA: WE'LL GIVE IT A NUMBER. IT'S -- WE'LL

FIND A NUMBER.

MR. ISAACSON: THIS YOUR SLIDE?

MR. SINGLA: YES.

THE COURT: YES.

MR. ISAACSON: IT WAS DISCLOSED TO US LAST NIGHT, AND SO WE JUST NEED TO CHECK ITS ACCURACY. ASSUMING IT'S ACCURATE, WE WILL AGREE IT COULD BE ADMITTED.

WE HAVE A 48-HOUR TIME PERIOD TO DO THAT, BUT ASSUMING IT'S ACCURATE, WE WILL AGREE TO ADMIT IT.

THE COURT: SO YOU WANT IT CALLED DEFENDANT'S NEXT IN ORDER, THEN?

MR. SINGLA: YES, NEXT IN ORDER.

AND WE'D ALSO LIKE THE ADMIT, YOUR HONOR, THE NIELSEN DATA SET ON THE OLYMPICS AS -- AS NEXT IN ORDER.

MR. ISAACSON: I'M NOT -- I'M NOT SURE WHAT YOU'RE REFERRING TO.

MR. SINGLA: OH, CAN YOU -- CAN YOU PUT THAT SLIDE UP.

THE COURT: WHY DON'T YOU WORK THIS OUT AND SUBMIT IT IN WRITING LATER.

BY MR. SINGLA:

Q. AND THEN, SIR, YOU SHOWED A SLIDE SHOWING THAT BASEBALL AND THE OLYMPICS HAVE DECLINED ALONG WITH OVERALL TELEVISION VIEWERSHIP, RIGHT?

A. RIGHT. I DIDN'T SHOW THAT SLIDE, BUT I MEAN, IT APPEARED

ON THE SCREEN, YEAH.

Q. YOU DIDN'T PREPARE THAT SLIDE?

A. NO.

Q. NOW, HAVE SUPER BOWL RATINGS DECLINED LIKE THAT ALSO?

A. I DON'T KNOW.

Q. WELL, LET'S LOOK.

(DEMONSTRATIVE PUBLISHED.)

BY MR. SINGLA:

Q. HERE'S NIELSEN RATINGS.

CAN WE ZOOM IN ON THE CHART THERE?

(DEMONSTRATIVE PUBLISHED.)

MR. SINGLA: CAN WE ZOOM IN ON THE CHART?

Q. I THINK YOU CAN SEE IT, SUPER BOWL RATINGS, SIR?

A. I DON'T HAVE ANYTHING ON MY SCREEN.

MR. SINGLA: I'M SORRY. IS THERE A REASON --

THE CLERK: IT'S THERE.

MR. SINGLA: AH. THANK YOU.

Q. SUPER BOWL RATINGS, SIR, HAVE GONE THROUGH THE ROOF IN THE SAME TIME PERIOD.

IF YOU COULD GO UP TO THE CHART, THE GRAPH.

(DEMONSTRATIVE PUBLISHED.)

THE WITNESS: (REVIEWING DOCUMENT.)

BY MR. SINGLA:

Q. CORRECT?

A. I'M JUST LOOKING AT IT. I'M TRYING TO GET THE DATES.

WHAT DOES IT START AT THE BOTTOM?

Q. LOOKS LIKE 1967.

A. AND THEN IT GOES TO WHERE?

Q. 2009.

A. I SEE IT NOW. YOU GUYS MADE IT BIGGER.

Q. RIGHT. SUPER BOWL RATINGS HAVE GONE THROUGH THE ROOF IN THE SAME TIME, RIGHT?

A. WELL, THAT'S VIEWERS, NOT RATINGS. AS I SAID, THE POPULATION OF THE COUNTRY HAS GROWN A LOT.

I CAN'T SEE THE DATE. PLEASE STAY THERE.

MR. SINGLA: CAN WE GO BACK UP?

THE WITNESS: SINCE 1967, AS I SAID, RATINGS CAN GO DOWN AND VIEWERSHIP DOESN'T GO DOWN AS MUCH OR MAY GO UP BECAUSE OF THE POPULATION, SO THIS IS A GRAPH OF VIEWERS, NOT RATINGS.

BY MR. SINGLA:

Q. OKAY. LET'S GO DOWN AND LOOK AT RATINGS, SO YOU'LL SEE THERE'S A COLUMN OF RATINGS THERE ON THE LEFT THERE. DO YOU SEE THAT?

AND IN 1981 OR IN 1980, THE RATINGS WERE IN THE LOW 40'S OR 44, 46. DO YOU SEE THAT?

A. (REVIEWING DOCUMENT.)

THEY LOOK FLAT TO ME.

Q. THEY LOOK FLAT OVER THAT SAME PERIOD, RIGHT?

A. THEY LOOK FLAT THE WHOLE TIME.

Q. OKAY. OH, SO SUPER BOWL --

A. THEY'RE IN THE 40'S -- THEY'RE LIKE ALMOST THE SAME FOR DECADES AND DECADES.

Q. OKAY. THE SUPER BOWL RATINGS HAVE REMAINED FLAT SINCE 1980, CORRECT?

A. (REVIEWING DOCUMENT.)

YEAH.

MR. SINGLA: NO FURTHER QUESTIONS.

MR. GOSSELIN: YOUR HONOR, PLAINTIFFS WOULD LIKE TO CALL CHARLES GARNHAM.

THE COURT: SO WHAT YOU WANT HIM TO SAY WAS "NO FURTHER QUESTIONS"?

MR. ISAACSON: YEAH.

THE COURT: SO YOU'RE EXCUSED. YOU MAY STEP DOWN. AND YOU MAY CALL YOUR NEXT WITNESS.

(OFF-THE-RECORD DISCUSSION.)

THE COURT: WHOEVER HAS BOOKS AND THINGS UP THERE SHOULD GO UP AND GET IT.

(PAUSE IN THE PROCEEDINGS.)

THE CLERK: IF I CAN HAVE YOU COME UP TO THE WITNESS STAND AND THEN RAISE YOUR RIGHT HAND FOR ME, PLEASE.

CHARLES KEATON GARNHAM,

CALLED AS A WITNESS FOR THE PLAINTIFFS, HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

THE CLERK: PLEASE BE SEATED. AND ONCE SEATED, I'M

Exhibit P

NCAA PRESIDENT MARK EMMERT

STATE OF THE ASSOCIATION
2013 NCAA CONVENTION
GRAPEVINE, TEXAS

PRESIDENT EMMERT: Good afternoon to all of you, and welcome to the opening session of this year's national Convention. As President Simon mentioned, this is my third one of these State of the NCAA addresses, and I'm delighted to be with you and have literally a full house here. We have, I think, at this year's convention more than 3200 attendees, which is a remarkable number of people gathering from all around the country to talk about and work on the issues of intercollegiate athletics.

I want to begin this year's address a little bit differently than I have in the past. I wanted to begin by telling a few stories about intercollegiate athletic events, and about some of the dynamics that exist that we all work around and within every day in all of our athletic endeavors.

The first of these stories is a fairly straightforward one in many events. It's a collegiate event that pitted two of the nation's leading universities against each other, two of the biggest names in higher education. It was an event that included corporate sponsors who set up travel to a beautiful resort in a wonderful location, travel for fans and students and supporters. It was a great big event with a lot of entertainment around it.

Politicians came along for the event to make this trip, and one of them even organized a situation so that he would be able to present the trophy to the winning team, so that everyone understood that this was a big deal, and he wanted to gain a little bit of attention out of it.

Big news in the media, the newspapers and all of the surrounding areas were writing about the event. In short, it was like many other NCAA events, any other intercollegiate events. This one looked pretty normal. With one big exception. It was 150 years ago in 1852, and it was the very first intercollegiate competition ever held in the United States.

It was a rowing match between Harvard and Yale at Lake Winnipesaukee in New Hampshire. The politician who organized it and inserted himself into giving the trophy was General Franklin Pierce. He three months later goes on to win the Presidency of the United States. At the very least, he says, because Harvard won the rowing match.

The alumni loved it. The students loved it. The fans loved it. The corporate sponsors loved it. The kids who rowed in the event loved it, and they've been rowing that contest every year only with interruptions for major wars since 1852, and thus began intercollegiate athletics in the United States.

Fast forward a handful of years, and we get interrupted by the Civil War but right after the Civil War, there is a huge boom in intercollegiate athletics and all around the country where there were universities, people wanted to partake in sports. It became something of great interest to all of society.

So in 1869, the students of Rutgers, with some of their alumni, invite some students from a school -- from the College of New Jersey. We now call it Princeton University. And they said let's come play a game. They had a game that they played. They had various names for it, and they were playing on Rutgers field. So Rutgers got to name the rules.

Not surprisingly, the Rutgers team was faster, so they devised rules that took advantage of their speed, and beat Princeton 6-4 in the game. Princeton demanded a rematch but on their field so they could set the rules.

They go over to Princeton the next week. Princeton sets the rules saying you can't advance the ball by running. Pretty clever, Princeton guys are always smart. They win 8-0.

Thus begins the first American football game in American history in 1869 with two other fascinating facts about that game. It's claimed as the first football game. It's also claimed as the first soccer game, and it's also claimed as the first rugby game. But whatever it was, the students loved it. The alumni loved it, and they kept playing.

Retrospectively, the people who worry about college championships and collegiate championships in football declared Rutgers the first national champion because they won the very first football game. Out of a conference of two, they were number one, which explains their movement into the Big Ten.

It's a joke. I thought it was a good joke.

Let me tell you about a third circumstance that also is part of our founding legacy and founding legends, but, in fact, rings true today. It's a story about a brash young university president. Could be Nathan Hatch. I thought that would get a

laugh. A brash, young university president who takes over a very new, very young university. He wants to gain national attention for the university. He wants to establish it as one of the great American universities.

He works hard to do all the right things. He hires great faculty. He creates innovative new curriculum. He recruited some of the biggest names in America, corporate America, to be donors to his new university. He started a law school, something that was relatively innovative at the time he got going.

But he did something else. He wanted to capture the attention of the citizenry, not just of the academics in the community and beyond. So he decides they have to play football.

So he hires an equally young, equally brash, young football coach and says, look, you've got to win in football. You've got to establish our mark in America as a football power because that's also how we'll be recognized as a university.

The coach says something very interesting that could sound familiar to university and college presidents in the audience. The coach said, "Sure, I can win, but I need a lot of autonomy. I have to report not to one of those deans or vice presidents. I need to report to the president and the board."

"I need complete budget flexibility. I can't operate inside the normal budget confines. I won't work inside the normal HR process. I have to be able to hire and fire as I need to. I need a new stadium." Right?

"I need to use that stadium to run summer camps and promotional activities and do fundraisers. And, oh, by the way, I want you to build a bell tower with bells in it that I can ring at 10:00 at night so I can keep my students in bed at curfew time and they won't have any excuses."

The brash young president says, "Okay, fine. Just win." So in 1892, William Rainey Harper takes over a two-year-old project called the University of Chicago. And with the help of Alonzo Stagg as his coach and athletic director, he puts the University of Chicago on the map at least as much utilizing football to build his brand as their stunning new curriculum.

Lastly, let me tell you about regional rivals. As a regional rival who was getting pummeled year-in and year-out in most sports, but football especially, football had captured the imagination of the alumni and fan base of this institution. They were getting blown out by their cross-state rivals. They had a huge rabid fan base. Their games were some of the most important events that occurred in the United States. And the faculty, the students, everybody in the institution practically was furious about the fact that they couldn't beat their rivals and they demanded some action.

Meanwhile, across town and around the country, the media at this moment in time was engaged in what could only be described as an extremely energetic effort to stop, not only football, but college sports in general. The arguments went just like this. It's too commercial. It's too expensive. It's too distracting. It's too dangerous. Young men were being killed routinely playing the game of football.

Even the president of the university himself wanted football dead. But, nevertheless, in 1903, Harvard decided to double down on football even while its own president opposed playing the game.

It builds the first massive reinforced concrete structure in the world, Harvard stadium, to hold 60,000 people in 1903. It hires a 27-year-old alumnus for a coach, a guy named Bill Reid. He was one of the very first full-time football coaches in the country, and he's paid almost the same amount as the president. Started a long time ago, right?

He establishes a whole new system around the football game. He decides he's got to work very, very hard to beat the Yale Elis, whose Coach Walter Camp becomes the legend of all stuff of football.

But he has a president, Charles Elliott, one of the most powerful presidents in American higher education history, who wants nothing more than to end football. He does the only sensible thing for a football coach, he rallies the alumni. He works around the president, goes to the board, goes to the alumni, calls in his favorite alumnus, Teddy Roosevelt, and says you have to help us save football.

Teddy Roosevelt says, of course we do. He tells the world we have to mend this or end this. They agree to form the NCAA, and lead to the 3200 of you sitting here right now. And they did so just in time, because in that very same year, 1905, 19 boys were killed playing football in the United States. 19 killed. And had they not said, we can regulate this, we can control this, we can impose our own rules on this activity, it's highly probable that we all wouldn't be sitting here today having these conversations.

Now what is the point of all of those stories? Well, it's multiple. First of all, it's to remind us where we come from and how we got to where we are. You know, there is some interesting sense that intercollegiate athletics had some halcyon days where it had no commercialism,

didn't have pressure from alumni, where they played nothing but gentlemanly games around rules that were well established and well considered. And that is not the history of sport in America and certainly not of college sport in America.

I like to talk about, and I want to talk today about, essentially two sides of the same coin. This coin that we call the coin of the realm of college athletics.

We use the expression two sides of the same coin all the time. We use it to describe things that are simultaneously complementary and opposing. Two things that have to be together, but are different. Heads or tails.

For us, that coin, the NCAA and intercollegiate athletic coin, has one side that is much beloved. It's the darling at every party. It's what people love to participate in. It's our championships. It's our games. It's our competition.

The other side of the coin is as disliked as the shiny side is liked. It's the skunk at the picnic, and that's the regulatory side of college sports. But like all coins, you have to have both. You can't have one without the other.

The NCAA coin, the championship side that we all know and love, is the one that gains most attention in March, for example. But it doesn't matter which sport it is, we love them all. Whether it's a Division III soccer championship that included work with Special Olympians, or whether it's the DII sports festival or the World Series, College World Series of Omaha, or the Frozen Four, it doesn't matter. Those are the things that we absolutely adore participating in. We get a chance to see our student-athletes at their very finest. We see the competition that we love. We build it up in every way that we can.

That side of the coin gets us fired up, gets our competitive juices going. It attracts crowds, sponsors, excitement, energy. It's what we play for and live for.

And the NCAA, all of us here, works very hard to make all 89 of our championships bigger and bolder and more exciting, but at the same time as we do that, we raise the stakes in all of the participation in all of those events.

Winning and losing become more important. Fans' enthusiasm cuts both ways. Coaches' careers can be made or lost with those championships. Expectations soar among our faithful and our fans, and they soar beyond all reason and beyond all reasonableness quickly.

Boards and presidents overestimate the return on investment in terms of the promotional value or even the financial value of an athletic program. Costs can soar, conferences reshuffle. The pursuit of competitive edges becomes obsessive and obsessions, and sometimes even worse.

And NCAA presidents, like me and you out there, find ourselves flipping the NCAA coin in the air hoping beyond reasonable expectation often, and in defiance of laws of physics often, that the coin is going to land on its edge. That one side doesn't wind up taking over the other. All of our love of that shiny side, the competition side, creates ever-growing demand for structure and order and a disciplined model for the way we conduct ourselves.

It's that success, the success of the shiny side, that creates the need and demand for the regulatory side, the flip side of the coin. The side of the coin that frustrates people and people like to critique and write about. The side, though, that absent that, if we go back to the four little vignettes in history, absent that willingness to embrace the other side of the coin, we doubtlessly would have lost college athletics forever.

It's that side of the coin, the regulatory side of the coin, the side that imposes and provides order to what we do, that we come together not to celebrate, but to work on here at the convention, so that we can regulate, we can guide, we can create consistency, and we can create a fairness in all that we do.

That's what we're about here. That's what we come to talk about. Yes, we talk about our competitions and we talk about this event or that event, but predominantly the convention isn't about managing the affairs of the shiny side.

Frankly, that's a lot harder task than the competition side. The competitions are fun. They're not simple and easy. But they're fun, exciting and energetic. But we also have to make the games fair and safe.

We have to determine what it means to be a college athlete, and to be one who is, and who is not, eligible. By the way, the first major rule of the Big Ten -- you'll get a kick out of this, Lou Anna -- one of the first major rules of the Big Ten Conference, the early and youngest of the athletic conferences, was that football teams could only have three professionals on them, right? Because they had to decide who could play and who couldn't. There were too many professionals, so just three, just three. You can only hire three players at a time.

We have to assess what's unfair. What's inappropriate interference, what's improper behavior. What do we allow third parties outside of sports do and not do. Have to define critical and very complicated notions of sportsmanship and integrity, institutional control, amateurism, all the things that you are grappling with in these meetings here, and that's what we do here.

That's what we do in our governance structure. That's what we do in sometimes a very painful democratic and representative model.

We've done so since 1906 to great effect. When you think about going back to 1905, 19 young men were killed playing football. Now I often say that it is easily the case that there is more than ten times as many kids playing football today. It's probably more like a hundred times.

But let's just say ten times. That would be the functional equivalent of 190 kids this year being killed playing football. Yes we have issues of safety, and health, and wellness that we have to pay great attention to. But you cannot argue that the games aren't dramatically better and safer than they were when we started this process.

Academic success of our student-athletes now is a benchmark that we hold very closely to our chest. And we say this is something that is an essential part of what it is to be a student-athlete, and we're seeing great success there.

We have much better clarity about participation. Big Ten's down to just two professionals per team now. No, I'm just kidding.

But we have much greater clarity while we have problems and challenges around things like the definition of amateurism and how we establish it and how we don't. It is not at all like it was not long ago. It is dramatically better. We've added a structure and order to our championships that make them revered and, indeed, iconic events in American society.

We've written rules and crafted policies that have promoted the growth of women's participation in ways that none of us could have anticipated 30, 40, 50 years ago. The list of successes is very, very long, and we need to feel very proud of that list of successes.

Turns out, we know how to write rules. Problem is sometimes we write lots and lots and lots of rules.

But just as that shiny side of the competition has a side that can also bring dysfunction with it, so, too, can the regulatory side. And we have to recognize that as we try to balance that coin on its edge.

We create rules sometimes that we know are simply far too complex. They're even inexplicable sometimes. We try to define acceptable and unacceptable behavior in such great detail so we want to confine and constrain some of the smallest aspects of the lives of our student-athletes.

We've generated a cottage industry of regulatory interpretation and advice across the United States. It's just blossomed to a huge bit of time-consuming energy.

We've increased managerial overhead inside of all of our universities and colleges, and the costs and the return on that investment is unclear.

We confuse and bewilder parents and students and prospective student-athletes.

So many of us here in the room have talked to a parent who is trying to sort through the complexities of college athletics, and it's mind-boggling sometimes.

And we even look foolish sometimes to people outside of sport who have no idea what we do and why we do it. But they look at our regulatory side and say this just doesn't make a lot of sense.

Then there is the other part of the regulatory side that we are here and talking about and struggling with, and that is the part that we have to, in fact, not just write and define our rules and regulations, but we have to implement them. We have to find a way to put them into action in our enforcement processes, and regulatory processes, and all of our reinstatement processes and all of the things that go on all of your campuses. When all of the parties are doing all of their parts well, which is the vast majority of the time, and the vast majority of our participants and members, the regulatory process works remarkably well, remarkably well.

And I believe and have great confidence that that's the case most everywhere that you choose to look. There is a belief out there somewhere that most everyone cheats, and I think it's exactly the opposite.

But around the country, across all three divisions, when you stop and look at coaches, administrators, students, their families, NCAA officials, compliance officers. It's hard to follow all that they have to do and keep track of those rules and those regulations, but they're doing it, and doing it right, and they work hard to get it done right.

The compliance officers are doing their jobs diligently. The faculty reps are working hard

to protect the values of the academy. The athletic directors are putting in place compliance programs and managerial oversight programs that try to keep everyone on the straight and narrow.

But we also know, and evidence is abundant, that the implementation part of our rules and regulations occasionally brings with it disappointing consequences. We have, in fact, in some cases created what amounts to a cat and mouse game among various entities rather than the kind of collaboration that we'd all like to see.

We do have rules in some cases, particularly in Division I, that have become scofflaws. They're more ignored and laughed at than they are followed.

The first instinct in some cases is to defend and protect one's turf rather than trying to ascertain what really occurred in any circumstance. Judgment calls, and you have to constantly make judgment calls on the campus and the conferences and the national office. Judgment calls are immediately challenged and defended over-enthusiastically on both sides, rather than saying can we find out what really went on here and reach some sensible resolution of this problem.

Zealousness and aggressiveness on all sides, on all sides often blunt objectivity when we're going through our regulatory processes. Parties play to the media, rather than seeking appropriate outcomes, rather than working through channels. And worst of all, in my opinion, and we've seen far too much of this in the past 24 months, collegiality and trust becomes badly damaged, and our capacity to work together as colleagues on issues of common interest becomes greatly, greatly more difficult.

So what do we do with these two sides of this coin that have been with us since 1852 when we all started this? How do we keep it on its edge?

Well, as I said last year, we've got plenty of people out there that would happily just push the coin over on one side. They'd love to have a coin that only comes up heads. They like the shiny side, the competitive side, and professional sports for entertainment, plain and simple, that's all they want.

What I also said last year is I don't know a college or university president or leaders of the institutions that we work with that want to see that, that want to wave the white flag and give up and say, no, we can't find the balance and keep the coin on its edge. We have to just flip it over and let it be heads.

Instead, what we've been doing consistently and what do you in all of your meetings regularly here is we're seeking that balance. We're seeking to figure out how on do we keep the coin on the edge? It may wobble once in a while, but how do we keep it upright?

Well, we've seen recently in my short tenure here Division III reinforce their core principles and philosophical values that are the hallmarks of Division III.

We've seen the leaders of Division II focus and recommit themselves to their life in the balance program. We've seen them focus on reducing administrative burdens. We've seen them stay true to their principles.

Now, including here at this meeting, we're seeing the work that's been going on in Division I that is truly ground breaking. That is some pretty amazing, heavy lifting. Whether it's the academic reforms that were passed last year that insist on academic performance for our student-athletes before they participate in any of our postseason play and raise the initial eligibility standards for who can participate.

We saw it last October in the changes that have been put forth through the enforcement model, and the new enforcement model that will trigger and begin this coming summer. And tomorrow morning in a public session, and then again on Saturday, the board will discuss and debate a complete change of a significant part of the Division I rules book that will have a very, very positive impact on the way we conduct ourselves and on striking that appropriate balance.

We still have a lot to do. Let's not kid ourselves. There is a lot to be done and we will always work hard as we have for 160 years to keep that coin balanced.

In the national office we have to help define and operationalize the many changes that are going on and serve the three divisions in ways that meet your needs and serve our principles. We have to implement your vision of what you want of intercollegiate athletics.

We have to handle appropriately our regulatory tasks in a way that you want them handled. And when we make mistakes -- and God knows we have made mistakes and we'll make them again in the future, I'm sorry to say. It is inevitable -- we need to fix them and hold ourselves accountable for you.

In the membership, we need all of you to stay focused on your general goals and the broad principles that we all share in common that provide intercollegiate athletics with that lighthouse in the

distance that we know we need to keep headed toward.

I very, very much like and want to put up on some slides here for a minute, a great example of some that you can find across all three divisions where you all have said, what are those guiding principles as we're trying to find the balance? How do we make sense of both sides of the coin?

If we look at and think about, think hard about those core principles that really matter, then we can strike the balance at least a lot more easily than if we ignore it and let these opposing forces war it out.

The committee -- excuse me, the Rules Working Group in Division I -- as part of their preamble of their proposals came up with a list of commitments. They thought, if we're all committed to these things, then writing the rules in the future and modifying these rules and figuring out what the right enforcement model is for regulation, we'll support the shiny side of the coin just fine.

I'd like to put them up on the screen right now. The first one they said is let's have a commitment to values based legislation. Let's make sure that our bylaws that we use to conduct intercollegiate athletics are designed to foster competition, promote values, and advance the overall general collegiate model.

Let's be committed to amateurism. Let's make sure that our athletes and athletic programs are conducted for students who choose to be athletes as part of their educational experience, and not people that want to be professional athletes.

If they want to do that in their post-NCAA career, great. But not while they're with us as students.

Let's make sure we have a limit to fair competition. Let's make sure we conduct ourselves and our game in a way that promotes fairness among all the participants. Let's be committed to the integrity, to integrity and sportsmanship.

It's the responsibility of each member institution to conduct its programs in a manner that promotes the highest ideals, not of sport, just of sport, but of higher education, that this is going on inside the context of higher ed.

Let's make sure that we have a commitment to institutional control and compliance. That it's the responsibility of every member school and college and university to monitor and control its athletic program that is under its charge.

Let's make sure that we're committed to student-athlete well-being. Intercollegiate athletic programs have to be conducted in a way that enhances the wellness of our students first and foremost. That has to be the case.

We need to be committed to sound academic standards if this is something that is really going to go on in our institutions. Again, going way back to who can and should be a participant, and what we expect of them. We need to have emphasis on educational objectives as well as athletic success.

We can't do this, especially in Division I, without commitment to responsible recruiting standards. We have recruitment activities that have to be informed and decisions that have to be balanced with the interests of the student-athletes, the prospect, the family, and the school as well.

Finally, we have to have the membership here, all of us, believe in and is committed to the core values of diversity, inclusion and equity because of the nature of our society today.

Those values improve the learning environment for all of our student-athletes and enhance excellence within the membership, and recognize the need that all America has for open and fair participation in all the things that collegiate athletics provide.

If we, as we think about the decisions we make here in this meeting, bear in mind principles like this, Divisions II and III have similar lists. But keep in mind those core principles, and as we make decisions, turn back to them and say, look, if we're going to keep this balance working, we have got to not just worry about the shiny part as we're making decisions about the shiny part, we have to look at the regulatory part and those values, because that is the hard work of this whole enterprise. So let me close with one last story.

It's April. Eight teams come together. Eight teams from all around the United States, they meet in championship competition. There are 70 or 80,000, probably 80 to 90,000 people show up. The competition has massive media attention. The whole nation is focused on this competition, productivity in offices drops and everybody's glued to this whole activity.

Corporate sponsors support the whole affair because it's exciting. It's riveting. It's a great way to build their brands and establish their ad campaigns. They love it. They love being part of it because it represents good things in American society. Coaches' careers change as teams win or lose. Students, alumni, fans, they all love it, and so we keep playing it. And that's what's going to happen in Atlanta in April of 2013 when the Men's Final Four in Division I and the championship

games for Division II and Division III are all played over the course of three days.

The country will be riveted. Everyone will love the shiny side of the coin. We'll thrill in amazing performances of our student-athletes, and we'll all feel incredibly good about the iconic thing known as intercollegiate athletics in America.

At the same time, we've got to remember that we can't have that without the other side of the coin, and that's our job as well.

Thank you for all that you do for the NCAA and for our student-athletes. I greatly appreciate it, and welcome to the convention.