



Electronic Dispatch

Collegiate Sports Practice Group Newsletter

May 2008

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DIVISION I GOVERNANCE BODIES PREPARE FOR TRANSITION

The Division I Management Council (Council) conducted its final meeting in April, and the Board of Directors (Board) approved the nominees presented by the conferences for the transition to the new Division I governance structure. The Board remains the final authority within the structure, but the Council and Cabinets are reorganized into smaller more topic specific entities. At the spring meetings the Board and Council took final action on pending proposals from the 2007-08 legislative cycle and addressed other agenda items.

Governance Changes

Although the new governance structure formally becomes effective September 1, 2008, the Board acted on the conference nominees in the spring so that transition can be more orderly. The current Council will be replaced by two smaller bodies, the Legislative Council and the Leadership Council, each of which will include representatives from all of the Division I multisport conferences. The Legislative Council will meet at times consistent with the old Council and, as its name implies, will be responsible for processing pending legislative proposals. The Leadership Council, which will assist the Board in addressing key Division I issues, will meet for the first time in August 2008 and then quarterly in coordination with the Board schedule.

Six new cabinets are being created to replace the existing two cabinets with entities that are responsible for considering issues related to narrower topic areas. The new bodies are the Academic Cabinet; Administration Cabinet; Amateurism Cabinet; Awards, Benefits and Financial Aid Cabinet; Championships/Sports Management Cabinet, and Recruiting Cabinet. It is anticipated that the meetings of the new cabinets will be scheduled during three-week periods in September, February and June/July so that appropriate information can be forwarded to the Legislative Council meetings.

A coordinated mailing of the cabinet agendas will be sent to the members of the bodies and conferences 17 days prior to the meetings. One consolidated cabinet report will be prepared for each group of meetings. In order to clearly articulate a subcommittee's duties and jurisdiction, any subcommittee within the new governance structure is to be established through legislation.

This edition of the *Collegiate Sports Practice Group Newsletter* features a compilation of the actions taken by the NCAA Division I Management Council at its April 14, 2008, meeting and the Board of Directors at its April 24, 2008, meeting. The Newsletter is published quarterly, following each Board meeting to assist campus chief executive officers, athletics administrators, compliance coordinators, general counsel offices and others interested in NCAA governance activity. We have formatted the Newsletter to summarize the key actions and issues in the Division I governance structure and to serve as a convenient, quick reference for any legislation adopted. This format should aid individuals responsible for disseminating such information to other institutional staff members. The brief summaries of the actions and legislation are not a substitute for reading reports and minutes of the bodies and the actual legislation, nor do they constitute legal advice or opinion about any action. To review the specific language of a Board or Council action, new legislation or an interpretation, please consult with the person designated on your campus to provide legislative interpretations.

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Academic Performance

Since the conclusion of the Board meeting, the Academic Performance Rate (APR) and related penalty reports concerning each team in a member institution's intercollegiate athletics program have been released to the general public. The Board noted that there was significant improvement in the data for the fourth year of the Academic Performance Program's existence but that men's basketball appeared to be improving at a much slower rate than other sports. The fourth year of data completes the first full cycle of the rolling four-year average that will be the basis for future APRs. Contemporaneous penalties restricting grants in aid may be imposed on the basis of the data for any individual year; the historical penalties are based on the four-year average and become progressively more severe leading to a restriction on an institution's NCAA membership status on the fourth occasion that a team fails to meet the required minimum APR.

The Board learned from the Committee on Academic Performance (CAP), which administers the program, that the committee is reviewing possible guidelines to assist the NCAA staff in reviewing adjustment requests for student-athletes who transfer with grade-point averages below 2.600. It was previously determined that those who transfer with overall grade-point averages of at least 2.600 will have the retention point (one of two possible points – retention and eligibility) for a term discounted if the transferring student-athlete meets certain other criteria. The CAP also reported that it is revising the policies and procedures for third- and fourth-occasion historical penalty waivers and appeals with the intent of providing the NCAA staff greater authority to render decisions. The Board will receive additional information on both of these topics in August.

The CAP was asked to explore the possibility of having the APR history follow coaches as they move to different Division I institutions. Board members indicated their understanding that the CAP has been considering this issue for some time and has had difficulty creating an appropriate means to accomplish this. The Board also requested that the CAP develop possible appellate models setting forth the details of the Board's role as an appeals body in regard to appeals of historical penalties.

Other Actions

- 1. Commercial Activity.** The Board reviewed the charge of the presidentially led Division I Task Force on Commercial Activity in Intercollegiate Athletics. The task force was established to examine the proper role of commercial activity relative to intercollegiate athletics with the goal of developing guiding principles that reflect the balance point between the need for revenue to manage broad-based athletics programs and the need to be true to the mission of higher education. The principles would then be intended to serve as meaningful guidelines for all sports/student-athletes and all commercial activities. In part, the creation of the task force was in response to various discussions about the use of the names or pictures of student-athletes in promotional activities. It is hoped that the task force will develop recommendations within the next six to 12 months.
- 2. "Financial Dashboard."** The Board received a status report from the Oversight and Monitoring Group that was created to assure that recommendations identified in 2007 by the Presidential Task Force on the Future of Division I Intercollegiate Athletics are further developed. One aspect of the task force report was addressing fiscal responsibility. In that regard, a new "financial dashboard" indicators program has been initiated to assist institutions through providing a research-based approach to financial accounting, which includes uniform and common definitions, transparency in aggregate data, trend and peer reporting and consistency. The Board adopted a resolution directing the release of the dashboard indicators and strongly encouraging "Division I institutions to use the program as a means of assisting presidents and chancellors in making informed financial decisions that are consistent with the educational mission of their institutions."
- 3. Membership.** The Council approved a 6.6 percent inflationary adjustment to the Division I minimum financial aid requirement set forth in NCAA Bylaw 20.9.1.2-(b), which is based on the minimum aggregate expenditure for financial aid, effective for the 2009-10 academic year. The rate of the adjustment was based on the average national tuition increase for regionally accredited institutions. In a separate action, the Council agreed to sponsor legislation for the 2008-09 legislative cycle to specify that the new Administration Cabinet will have the authority to deny advancement to active Division I status for any institution seeking reclassification to the division if any of its sport programs is subject to penalties pursuant to the Academic Performance Program.

Legislative Actions

Adopted by Board

The Board adopted the following 15 items of legislation at its April 24, 2008, meeting:

Awards/Benefits/Expenses

No. 2007-78 – Awards, Benefits and Expenses – Housing and Meals – Meals Incidental to Participation – Home and Away-From-Home Competition – Discretionary Meals

Permits an institution to provide meals in conjunction with home competition to student-athletes at its discretion beginning with the evening before competition and continuing to the end of competition; further, permits an institution to provide meals in conjunction with away-from-home competition at its discretion from the time the team is required to report on call for team travel until the team returns to campus.

Effective Date: August 1, 2008

No. 2007-79 – Awards, Benefits and Expenses – Housing and Meals – Meals Incidental to Participation – Meals Following Home and Away-From-Home Competition – Meal or \$15

Permits an institution to provide student-athletes at home and away-from-home competition with either a postgame meal or cash in lieu of the meal not to exceed \$15, at the time of their release by institutional personnel.

Effective Date: August 1, 2008

No. 2007-81 – Awards, Benefits and Expenses – Expenses Provided by the Institution for Practice and Competition – Departure/Return Expense Restrictions – Exceptions – Conference-Administered Waiver – Conference Championship

Specifies that 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.

Effective Date: August 1, 2008

Committees

No. 2008-6 – Committees – Committee on Women's Athletics – Composition – Division I Management Council Representation

Eliminates the requirement that one of the six Division I members of the Committee on Women's Athletics must also be a member of the Division I Management Council.

Effective Date: Immediately (April 24, 2008) [Adopted as noncontroversial legislation]

Eligibility

No. 2007-61 (as amended by 2007-61-1) – Eligibility – Seasons of Competition – Hardship Waiver – Calculation in Individual Sports

Specifies in individual sports that the first half of the season calculation for the hardship waiver is based on the number of days an institution declares in the season that concludes with the NCAA championship between the first date of competition used by any individual on the team and the end of the declared playing season, including a conference championship and any regular season competition scheduled after the conference championship; specifies that the denominator in the institution's percent calculation shall be the maximum permissible number of dates of competition

plus one date for a conference championship, regardless of whether the team participates in such a championship, provided the institution is a member of a conference and the conference sponsors a championship in the applicable sport; and specifies that dates of competition that are exempted from the maximum permissible number of dates of competition do not count toward the number of dates used by the student-athlete.

Effective Date: Immediately (April 24, 2008)

No. 2007-66 (as amended by 2007-66-1) – Eligibility – Two-Year College Transfers – Nonqualifiers – Transferable English and Math

Specifies that in order for a transfer student from a two-year college who was not a qualifier to be eligible for institutional financial aid, practice and competition during his or her first academic year in residence, he or she must have successfully completed six semester or eight quarter hours of English and three semester or four quarter hours of mathematics at the two-year college that are transferable toward any baccalaureate degree program at the certifying institution.

Effective Date: August 1, 2009 (for student-athletes initially enrolling full time in a collegiate institution on or after August 1, 2009)

Financial Aid

No. 2007-73 (as amended by 2007-73-1) – Financial Aid – Period of Institutional Financial Aid Award – One-Year Period – Exception – Exhausted Eligibility or Medical Noncounter

Specifies that a student-athlete who has exhausted eligibility and is exempt from counting in the institution's financial aid limit, or a student-athlete who is exempt from counting due to an injury or illness may receive athletically related financial aid for less than one academic year, and specifies that if the institution awards athletically related financial aid for less than one academic year to such a student-athlete, the institutional financial aid agreement shall include specific nonathletically related conditions (e.g., academic requirements) that the student-athlete must satisfy in order for the aid to be renewed for the next academic term or terms.

Effective Date: August 1, 2008

Legislative Process

No. 2008-4 – Legislative Process – Other Legislative and Amendment Procedures – Interpretation Process – Staff Interpretation

Specifies that a staff interpretation that has been reviewed and approved by the Legislative Review/Interpretations Committee shall be binding on all institutions on publication to the membership.

Effective Date: Immediately (April 24, 2008) [Adopted as noncontroversial legislation]

Playing and Practice Seasons

No. 2007-83 – Playing and Practice Seasons – Time Limits for Athletically Related Activities – Exception – Eligibility Exhausted

Specifies that 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 limitations for athletically related activities.

Effective Date: August 1, 2008

Recruiting

No. 2007-16-B – Personnel and Recruiting – Limitations on the Number and Duties of Coaches – Recruiting Coordination Functions – Preparation of General Recruiting Correspondence

Eliminates the preparation of general recruiting correspondence as a recruiting coordination function that is restricted to coaches that count toward the limitations on the number of coaches.

Effective Date: August 1, 2008

No. 2007-30-C – Recruiting – Contacts and Evaluations – Men's Basketball Evaluations – April Contact Period

Specifies that evaluations of live athletics activities during the April contact period shall be limited to regularly scheduled high school, preparatory school and two-year college contests/tournaments and practices; and regular scholastic activities involving prospective student-athletes enrolled only at the institution at which the regular scholastic activities occur; further, amends the April contact period to begin at noon on the first Thursday following the Men's Basketball Championship and continue through seven days following the initial date for the spring signing of the National Letter of Intent.

Effective Date: August 1, 2008

No. 2007-35 – Recruiting – Telephone Calls to Prospective Student-Athletes – Permissible Callers – Exceptions – Faculty Athletics Representative and Senior Woman Administrator

Permits an institution's faculty athletics representative and senior woman administrator to return telephone calls to a prospective student-athlete or his or her parents or legal guardians subject to any applicable limitations on the number of telephone calls that an institution may place to prospective student-athletes.

Effective Date: Immediately (April 24, 2008)

No. 2007-40 (Football Championship Subdivision only) – Recruiting – Contacts and Evaluations – Contacts After National Letter of Intent Signing or Other Written Commitment – Football – Contacts During Spring Evaluation Period

Specifies in championship subdivision football that during the spring evaluation period, coaching staff members may make two contacts with a prospective student-athlete who has signed a National Letter of Intent (or, for those institutions not subscribing to the National Letter of Intent, after the prospective student-athlete's signed acceptance of the institution's written offer of admission and/or financial aid) at the prospective student-athlete's educational institution; further, specifies that any visit to the educational institution that includes only contact with a signed prospect during the spring evaluation period shall be considered one of the institution's two permissible days at that institution.

Effective Date: August 1, 2008

No. 2007-50-B – Recruiting – Official Visit – Complimentary Admissions – Exception – Nontraditional Family

Specifies that if a prospective student-athlete is a member of a nontraditional family (e.g., divorce, separation), an 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.

Effective Date: August 1, 2008

No. 2007-52 (Football Bowl Subdivision only) – Recruiting – U.S. Service Academy Exceptions – Contacts During Spring Evaluation Period of Junior Year in High School – Football

Permits in bowl subdivision football U.S. Service Academies to make in-person, off-campus contact with a prospective student-athlete during the spring evaluation period of the prospective student-athlete's junior year of high school, including contact at the prospective student-athlete's educational institution.

Effective Date: Immediately (April 24, 2008)

Proposals Not Approved

Defeated

The following eight proposals were defeated during the April 14 and April 24, 2008, meetings of the Council and Board, respectively. Those defeated by the Board after Council approval have an [*] after the proposal title.

<u>Proposal No.</u>	<u>Title</u>
2007-17	Personnel and Recruiting – Limitations on the Number and Duties of Coaches – Recruiting Coordination Functions – Volunteer Coach
2007-31-B	Recruiting – Contactable Prospective Student-Athletes – Four-Year College Prospective Student-Athletes From North American Non-NCAA or Non-NAIA Institutions – Written Notification of Intent to Contact
2007-39 (FCS only)	Recruiting – Contacts and Evaluations – Contacts After National Letter of Intent Signing or Other Written Commitment – Football – Contacts During Spring Evaluations Period – Educational Institution Staff Member Presence – FCS
2007-58	Administrative Regulations – Recruiting Calendars – Cross Country/Track and Field*
2007-67 (as amended by	Eligibility – Transfer Regulations – Two-Year College Transfers – Transferable 2007-67-1) Credit – Correspondence, Extension and Distance-Learning Courses
2007-68	Eligibility – One-Time Transfer Exception – Baseball – Nonscholarship Student-Athletes*
2007-80	Awards, Benefits and Expenses – Expenses Provided by the Institution for Practice and Competition – Departure/Return Expenses Restrictions – Exceptions – Conference Championship
2007-103 (FCS only)	Committees – Division I Football Championship Committee – Composition

Referred

The following two proposals were referred during the Board's April 24, 2008, meeting:

<u>Proposal No.</u>	<u>Title</u>
2007-92 (as amended by (FBS only)	Playing and Practice Seasons – Football – Acclimatization Period and Spring 2007-92-1) Practice – Protective Equipment – FBS – Effective Date [Referred to Committee on Competitive Safeguards and Medical Aspects of Sports]
2007-100	Division Membership – Division I Membership Requirements – Scheduling Requirement – Wrestling [Referred to the governance body that will review membership requirements during the membership moratorium]

Tabled

The following two proposals were tabled during the Board's April 24, 2008, meeting:

<u>Proposal No.</u>	<u>Title</u>
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2007-109	Executive Regulations – NCAA Properties and Marketing Restrictions – Exception for Institutions Participating in NCAA Championship Events – Number of and Access of Videographers and Photographer
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2008-5	Committees – Division I Cabinets and Committees – Championship/Competition Cabinet – Committees – Structure of Football Related Committees
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Moot

The following two proposals were made moot by adoption of other proposals during the Council's April 14, 2008, meeting:

<u>Proposal No.</u>	<u>Title</u>
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2007-30 (by adoption of 30-C)	Recruiting – Contacts and Evaluations – Men's Basketball Evaluations – of Evaluations During April Contact Period
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2007-50-A	Recruiting – Official Visit – Complimentary Admissions – Exception – Divorced Parents
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BS&K Collegiate Sports Practice Group

This *Collegiate Sports Practice Group Newsletter* is a periodic publication prepared by the Collegiate Sports Practice Group of Bond, Schoeneck & King, PLLC, and is designed to provide information on the latest developments impacting intercollegiate athletics and compliance with NCAA legislation in NCAA Division I. The information contained in the Newsletter is not a substitute for professional counseling, advice or binding interpretations of NCAA legislation.

Bond, Schoeneck & King, PLLC, is engaged in the general practice of law with 170 attorneys located in Kansas, New York and its affiliate, Bond, Schoeneck & King, P.A. in Florida. The work of the firm's Collegiate Sports Practice Group is concentrated in the representation of colleges and universities in NCAA infractions matters, compliance consulting and other collegiate sports matters. The group includes Mike Glazier, former NCAA director of enforcement and founding partner of the group; Rick Evrard, former NCAA director of legislative services; Steve Morgan, former NCAA group executive director and Division I chief of staff; Kyle Skillman, attorney with experience in NCAA compliance and enforcement matters; Tom Evans, general counsel to a Division I institution; and Chris Schoemann, former NCAA staff member and campus compliance coordinator. Collectively, the group has represented more than 100 colleges and universities in NCAA-related matters.

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