

## 2007-08 NCAA Division I Legislative Proposals

### Question and Answer Document

The following information contains questions and answers to assist the membership in its understanding of select proposals in the 2007-08 legislative cycle.

#### **Association-Wide Vote: NCAA Proposal No. 2007-12 Organization – Executive Committee – Duties and Responsibilities**

**Question:** Why does this proposal require voting by all three NCAA divisions?

**Answer:** This proposal will amend a dominant provision. Thus, pursuant to NCAA Constitution 5.02.1.1, this provision 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 at the opening business session at the 2008 NCAA Convention in order to be adopted.

**Question:** Are conferences permitted to vote on this proposal?

**Answer:** Yes. All individual active members of the Association are permitted to vote, which includes conference members.

#### **Proposal No. 2007-2 Executive Regulations – Definitions and Applications – Misconduct**

**Question:** If this proposal is adopted, who will this legislation affect?

**Answer:** If adopted, this legislation would be applicable to prospective and enrolled student-athletes and to current or former institutional staff members (e.g., coach, chancellor or president, athletics director). This legislation would not apply to fans or boosters.

**Question:** Does this proposal apply to all teams or does it only apply to those teams selected to participate in the NCAA championship tournament? For example, if a team is not selected for the tournament, may the team's coach make disparaging comments about teams that were selected for the tournament?

**Answer:** This proposal applies to all teams, including those teams not selected for the NCAA championship tournament.

**Question:** Does the proposal apply to actions of coaches or other institutional staff members that occur prior to the selection of the championship field?

**Answer:** No. The proposal addresses misconduct that takes place from the time the championship field is announced through the end of the championship.

**Question:** What is the prescribed penalty for misconduct?

**Answer:** The penalty varies and will be determined by each respective sport committee (e.g., NCAA Division I Men's Basketball Committee, NCAA Division I Women's Soccer Committee).

**Proposal No. 2007-18 Personnel and Recruiting – Limitations on the Number and Duties of Coaches – Recruiting Coordination Functions – Exception – Noncoaching Staff Member – After National Letter of Intent Signing or Other Written Commitment**

**Question:** What is a noncoaching staff member?

**Answer:** Per NCAA Bylaw 11.7.1.1.1.1, noncoaching athletics department staff members (e.g., academic advisor, life-skills coordinators, administrative assistants, directors of operations) are institutional staff members who 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 videotape or film 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.

**Question:** If this proposal is adopted in addition to Proposal No. 2007-46 (recruiting – recruiting materials – electronic transmissions – instant messages) and Proposal No. 2007-47 (recruiting – recruiting materials – electronic transmissions – after national letter of intent signing or other written commitment), will noncoaching staff members be permitted to send electronic correspondence (e.g., instant messages, text messages) to prospective student-athletes who have signed a National Letter of Intent (NLI) or those not eligible to sign an NLI (e.g., institution does not subscribe, four-year college transfer), a written offer of admission and/or financial aid.

**Answer:** Yes.

**Question:** Does this proposal apply to walk-on prospective student-athletes?

**Answer:** This legislation would not apply to walk-on prospective student-athletes. Therefore, noncoaching staff members would not be permitted to perform recruiting coordination functions as they relate to walk-on prospective student-athletes.

**Proposal No. 2007-23-A Amateurism – Exceptions to Amateurism Rule – Prize Money Prior to Full-Time Collegiate Enrollment – Tennis – \$10,000 Per Year**

**Proposal No. 2007-23-B Amateurism – Exceptions to Amateurism Rule – Prize Money Prior to Full-Time Collegiate Enrollment – Tennis – \$10,000 Total Limit**

**Question:** Are the \$10,000 prize money benchmarks calculated in U.S. dollars or the currency where the tennis event occurred or the individual's home country?

**Answer:** The \$10,000 prize money benchmarks are calculated in terms of U.S. dollars. Thus, institutions must take into account the exchange rates and the exchange rates in existence at the time the prize money was earned.

**Proposal No. 2007-25 Amateurism – Promotional Activities – Institutional, Charitable, Education or Nonprofit Promotions – Cosponsorship and Sale of Photographs**

**Question:** Why does this proposal remove the requirement that all moneys derived from a promotional activity must go directly to the institution or conference or to the charitable, educational or nonprofit agency?

**Answer:** This provision was designed to deregulate this area and to allow institutions to pay for any costs associated with conducting a promotional activity directly from the funds derived from the promotion.

**Question:** Does this proposal apply to t-shirts, stadium seat cushions and other such promotional items?

**Answer:** Yes. The proposal applies to all promotional items that include the name, picture or likeness of current student-athletes, both printed and nonprinted (e.g., posters, stadium cushions, television commercials, radio advertisements).

**Question:** For promotional items such as posters that include the logos of multiple sponsors, must the affiliation of each sponsor with the institution, conference or permissible entity be explained separately?

**Answer:** No. It would be permissible to explain all the affiliations together generally. For example, one phrase could cover all of the logos at the bottom of a typical team poster, such as "Proud Sponsors of ABC University Athletics."

**Proposal No. 2007-26 Amateurism – Permissible and Nonpermissible Promotional Activities – Commercial Advertisement or Promotion**

**Question:** Is the institution required to obtain the student-athlete's approval prior to using the student-athlete's name, image or likeness in every commercial promotion or advertisements?

**Answer:** Many institutions choose to have each student-athlete sign a general release at the beginning of each academic year consenting to the student's use of likeness for purposes consistent with NCAA bylaws and institutional policies. There is no standardized form used by NCAA membership because of the varied subjects covered in such a release. For example, some may include a provision confirming that the student-athlete is using institutional trademarks and uniform number as a privilege without ownership vesting in the student-athlete.

**Question:** Are there any examples of promotions that would be permissible under this proposal?

**Answer:** An example of an acceptable promotion under the legislation would be something similar to the Enterprise Rent-A-Car advertisements that use competition footage, and explain that Enterprise is a corporate partner of the NCAA. Current promotions by Enterprise and other entities use footage only of former student-athletes. Under this proposal, competition footage of current student-athletes could be used.

**Proposal No. 2007-28 Promotional Activities – Media Activities – Use of a Student-Athlete's Name, Image or Likeness to Promote Coverage of Competition**

**Question:** How does this proposal change the current legislation?

**Answer:** Generally, this proposal is a codification of the current interpretive application. Currently, a media entity may feature a student-athlete's name, image or likeness in promoting the coverage of a competition in which the student-athlete's institution will or may participate (or has previously participated). However, the proposal would limit a student-athlete's appearance in such a promotion to competition video, competition audio or competition photographs. News media may continue to use the name and likeness of a student-athlete in the context of promoting its journalistic coverage of a competition, story or interview involving a student-athlete, as is currently permissible.

**Question:** If this proposal is adopted, will it remain permissible for student-athletes to be involved in additional media activities, such as in-game interviews or stories?

**Answer:** Yes.

**Question:** What is an example of a permissible promotion?

**Answer:** Promotions for a Bowl Championship Series game, which may occur before the participating teams are decided, could include footage from the previous year's matchup, even if the student-athletes who competed in the game are still currently enrolled student-athletes.

**Proposal No. 2007-30-A Recruiting – Contacts and Evaluations – Contactable High School Prospective Student-Athletes – Men's Basketball – Two Contacts with Juniors – No Nonscholastic Evaluations in April**

**Proposal No. 2007-30-B Recruiting – Contacts and Evaluations – Men's Basketball Evaluations – Evaluations During April Contact Period**

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

**Question:** What are the differences between the three alternative proposals?

**Answer:** The following chart provides a summary of the basic differences:

<b>Proposal No. 2007-30-A</b>	<b>Proposal No. 2007-30-B</b>	<b>Proposal No. 2007-30-C</b>
<ul style="list-style-type: none"><li>• Would permit two in-person, off-campus contacts during April contact period of prospective student-athlete's junior year in high school.</li><li>• No nonscholastic evaluations in April.</li><li>• Live athletics evaluations during April contact period must be at regularly scheduled high school, preparatory school and two-year college contests and tournaments and practices and regular scholastic activities.</li></ul>	<ul style="list-style-type: none"><li>• No change to contacts (i.e., no junior contacts).</li><li>• No nonscholastic evaluations in April.</li><li>• Live athletics evaluations during April contact period must be at regularly scheduled high school, preparatory school and two-year college contests and tournaments and practices and regular scholastic activities.</li></ul>	<ul style="list-style-type: none"><li>• No change to contacts (i.e., no junior contacts).</li><li>• No nonscholastic evaluations in April.</li><li>• Live athletics evaluations during April contact period must be at regularly scheduled high school, preparatory school and two-year college contests and tournaments and practices and regular scholastic activities.</li><li>• Change the April contact period to begin at noon on the first Thursday following the Final Four and continue through seven days following the initial date for the spring signing of the National Letter of Intent.</li></ul>

**Proposal No. 2007-31-A Recruiting – Contactable Prospective Student-Athletes – Four-Year College Prospective Student-Athletes From Non-NCAA or Non-NAIA Institutions – Written Notification of Intent to Contact**

**Proposal No. 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**

**Question:** What are the differences between the two proposals?

**Answer:** Proposal No. 2007-31-A requires institutions to provide written notification of intent to contact a student-athlete to the athletics director of any non-NCAA or non-NAIA institution that sponsors intercollegiate athletics and is located anywhere in the world, while Proposal No. 2007-31-B restricts the notification to any non-NCAA or non-NAIA institution that sponsors intercollegiate athletics and is located in North America.

**Question:** Is the institution required to confirm receipt of the written notification of intent to contact a student-athlete?

**Answer:** No. However, it is expected that the institution will make a good faith effort to ensure that the recipient's contact information is correct.

**Question:** Is the institution required to provide written notification of intent to contact to an athletics director for a student who participates only for a club team and not the institution's intercollegiate athletics program?

**Answer:** No. Such as student would not meet the definition of a "student-athlete" and, therefore, the legislation would not require the notification of intent to contact.

**Question:** What does the phrase "sponsors intercollegiate athletics" mean?

**Answer:** The intent of the legislation is to apply the same standard as is used at NCAA institutions. Institutions that conduct programs similar to "varsity intercollegiate programs" at NCAA institutions.

**Proposal No. 2007-33-A Recruiting – Communication During July Evaluation Periods – After National Letter of Intent Signing or Other Written Commitment – Women's Basketball**

**Question:** Does this proposal permit coaches to send instant messages and text messages to prospective student-athletes during the July evaluation periods who have graduated from high school and signed an NLI?

**Answer:** No. Those forms of communication would still be prohibited pursuant to Bylaw 13.4.1.2.

**Question:** Under this proposal, is a coach permitted to contact a prospective student-athlete while she is competing in a game?

**Answer:** No. Coaches are still prohibited from contacting a prospective student-athlete while she is competing in a game. The provisions of NCAA Bylaw 13.1.7.2 still apply to the extent that the prospective student-athlete must be released by the appropriate authority at the time the contact occurs.

**Proposal No. 2007-36 Recruiting – Telephone Calls to Prospective Student-Athletes – Permissible Callers – Exceptions – Strength and Conditioning Coaches**

**Question:** May the strength and conditioning coaches initiate calls to prospective student-athletes?

**Answer:** No. They may only receive telephone calls from prospective student-athletes.

**Question:** If adopted, would this legislation apply to four-year college transfers and walk-on prospective student-athletes?

**Answer:** No. The strength and conditioning coach would only be permitted to receive telephone calls from prospective student-athletes who have signed an NLI or, for those institutions not subscribing to the NLI, after the signed acceptance of the institution's written offer of admission and/or financial aid.

**Question:** If Proposal No. 2007-18 is adopted, would this proposal be rendered moot?

**Answer:** Yes.

**Proposal No. 2007-42 Recruiting – Contacts and Evaluations – Football Evaluations – Scholastic Activities**

**Question:** How does this proposal differ from Proposal No. 2007-43 (recruiting – contacts and evaluations – spring evaluation period – scholastic evaluations only)?

**Answer:** This proposal specifies that all evaluations at any time shall be limited to regularly scheduled high school, preparatory school and two-year college contests and practices and regular scholastic activities involving prospective student-athletes enrolled at the institution at which the regular scholastic activities occur. Proposal No. 2007-43 precludes nonscholastic evaluations only during the spring evaluation period.

**Proposal No. 2007-60 Eligibility – Criteria for Determining Season of Eligibility – Tennis – Time Period Prior to Enrollment and Residence Requirement**

**Question:** How does this proposal apply to prospective student-athletes who will be attending an institution that operates on a quarter system as opposed to a semester system?

**Answer:** The application depends on the high school graduation date of the student-athlete's high school class. For example, if the date of graduation of the student's class occurs in May or June, then a student attending a quarter system institution would need to enroll full time prior to or during the second quarter of the institution's academic year (typically called the winter quarter) in order to avoid the application of the legislation. If that student were to attend a semester system institution, he or she would need to enroll prior to or during the institution's second semester of the academic year (typically called the spring semester). If the date of graduation of the student's class occurs in December, then a student attending a quarter system institution would need to enroll full time prior to or during the institution's third quarter of the academic year (typically called the spring quarter) in order to avoid the application of the legislation. If that student were to attend a semester system institution, he or she would need to enroll prior to or during the institution's first semester of the following academic year (typically called the fall semester).

**Proposal No. 2007-61 Eligibility – Seasons of Competition – Hardship Waiver – Calculation in Individual Sports**

**Question:** If adopted, may the legislation be applied retroactively?

**Answer:** Yes. Typically, changes to the hardship waiver apply retroactively. The sponsor has indicated the intent that the new legislation would apply to student-athletes who miss a season of competition due to injury or illness after August 1, 2008 and that the current rule or the new legislation would apply to student-athletes who missed a season of competition prior to August 1, 2008. The NCAA Division I Management Council Legislative Review Subcommittee has asked the Management Council to modify the effective date to reflect the sponsor's intent.

**Question:** In this calculation of the hardship waiver, are exempt competitions (e.g., alumni games, competitions in Hawaii and Alaska, competition against a foreign team in the United States) included in the denominator?

**Answer:** No. The denominator only includes the maximum permissible number of dates of competition plus one date for a conference championship, regardless of whether the institution's 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.

**Proposal No. 2007-63 Eligibility – Freshman Academic Requirements – Eligibility for Financial Aid, Practice and Competition – Qualifier – Exception – Early Academic Certification**

**Question:** Is this proposal the same as the waiver for early certification that was processed for the class of 2007?

**Answer:** No. The waiver in place last year provided prospective student-athletes with two avenues to be certified as qualifiers by meeting one of the two following criteria:

- (1) The prospective student-athlete has achieved a test score, per NCAA Bylaw 14.3.1.3, equal to or greater than 1100 SAT or 95 ACT sum; or
- (2) The prospective student-athlete has a preliminary certification report which indicates the student has achieved a minimum of 12 core courses with a core-course grade-point average of 3.000 or higher in Divisions I and II and a test score of at least 1000 SAT or 85 ACT sum.

This proposal has two criteria that the prospective student-athlete must meet in order to be certified as a qualifier:

- (1) A minimum combined score on the SAT and math sections of 1000 or a critical reading minimum sum score on the ACT score of 85, per the requirements of Bylaw 14.3.1.3; **and**
- (2) A core-course grade-point average of 3.00 or higher (based on a maximum of 4.00) in a minimum of 13 core courses on completion of six semesters (or the equivalent), including three core courses in English, two in mathematics, two in natural or physical science, and six additional core courses in any NCAA core area.

**Question:** Is a waiver process available if the prospective student-athlete does not meet the requirements for early certification?

**Answer:** No. Prospective student-athletes who do not meet the criteria may be certified as qualifiers by meeting the legislated initial-eligibility requirements for Division I.

**Question:** Does the early academic certification program apply to international prospective student-athletes?

**Answer:** No. They may not be certified as a qualifier by meeting the criteria since the NCAA Eligibility Center does not conduct preliminary certifications for international prospective student-athletes.

**Question:** Will the prospective student-athlete review process apply to prospective student-athletes who would meet the requirements of the early certification exception?

**Answer:** Yes. Prospective student-athletes' records will continue to be reviewed for academic irregularities, and this review may result in a prospective student-athlete not being granted the early certification waiver.

**Proposal No. 2007-66 Eligibility – Two-Year College Transfers – Nonqualifiers – Transferable English and Math**

**Question:** If this proposal is adopted, would a waiver process be available if the certifying institution does not accept any English and/or math coursework completed at the two-year college?

**Answer:** The Administrative Review Subcommittee (ARS) waiver process would be available for individual cases.

**Question:** If the certifying institution does accept the English and math coursework completed at the two-year college, can the credits be designated as elective coursework in the student-athlete's baccalaureate degree program at the certifying institution?

**Answer:** It is up to the certifying institution's discretion as to how the coursework is designated in the student-athlete's degree program. The proposal only requires that the English and math coursework be transferable to any degree program at the certifying institution.

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

**Proposal 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**

	<b>Current Legislation</b>	<b>Proposed Legislation</b>
<b>When can student-athletes receive meals in conjunction with home competition?</b>	From the time student-athletes report on call (at the direction of their coach or comparable authority) and become involved in competition-related activities to the end of competition and release by the appropriate institutional authority.	Beginning with the evening before competition and continuing to the end of competition and release by the appropriate institutional authority.

	<b>Current Legislation</b>	<b>Proposed Legislation</b>
<b>When can student-athletes receive meals in conjunction with away-from-home competition?</b>	An institution may provide up to three meals per day or meal allowances. An institution may also provide an additional pregame or postgame meal (or \$10 in lieu of a post game meal) on game days.	Beginning with 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 institutional authority.
<b>May cash be provided in lieu of discretionary meals?</b>	No.	No.
<b>May student-athletes receive a postgame meal following home competition?</b>	Yes – one meal or \$10 in lieu of a meal, but not both.	<b>Proposal No. 2007-79:</b> Yes – one postgame meal or \$15 in on release by institutional personnel.
<b>May student-athletes receive a postgame meal following away-from-home competition?</b>	Yes, if no pregame meal was provided, one meal or \$10 in lieu of a meal, but not both.	<b>Proposal No. 2007-79:</b> Yes – one postgame meal or \$15 on release by institutional personnel.

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

**Question:** Does this proposal apply in the term in which the student-athlete has exhausted his or her eligibility or the academic year following exhausting eligibility?

**Answer:** This proposal would apply once the student-athlete has exhausted his or her eligibility for intercollegiate competition. If a student-athlete competes in a fourth season that ends during a term and the institution has no additional competition during that year, the proposal would apply during the term and any following terms of enrollment.

**Proposal No. 2007-104 Academic Performance Program – Penalties and Rewards – Progression of Penalties – Postseason Competition – Individual Sports**

**Question:** If a student-athlete in an individual sport qualifies for the NCAA championships but the institution's team is ineligible for championships due to Occasion-Three Historical Penalties (postseason competition restrictions), may the student-athlete appeal this penalty as an individual?

**Answer:** No. Occasion-Three Historical Penalties are designed to be very punitive and indicate that there are systemic academic issues at the institution. Permitting a student-athlete to compete in such a situation is inequitable, in that doing so denies access to the championship for student-athletes whose teams are not subject to a penalty. However, a student-athlete who would otherwise miss his or her remaining season of eligibility may transfer and be immediately eligible if the student-athlete meets the requirements of Bylaw 14.8.1.2-(e).

**Proposal No. 2007-105 Administration Regulations – Foreign Tours and Competition – Practice Limitations**

**Question:** If this proposal is adopted, will it apply to foreign tours that occur during the summer?

**Answer:** Yes, to the extent that practice in preparation for the foreign tour would occur during the academic year (e.g., tour begins right after the final examination period at the end of the regular academic year).