

**National Collegiate Athletic Association
Working Group on the Collegiate Model -- Rules**

**NCAA Bylaw 16 (Awards, Benefits and Expenses for Enrolled Student-Athletes)
Concepts Discussion Document**

The purpose of this document is to solicit input from the NCAA Division I membership on concepts currently being considered by the NCAA Working Group on the Collegiate Model -- Rules. This feedback will be used by the working group as it continues to finalize its recommendation in select bylaws for the NCAA Division I Board of Directors. Please forward any feedback and comments to rulesworkinggroup@ncaa.org.

A draft of a rewritten NCAA Bylaw 16 (awards, benefits and expenses for enrolled student-athletes), similar to the rewritten version of Bylaw 11 (conduct and employment of athletics personnel), will be available once the working group evaluates initial feedback on these concepts.

Name: **1A FAR Board**

Institution/Conference/Organization:

Title: **Comments re Bylaw 16**

Date: **April 13, 2012**

General Comments: The 1A FAR Board has reviewed the Working Group's Bylaw 16 proposals. Once again, we very much appreciate the opportunity to comment. In general, we support a full effort to deregulate except where needed to advance core principles as well as the concept of stating general obligations and standards and leaving particular implementation to campuses or conferences. On the following pages please find our specific input on the questions you have posed. We have one overall concern with the Bylaw 16 proposals, however. It appears to us that the Working Group confined itself to reviewing particular bylaws currently in the Division I manual – as compared to stepping back and asking what regulation in this area should look like if we started with a clean slate. The result, we think, is more a patchwork quilt than a comprehensive conceptual change.

Concept No. 1: Modify the awards legislation so that institutions, conferences and the NCAA have the discretion to determine who may receive awards and when the awards may be provided and to permit a student-athlete to contribute to the purchase of a permissible award.

Rationale: Deregulating the legislation related to the timing of a student-athlete's receipt of an award (i.e., during the academic year or during the summer) will create consistency within the legislation. Further, institutions and conferences will have the discretion related to the eligibility for such awards (e.g., eligible for competition) and the student-athlete experience is enhanced when a student-athlete is permitted to contribute to an award that he or she may otherwise not be able to receive due to institutional budgets.

Points to Consider:

- Reduces some administrative burden for compliance staff.
- Will enhance the student-athlete experience.

Questions:

1. Do you support this concept? Why or why not?

Many FARs support the concept of complete deregulation of this area. Other FARs would support reasonable caps given funding concerns.

2. Should there be one legislated total overall value of awards annually for student-athletes? If there is going to continue to be some regulation relating to awards, then there is merit in having a stated limit on total value of awards. Consideration might be given, however, to having a somewhat higher cap for seniors, as opposed to non-seniors. But, there is strong sentiment in favor of not regulating at all.

If so, what should that value be? We do not have a consensus opinion about a cap amount.

3. Should value limits be entirely removed, thus allowing institutions to determine appropriate values? Why or why not? As stated above, this is an area that can simply be deregulated. But, if some regulation ultimately remains in place, value limits create some degree of consistency and avoid injecting unanticipated competitive issues.

4. Should value limits be entirely removed allowing conferences to determine appropriate values for its members? Why or why not? This would be acceptable.

Concept No. 2: Modify the noninstitutional awards legislation so that institutions or the awarding agency may provide actual and necessary expenses (e.g., travel) associated with a student-athlete receiving a noninstitutional award for athletics accomplishments.

Rationale: Deregulating the legislation related to an institution providing expenses for a student-athlete to receive a noninstitutional award (e.g., hometown award, established regional, national or international award) will create consistency within the legislation. Currently, an institution may provide expenses for a student-athlete to receive only a conference award or a special recognition award 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. However, an institution may not provide expenses for a student-athlete to receive a hometown or an established regional, national or international award.

Points to Consider:

- Reduces some administrative burden for compliance staff.
- Will enhance the student-athlete experience.

Question:

- Do you support this concept? Why or why not?
[We support for the two reasons stated in the points to consider.](#)

Concept No. 3: Modify the academic counseling/support services legislation to permit the NCAA, institution or conference to provide any academic support, career counseling or personal development services that are determined to be reasonable and appropriate for the success of the student-athlete.

Rationale: This concept eliminates the current prescriptive academic counseling/support services legislation and allows an institution to use its discretion in providing academic support, career counseling or personal development services to its student-athletes while protecting and enhancing the educational and personal well-being of the student-athlete. For example, an institution should establish policies on the use of institutionally owned computers or electronic devices. Further, an institution is in the best position to determine whether expenses for course supplies and field trips are appropriate regardless of whether the supplies or trip are required for the course and specified in the institution's catalog. The NCAA, institutions and conferences should be able to provide any academic support, career counseling or personal development services that are determined to be reasonable and appropriate for the success of the student-athlete.

Points to Consider:

- Reduces administrative burden for compliance staff.
- Institutions are in the best position to determine what academic counseling, career counseling or support services are reasonable and appropriate for its student-athletes.
- Supports academic and personal well-being of student-athletes.

Questions:

1. Do you support this concept? Why or why not?

We support this deregulation for the reasons stated in the points to consider above.

2. Should the institutionally offered academic support, career counseling or personnel development programming encompassed by this concept be limited to on campus or within the locale of the institution? Why or why not? No. There are certainly situations in which an academic advisor, e.g., might travel with a team during out-of-town competition. Other situations might arise where student-athletes might be involved with coursework that requires the students to be at a remote site for a period (e.g., a geology field camp). As stated in the points to consider, institutions are in the best position to determine the reasonable and appropriate academic services for their student-athletes.

3. Should the institutionally offered academic support, career counseling or personnel development programming encompassed by this concept be integrated within the institution's services to the general student population? Why or why not? No. Although at some institutions this might be possible for some of the programming offered, prescriptive rules are not warranted in this area. The time demands of student-athletes are often very different from other students on campus. Institutions should not be precluded from offering academic support, career counseling, or personnel development services that are targeted to the needs of student-athletes to help facilitate their academic success. The question also pre-supposes that the institution has only one standard or approach to these services across the university, and that might not be true for many campuses.

Concept No. 4: Modify the medical expenses legislation to permit the NCAA, institution or conference to provide medical expenses and services that are determined to be reasonable and appropriate for the health, safety and physical and mental well-being of the student-athlete.

Rationale: Eliminates the prescriptive medical expenses legislation and allows an institution to use discretion in providing medical expenses and services to its student-athletes and protects and enhances the health, safety and physical and mental well-being of student-athletes. Current legislation specifically identifies the permissible medical expenses (e.g., medical insurance, drug-rehabilitation expenses) that an institution may provide to a student-athlete, incidental to the student-athlete's participation in intercollegiate athletics. The NCAA, institutions and conferences should be able to provide any medical expenses and services that are determined to be reasonable and appropriate for the health, safety and physical and mental well-being of the student-athlete.

Points to Consider:

- Reduces administrative burden for compliance staff.
 - Institutions are in the best position to determine what medical services are necessary and appropriate for its student-athlete physical well-being.
- Supports personal well-being of student-athletes.

Question:

- Do you support this concept? Why or why not?
[Yes, for the reasons stated.](#)

Concept No. 5: Eliminate the housing legislation related to athletics dormitories and athletics blocks. Further, to require that an institution have established policies related to student-athlete housing. The policies shall include, but are not limited to, assurance that student-athletes are assigned housing that supports the student-athlete's integration within the general student-body.

Rationale: The current legislation related to athletics dormitories and athletics blocks is overly prescriptive. Instead, maintaining the legislative provision requiring an institution to apply the same institutional housing policies to student-athletes as it applies to the student-body in general and also having established policies and procedures related to student-athlete housing is an appropriate legislative outcome. Eliminating the legislation related specifically to athletics dormitories and athletics blocks supports the notion that student-athletes should be treated similarly to all students and that an institution's policies related to housing blocks should be applied across all students at the institution, regardless of participation in intercollegiate athletics.

Points to Consider:

- The overarching extra benefit rule requires an institution apply the same housing policies to student-athletes as it applies to the student-body in general.
- Some institutions have existing on-campus housing policies that result in segments of the student-body (e.g., business majors, international students, freshman), unrelated to athletics, being assigned to specific dormitories or blocks.
- Off-campus housing of student-athletes is not regulated under the current legislation, unless the institution is involved in its arrangement. This may result in groups of student-athletes, through their own arrangements, living together. Student-athletes living together on campus in similar groupings should not be prohibited if institutional policies allow for such an outcome.

Question:

- Do you support this concept? Why or why not?
Yes, this should be left to an institution's discretion if consistent with comparable institutional policies. We also suggest that you rewrite the concept as we have stated. That is, housing for student-athletes should be left to each institution's discretion consistent with comparable institutional policies.

Concept No. 6: Modify the housing legislation to indicate that housing may be provided when a student-athlete is required to be on campus for practice or competition and is not living at home, regardless of when this occurs (e.g., during the academic year, during a vacation period).

Rationale: This modification simplifies the legislation, does not change the outcome of benefits received by the student-athlete and removes the prescriptive nature of the legislation that is addressed by the general rule related to extra benefits. Currently, the legislation prescribes the expenses for room and board that may be provided to a student-athlete during a vacation period. Rather than detailing the specific instances during a vacation period when housing may be provided, if at any point during a calendar year a student-athlete is required to be on campus for practice or competition, the institution may provide housing, unless the student-athlete is living at home.

Point to Consider:

- Membership has continually supported deregulation of this area.

Question:

- Do you support this concept? Why or why not?
[Yes. It makes sense to deregulate this area and is supportive of student-athlete well-being.](#)

Concept No. 7: Modify the meals legislation to permit an institution or conference to provide, as a benefit incidental to participation, food to student-athletes at any time or during specified time periods.

Rationale: The elimination of prescriptive legislation related to meals associated with practice, competition, vacation-period expenses, institutional committee service, and fruit, nuts, and bagels simplifies the application of the legislation. This modification promotes student-athletes' nutritional health and physical and mental well-being by allowing institutions the autonomy to address the specific needs of student-athletes.

Points to Consider:

- Proper nutrition is an important aspect of athletics performance. Institutions are in the best position determine what amount and types of food are necessary for its student-athletes' nutritional health and physical and mental well-being.
- Membership has continually supported deregulation of this area.
- Concept is framed as being a benefit incidental to participation. However, there may initially be administrative challenges in determining how and if to factor this concept into the financial aid grant when such a benefit is not available to the general student-body.

Questions:

1. Do you support this concept? Why or why not?

Yes. This is a long-overdue change. Current regulations not only make little sense, but have been a source of embarrassment for the entire association. The NCAA simply does not need to be regulating institutionally provided meals and snacks. The meal requirements should be left to each institution to address.

2. Should the legislation permit only food and not the provision of cash in lieu of food? Why or why not? Many FARs would support food, not cash, given that the purpose is to promote the student-athletes' nutritional health and physical and mental well-being. But, consistent with providing deference to institutions, a number of FARs would prefer total deregulation and allow for deference to the institutions.

3. If cash may be provided, should it not exceed the amount provided by the institution to institutional staff member on away-from-campus trips? Why or why not? If cash is to be provided, we agree with this concept. Alternatively, it could state that any type of cash payments should be consistent with general institutional policies regarding the payment of meal money.

4. Should the legislation permit food at any time only when a student-athlete is enrolled as a full-time student? Why or why not? **No. We want to assure that nutritional needs are being met, and we should not create an unnecessary monitoring burden of trying to timely ascertain whether a student-athlete has dropped below full-time enrollment during the midst of a semester or quarter.**

5. Should the legislation permit food at any time only during the declared playing and practice season? Why or why not? **No. Food should not be so linked.**

6. Should this concept be available to all student-athletes, including walk-ons? Why or why not?
Yes. We are concerned about supporting student-athlete well-being for ALL student-athletes.

Concept No. 8: Modify and replace all existing references to a student-athlete's parents, legal guardians, or spouse to a "relative or individual of a comparable relationship" throughout Bylaw 16.

Rationale: This model proposes replacing the current and varying legislative references with a broader definition for individuals who would be permitted to receive identified benefits in conjunction with the student-athlete's experience. Specifically, these individuals would be defined as a "relative or individual of comparable relationship." This model would encompass nontraditional families, yet maintain a regulatory level that encourages a shared responsibility between student-athletes and institutions. Institutions are in the best position to determine who in a student-athlete's life is a relative or individual of comparable relationship. Because this model maintains a level of legislative definition, it may minimize undue pressures from third parties or individuals associated with prospective student-athletes.

Points to Consider:

- Supports the student-athlete experience.
 - Expanding the category of families and relatives will take into account nontraditional families and the ever-changing definition of family.
 - May increase compliance monitoring in order to determine if an individual is one of a comparable relationship to a student-athlete.
 - Easier application because all identified benefits would be available to individuals covered by "relatives and individuals of comparable relationship."
- Agent legislation is still applicable.

Question:

- Do you support this concept? Why or why not?
Yes, as a general concept. But, as pointed out above, the monitoring burden could be great. Accordingly, many FARs believe it would be helpful for you to consider drafting a definition for "relative or individual of a comparable relationship" to place some objective limit on the scope of such term. Other FARs would suggest that you approach it simply by requiring an institution to confirm that the relationship meets what is intended by the legislation.

Concept No. 9: Modify the expense legislation to permit an institution to have the discretion to provide expenses to any "relative or individual of comparable relationship" or student-athletes to be present in situations of any illness or injury (e.g., remove reference to "life-threatening").

Rationale: The modification of this legislation allows an institution to use discretion to provide expenses when illnesses or injuries are not life threatening but affect a student-athlete or member of a student-athlete's family; thereby, supporting student-athletes' physical and mental well-being while eliminating the administrative burden of requesting legislative relief of the ever-changing definition of family.

Points to Consider:

- Reduces administrative burden for compliance staff by eliminating the need to determine if an injury or illness is life threatening or not and the need to submit a waiver.
- An institution should be permitted to use its discretion in providing benefits for family and friends to be present when a student-athlete is injured.
- Supports student-athlete well-being.

Question:

- Do you support this concept? Why or why not?
[Yes, for the reasons stated in the points to consider.](#)

Concept No. 10: Modify the legislation to permit unlimited complimentary admissions to an institutional awards banquet in which a student-athlete is being honored to any "relative or individual of comparable relationship."

Rationale: This proposal creates uniformity and allows institutional discretion in the application of complimentary admissions to an institutional awards banquet for a student-athlete's relative or individual of comparable relationship. Further, this modification promotes the student-athlete experience by providing greater opportunities for members of a student-athlete's family to share in the student-athlete's success.

Points to Consider:

- Supports the student-athlete experience.
 - Expanding the category of who may receive the complimentary admissions will take into account nontraditional families.
 - Family members of a student-athlete may not be able to be present during an institutional awards banquet due to the cost of admission.

Question:

- Do you support this concept? Why or why not?
[Yes, for the reasons stated in the points to consider.](#)

Concept No. 11: Modify the legislation to permit reasonable meals and food for a student-athlete's "relative or individual of comparable relationship" in conjunction with educational meetings, celebratory events and on an occasional basis for other reasons.

Rationale: Current legislation allows only refreshments in conjunction with educational meetings or celebratory events (e.g., senior night) and on an occasional basis for other reasons. This concept provides a more hospitable and practical approach. Further, it does not require the institution to define "occasional" and would eliminate confusion over what is considered a refreshment and what is considered a meal.

Points to Consider:

- Supports the student-athlete experience.
 - Expanding the category of who may receive reasonable refreshments will take into account nontraditional families.

Question:

- Do you support this concept? Why or why not?
[Yes, for the reasons stated in the points to consider.](#)

Concept No. 12: Modify the team entertainment legislation to permit the NCAA, conference or institution to provide reasonable entertainment in conjunction with, as determined by the institution, practice or competition (e.g., remove restrictions on professional sports tickets, movies).

Rationale: This concept eliminates the mileage requirement and allows institutions to exercise its discretion with regard to the entertainment it wishes to provide to student-athletes associated with practice or competition.

Points to Consider:

- Supports the student-athlete experience.
 - Provides additional entertainment options other than just movies in conjunction with a home contest.
- Allows entertainment to occur in any location associated with practice or competition.

Question:

- Do you support this concept? Why or why not?
[Yes, for the reasons stated in the points to consider.](#)
[Alternatively, the regulation could be removed entirely.](#)

Concept No. 13: Modify the legislation related to expenses provided by the institution for practice and competition to permit an institution to provide actual and necessary expenses for a student-athlete's participation in practice, competition and when representing the institution in other events (e.g., remove legislation related to departure/return restrictions, practice-weather exceptions, nonsport apparel, retention of athletics equipment and apparel).

Rationale: The legislation may be simplified by deregulating many of the prescriptive bylaws. Specifically, a general rule which states that an institution may provide actual and necessary expenses for a student-athlete's participation in required events when representing the institution and in conjunction with practice and competition, including a foreign tour, and any associated fees (e.g., sports organization membership, passport) provides enough framework for an institution to determine how to apply the legislation. Simplifying the legislation surrounding the provision of expenses for travel allows an institution to use discretion when providing expenses, including incidental expense funds in accordance with institutional policies, when the student-athlete is representing the institution, whether that is for competition or other events (e.g., goodwill tours, media appearances, student-athlete advisory committee meetings).

Points to Consider:

- Provisions of these expenses would be left to each institution's discretion.
 - May reduce compliance monitoring and the need to file a waiver in certain situations (e.g., departure prior to 48 hours before competition).
- Supports the student-athlete experience.
- Institutions should already have a missed class time policy that applies to all students.

Questions:

1. Do you support this concept? Why or why not?
Yes, for the reasons stated in the points to consider. Additionally, the Financial Aid Cabinet recently voted to leave departure/return to the discretion of the institution. As a best practice, institutions should have policies pertaining to the academic well-being and class participation of student-athletes (re excused absences, missed class time, etc.). But, this does not need to be accomplished via legislation, particularly given that the association's emphasis on APR can help drive institutions to focus on impediments to the academic success of their student-athletes.
2. Are there specific areas within this concept that would still require some level of regulation? Please provide any additional explanation.
There could be a requirement that institutions have a policy addressing the issues discussed in our response to (1) above. However, there should not be prescriptive legislation beyond a general requirement to have a policy. Institutions typically have missed-class time/excused absence policies that apply to a wide array of extracurricular activities, and not just athletics. There is no need for a "one-size fits all" type of requirement.
3. Provide examples of specific items that should be included in a definition of actual and necessary expenses for travel associated with practice, competition and representing an institution.
Institutional policies should apply.

Concept No. 14: Modify the legislation to permit an institution to provide actual and necessary expenses related to national team tryouts and championship events (e.g., eliminate limitations on expenses for specified number of tryouts); to establish a general rule to permit a student-athlete to receive actual and necessary expenses and reasonable benefits associated with national team practice and competition (e.g., eliminate specific event restrictions) and; to establish a general rule to permit a student-athlete's relatives or individuals of a comparable relationship to receive nonmonetary benefits provided to the relatives or individuals of comparable relationships of all national team members in conjunction with practice and competition (e.g., eliminate only Olympic Games exception).

Rationale: This will simplify the current legislation by allowing an institution to use discretion when providing expenses for a student-athlete's participation in an unlimited number of national team tryouts and championship events. Creation of a general rule that allows actual and necessary and reasonable benefits associated national team practice and competition enhances student-athlete well-being and eliminates the need for prescriptive legislation. Finally, expanding the legislation related to family benefits associated with the Olympic Games to relatives and individuals of comparable relationship and to any national team practice or competition, while retaining the provisions about which entities may provide the benefits supports student-athlete well-being.

Points to Consider:

- Opportunity to represent one's country may outweigh any concerns with regard to competitive equity.
- Retaining limitations on actual and necessary expenses and reasonable benefits ensures the student-athlete maintains his or her collegiate amateur status.
- National team selection process for many sports includes more than one round (tier) of tryout events, which may take place at different sites and on different dates.
- Some sports provide more than one opportunity in which a student-athlete may compete in an effort to advance in the national team selection process if the student-athlete fails to advance from the first round (tier).
- Student-athlete's relatives and individuals of comparable relationships should have similar opportunities to receive benefits as other participants.

Questions:

1. Do you support this concept? Why or why not?

Yes, for the reasons stated in the points to consider.

2. Do you support a limit (other than two) on the number of national team tryouts an institution may provide expenses? Why or why not? No. We should support these opportunities for student-athletes consistent with institutional policies.

3. Do you support expanding the legislation to all national team tryouts, practice and competition? Why or why not?

Yes. We should support these opportunities for student-athletes consistent with institutional policies. But, the focus should be on missed academic experience, and not on the question of who is paying.

Concept No. 15: Modify the legislation to permit an institution to provide, at its discretion, former student-athletes the same benefits available to current student-athletes (e.g., medical expenses, tickets to athletics events, academic support services, professional development opportunities).

Rationale: The current parameters are designed to deter an institution from using post-athletics eligibility benefits as an incentive in the recruiting process. However, regulations exist that preclude an institution from providing former student-athletes benefits available to current student-athletes. Recently, the financial aid legislation was amended to permit former student-athletes to receive institutional financial aid in any term in which they are enrolled (full time or part time), even beyond six years of enrollment. Expanding the benefit legislation in a similar manner by permitting greater institutional discretion in this area, yet still being guided by what are permissible benefits for current student-athletes is an appropriate approach.

Points to Consider:

- Such decisions would be left up to each institution's discretion.
- May increase monitoring concerns.

Question:

- Do you support this concept? Why or why not?
Many FARs would support the concept and believe that institutions should decide these issues. Other FARs support the concept only to the extent that it is used for degree completion. In that regard, these FARs would limit the benefits to academic support services and medical expenses to the extent that the expenses relate to injuries or other medical conditions that happened when they were student-athletes.