



CCACA Conference call minutes

Wed., September 4, 2002
9:00–10:15 a.m. PT

Participants: Tracy Shoemake, America East (co-chair); Shane Lyons, Amy Huchthausen, ACC; Steve Sturek, Sherri Booker, Atlantic Sun; Liz Kane, Atlantic 10; Jerome Rodgers, Lindsey Babcock, Big East; Ellen Ferris, Big Sky; Carol Iwaoka, Jennifer Heppel, Chad Hawley, Big Ten; Lori Ebihara, Big 12; Noreen Morris, C-USA; Mary Lou Thimas, ECAC; J. Edgar Hoover, FBI; Stephanie Jarvis, Horizon; Carolyn Campbell-McGovern, Nathan Fry, Ivy; Barbara Church, Tim Whorinen, MAAC; Dell Robinson, Tracy Scott, Mid-American; Angie Torain, Mid-Continent; Marlynn Jones, MEAC; Patty Viverito, Sarah Weier, Missouri Valley; Carolayne Henry, Mountain West; Corinne Wright, Northeast; Mike Matthews (co-chair), Ron Barker, Pac-10; Dan Trump, Shonna Brown, Patriot; Jim McCullough, Eugene Byrd, Jamie Vincent, SEC; Gil Grimes, Southern; Helen Grant, Sun Belt; Pat Hairston, WAC.

1. Approval of minutes of August 7, 2002, conference call

The minutes were approved without dissent.

2. SAFSA and supplies

It was agreed that supplies were not part of a grant-in-aid and, like other Bylaw 16 items, may be provided using the Special Assistance Fund for Student-Athletes at an institution's discretion.

It was noted that institutions are still encouraged to pay for benefits that NCAA rules permit without using the SAFSA. The SAFSA is not meant to supplement an institution's budget to pay for items it could otherwise pay for under NCAA rules. One suggestion: If an institution doesn't otherwise pay for supplies for its student-athletes, the SAFSA may be used. If an institution does pay for supplies for its student-athletes, it should not use the SAFSA. (Would you like ice skates with that?)

[Note: Attached to these minutes are two documents courtesy of Jen Heppel that provide (1) references to past CCACA minutes regarding the SAFSA and (2) various interpretations provided by the CCACA and NCAA bodies prior to the conferences assuming interpretative responsibility.]

3. Men's basketball fall contact period

The group engaged in a discussion about a Hot Topic issued by the NCAA staff shortly before the call. Questions about the timing of contacts and evaluations on the same day (e.g., does a contact absolutely have to precede an the evaluation?) and the site of contacts were answered in subsequent follow-up from the NCAA in a 9/5/02 post to the CCACA-talk list (that we won't repeat here).

4. Periodic compliance reviews

Julie Cromer of the NCAA joined the call to inform the group that the Certification Committee recommended a once-in-every-four-years compliance review [see NCAA 22.2.1.3-(e)], rather than the one-in-five suggested by the CCACA. Cromer listed the nine areas that require review:

- Eligibility certification
- Financial aid
- Recruiting
- Camps and clinics
- Investigation and self-reporting of violations
- Rules education
- Extra benefits (Bylaw 16, host allowance, per diem, etc.)
- Playing and practice seasons
- Student-athlete employment

[Note: After the call, Cromer reported via email that NCAA staff members are working on updates to the Division I compliance review materials with a goal of circulating the revised materials this fall.]

5. Open athletics event

Heppel raised a concern that NCAA 12.1.1.4.1 permits an individual, prior to full-time enrollment, to receive prize money that does not exceed actual and necessary expenses in an open athletics contest. However, there is no definition of “open athletics event” set forth in Bylaw 12.

After considerable discussion, it was agreed to draft a letter to the NCAA Agents and Amateurism Subcommittee that it was the recommendation of the CCACA that the use of the phrase “open athletics event” in 12.1.1.4.1 be defined as an event that is simply not an invitation-only event.

[Tracy Shoemake and Heppel did a fine job with that letter, including detailing the rationale behind the CCACA’s position, and it is attached for your reading enjoyment.]

6. Tennis eligibility reinstatement

Morris was concerned that the membership had not been given enough time to educate prospects (particularly in tennis) who will enroll next spring (and thereafter) that accepting prize money above actual and necessary expenses after September 1, 2002, will preclude them from being reinstated, regardless of the amount accepted. She suggested forwarding a recommendation to the Student-Athlete Reinstatement Subcommittee that a more forgiving reinstatement policy be utilized for prospects who earn prize money during the 2002-03 year, perhaps delaying implementation of the current penalty until September 1, 2003, and allowing reinstatement upon repayment until then.

Some members of the group were uneasy forwarding a formal recommendation from the CCACA without the involvement of the commissioners. Lacking consensus, Shoemake agreed to notify the NCAA staff of Morris’s concerns, noting that the concerns were not a formal recommendation from the CCACA.

7. Summer aid for basketball prospects

Matthews noted for the group that the NCAA confirmed that the word "admitted" in NCAA 15.2.7.1.3-(a) ["The recipient shall be admitted to the awarding member institution in accordance with regular, published entrance requirements;"] means admitted for the fall term. Also, conditional admittance [e.g., conditioned on attending a summer session or bridge program] will suffice, if the institution has such a policy for all prospective students.

8. Golf scrip

Matthews noted that student-athletes may have been accepting "scrip" as an award for their place finish at golf tournaments. (The scrip can be used at the club's local sports shop, and is not redeemable for cash.) He noted that this was permissible under NCAA 16.1.1.3 if the student-athlete is not regularly enrolled, but NCAA 16.1.1.2 precludes a student-athlete who is enrolled fulltime during the academic year from accepting it, even if s/he represents only him/herself in the event.

9. Non-institutional publications, scouting/recruiting services

Ebihara reported that some recruiting publications threaten bad press or less coverage if recruiting information is not turned over to them by coaches.

Matthews noted that Pac-10 had processed violations when coaches were quoted as endorsing such services, even if the coaches later claimed they did not provide an endorsement. He believed coaches swam at their own risk when talking to recruiting services. Ebihara indicated the Big 12 may forward the issue to the NCAA Recruiting Subcommittee.

10. Future meetings

Conference call dates are October 2, November 6, December 4. Kickoff is 9 Pacific/10 Mountain/11 Central, 12 Eastern. Phone number and passcode will be the same as for the September 4 call.

An in-person meeting will be held from 10 a.m.-12 p.m., Monday, November 18 in Indianapolis in conjunction with the NCAA/CCACA Forum. Shoemake reminded the group that the NCAA would appreciate receiving Forum topics sooner rather than later.

11. Position-specific strength and conditioning coaches

Heppel reported that some institutions were hiring position-specific strength and conditioning coaches to work with football student-athletes, including during pre-game warmups. No other members of the group reported a similar scenario.

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8-1-01

Update on Management Council's recommendation for eligibility for use of the fund.

In addition, it was agreed that the \$500 allowance could also be used for student-athletes expenses to travel home. It was agreed that the definition of home should be left to the discretion of each conference. It was also agreed that expenses referred only to transportation expenses, not room and board while on the trip.

5-9-01

Reviewed Committee on Financial Aid' suggestions regarding the 2-12-02 recommendation for student-athlete eligibility for the SAF.

2-12-01

Discussed a recommendation to forward to the Management Council regarding the eligibility of student-athletes for the fund.

12-6-00

Foreign Student-Athlete Special Assistance Fund Receipts – 14% Withholding Tax – discussed the manner in which the 14% tax is withheld from SAF checks cut by the conference office. The response from conferences that cut the checks directly to their institutions was that the institutions are responsible for withholding the funds. Some other conferences address the checks directly to the student-athlete, but there was concern about the logistics of withholding the tax funds for those conferences.

One conference is going to cut two checks: one check directly to the school for the 14% withholding tax and another to the student-athlete for the remainder of the fund request. The institution would then be responsible for the funds and would treat them similarly to any other tax withholding

8-8-00

Agreed the use of the fund for medical insurance should be interpreted by each conference on a case-by-case basis.

6-14-00

Agreed the NCAA should not make reference to the possible use of the fund in response to ARS and/or incidental expense waiver requests.

2-7-00

Affirmed its commitment to oversight and interpretation of uses of the fund.

Recognized the need to focus on ways to expand those eligible for funds as well as uses of the fund due to a likely increase in dollars available.

9-15-99

Supported AEC position that responsibility of fund interpretations should be left to the conference offices, as is the current practice.

4-7-98

Reviewed America East survey.

Agreed not permissible to purchase sports equipment through the fund if institutions otherwise pay for such items.

11-10-97

Agreed the fund may be used to purchase primary insurance for a student-athlete who is not covered by his/her parents' insurance.

10-13-97

Support a proposal to expand the number of student-athletes eligible for the fund.

Fund may be utilized to cover prenatal expenses if the SA's health insurance does not cover such expenses. Also noted the institution could use the fund to purchase health insurance for the SA to cover these costs.

Tabled a suggestion that conferences approve requests by merely verifying the existence of a SA emergency and/or essential circumstance rather than trying to determine if the request falls into one of the permissible categories.

6-9-97

Permissible to use the fund during the summer provided the SA was eligible for funds during the previous academic year.

4-14-97

Institution should seek an incidental expense waiver before using the fund for an injured student-athlete who has exhausted all insurance for treatment and rehabilitation.

Agreed an institution cannot use general operating expenses when it exhausts its fund, but can borrow against next year's allotment.

12-6-96

Permissible to use the fund to purchase clothing for a SA's children.

11-11-96

Per David Berst, receipt of SAFSA does not have an affect on the receipt of federal financial aid. If the total amount of aid received by a student-athlete exceeds the cost of attendance, the institution would be required to document all sources of aid and the amount of over award. Further, a domestic student-athlete would be required to submit a tax return if the student-athlete reaches a minimal level of income.

10-14-96

Fund cannot be used for any costs covered by a scholarship.

Do not believe receipt of money through fund impact a student-athlete's financial aid package. David Berst is seeking clarification. Doris Dixon is researching tax implications.

Confirmed it is permissible for an institution to pay for athletics medical insurance with the fund.

Agreed the fund may be used for expenses incidental to participation but that the institution should request an incidental expense waiver before using the fund.

9-9-96

Noted that a student-athlete may still have need after federal methodologies are applied.

Institutions cannot use the fund for expenses normally covered by the institution.

8-20-96

Clarified student-athletes that have access to the fund: SAs with exhausted eligibility may receive funds, foreign and domestic SA not receiving Pell may be eligible for are receiving countable aid and have demonstrated need, and nonqualifiers may not receive funds during the first year in residence.

4-4-96

Received an "unofficial" update on the NCAA task force meeting on the fund – discussion regarding broadening access, permissible uses, tax implications.

3-19-96

Noted that some uses of the fund may result in an adjustment of the Federal cost of attendance figure.

3-5-96

Agreed that from this point forward the clothing allowance limit is to be used on a per academic year and not per request basis.

Confirmed income from the fund is taxable.

2-19-96

Staff's opinion that the clothing allowance limitation is to be used on an academic year basis and not per request. Group favored an increase in the clothing limit, but not a removal of the limit.

Confirmed funds received are taxable – but no obligation of institution or conference to file tax information (1991 NCAA Ad Hoc Committee).

2-8-96

Questioned whether clothing limitation was per request or per academic year.

12-19-95

Discussed issues related to monitoring the fund (types of computer programs being used).

11-8-95

Recommend to CCA to expand the eligibility of the fund to full grant-in-aid SAs who are not Pell recipients based on demonstrated need, allow non-Pell SAs access to all uses of the fund; and allow institutions to use the fund to purchase health insurance premiums.

Agreed the fund could not be used to purchase a computer for another department on campus that would then be rented by a SA using the fund.

10-24-95

Agreed to recommend to CCA that use of the fund be expanded to allow conferences the discretion to use the funds for foreign and domestic SAs who meet the established need criteria and who are receiving the value of a full grant-in-aid.

Agreed a SA who had medical expenses from a term in which the SA was not eligible for the fund could use the fund now to pay those expenses if the SA is now eligible for the fund.

Most conferences confirmed they required certification outside the athletics department for a SA to be eligible to use the fund.

10-10-95

No objection to allow conferences the discretion to use the funds for SAs with demonstrated unmet needs that were receiving the value of a full grant-in-aid, even if the grant was not from an athletics source but were unsure if this could be done as an interpretive issue or if it altered the original intended use of the

fund.

9-12-95

NCAA has not taken action on CCA recommendation to allow payment for insurance premiums from the fund.

Permissible to use the fund for recommended books but not required books.

8-22-95

Executive Committee did not approve CCA recommendation that health insurance premiums be added as a permissible use of the fund.

6-13-95

Agreed to not support the use of the fund to pay for a foreign SA's tax liability.

3-21-95

Noted an article in the Chronicle of Higher Education regarding the use of the fund for babysitting purposes and agreed this was not a permissible use of the fund.

2-9-95

Executive committee determined the fund could not be used for payment of medical insurance premiums. Agreed to forward a recommendation to CCA that this be allowed.

12-15-93

Agreed the fund could be used to cover medical expenses for a SA who had to withdraw during a term due to medical reasons.

10-20-93

Agreed that there had not been any change in the ability to utilize the fund to cover the payment of an insurance premium.

9-22-93

Discussed issues related to why the fund was not being used by institutions.

Interpretations

Spring 1993, Executive Committee determined that all existing staff interpretations be eliminated and that the interpretations issued by the Executive Committee, Administrative Committee and special committee to date be reaffirmed, incorporated into the guidelines for permissible uses of the funds and considered binding. Further, that the responsibility for oversight and administration of the fund, including interpretations, rest solely with the conferences. The following are Executive Committee, Administrative Committee, Ad Hoc Committee and CCACA interpretations.

Medical Expenses

1. Moneys may not be used to pay the premiums for a student-athlete's individual health insurance coverage (beyond that provided by the institution) (5/92 Executive Committee).
2. Payment of medical expenses for a student-athlete's son or daughter is not permissible (5/92 Executive Committee).
3. Payment for noncosmetic dental expenses is permissible (5/92 Executive Committee).
4. A student-athlete who is injured in a pick-up game during the summer is eligible for the funds, provided the student-athlete was enrolled in summer school (7/92 Administrative Committee).
5. Payment for drug or alcohol counseling is permissible (5/92 Executive Committee).
6. ~~Payment of emergency dental surgery (e.g., wisdom tooth removal) is permissible (2/93 Staff).~~ Deleted due to spring 1993 Executive Committee action.
7. ~~Payment for an abortion is not permissible unless the mother's life was in danger (5/92 Staff).~~ Deleted due to spring 1993 Executive Committee action.
8. Purchase of disability insurance to protect against the loss of potential future professional sports earnings is not permissible (3/93 Advisory Committee).
9. Payment of medical expenses for a student-athlete who is forced to withdraw during the academic year due to medical reasons (athletic or nonathletic) is permissible (12/93 CCA).
10. The fund may be used to purchase health insurance (10/13/99, 10/13/97, 10/14/96 CCACA).
11. The fund may be used to purchase primary insurance for a student-athlete who is not covered by his/her parent's insurance (11/10/97 CCACA).
12. Fund may be utilized to cover prenatal expenses associated with a student-athlete's pregnancy, provided the student-athlete's health insurance does not cover such expenses (10/13/97 CCACA).
13. The fund may be used to rent a golf cart for an injured student-athlete only if any injured student has the opportunity to rent a golf cart through the institution (2/19/96 CCACA).

Student-Athlete/Family Emergency Expenses

1. Payment for car repairs to enable a student-athlete's spouse to drive to job interviews is not permissible (5/92 Executive Committee).
2. In reference to a Chronicle of Higher Education Article, agreed the fund could not be used for baby-sitting expenses for a student-athlete's child (3/21/95 CCACA).

Expendable/Nonexpendable Academic Course Supplies

1. Payment for required course-related books is not permissible, as the fund should not be used as a source of awarding permissible institutional aid (1991-92 revenue distribution plan).
2. ~~Purchase of a judo outfit required for physical education class is not permissible. Only permissible if the judo outfit was rented for the duration of the class (1/93 Staff).~~ Deleted due to spring 1993 Executive Committee action.
3. ~~Purchase of engineering instruments that are required for an engineering major is not permissible (1/93 Staff).~~ Deleted due to spring 1993 Executive Committee action.
4. The fund cannot be used to purchase a computer for another department on-campus that would then be rented by a student-athlete using the fund (11/8/95 CCACA).
5. Agreed the fund could be used to purchase recommended, as opposed to required, books (9/12/95 CCACA).

Clothing and Essential Expenses

1. Permissible for student-athletes to use the fund to purchase clothing for their children (12/6/96 CCACA).

Eligibility

1. ~~Fifth-year student-athletes who have exhausted eligibility are not eligible for the fund (5/92 Executive Committee).~~
2. Fifth-year student-athletes who have exhausted eligibility and student-athletes no longer able to participate in athletics due to medical reasons may receive assistance from the fund (3/16/94 Administrative Committee).
3. Nonqualifiers and partial qualifiers are not eligible for the fund during their first academic year of residence (5/92 Executive Committee).
4. ~~Student-athletes that attend Division I institutions that play Division III football are eligible for the fund (9/91 NCAA Ad Hoc Committee).~~ Irrelevant as Division I institutions can no longer sponsor Division III football.
5. A Division I institution that is in its first full year of membership is eligible for the funds at the discretion of the conference office, noting that the institution would not have been included in the calculation for the fund allocation (9/91 NCAA Ad Hoc Committee).
6. Student-athletes are eligible for the fund during summer school enrolled as either a full- or part-time student (7/92 Administrative Committee).

General

1. The monies may not be used for administrative purposes (1991-92 revenue distribution plan).
2. An institution is not obligated to award its entire fund each year; if funds remain at the end of the year, a conference could choose to pool these moneys and use them for any of its member institutions. ~~An institution or conference may accumulate no more than three times the average amount of its allocation over the previous three-year rolling period.~~(1991-92 revenue distribution plan). A conference may accumulate no more than the total allocation received over the previous two years. The conference will not receive any additional dollars if it has exceeded the two-year cap amount. (1995-96 revenue distribution plan).
3. May not use the moneys to pay for room and board expenses for a student-athlete who does not go home during a vacation period, regardless of whether the student-athlete is required to remain on campus for practice or competition (5/92 Executive Committee).
4. All funds received by a student-athlete must be reported as income to the IRS for tax purposes, except supplies (9/91 NCAA Ad Hoc Committee).
5. Administration of the funds with regard to actual payment and accountability will be at the discretion of the conference office (Executive Committee).
6. Permissible for an institution to transfer funds from one conference to another if the institution is changing conference affiliation. However, this action is at the discretion of the conference office (7/92 Administrative Committee).
7. Institution cannot use general operating expenses if it depletes its fund, but can borrow against next year's allotment (4/14/97 CCACA).
8. Fund should not used to provide diagnostic testing for student-athlete inasmuch as it is permissible for an institution to provide diagnostic testing under NCAA legislation (12/9/98 CCACA).
9. Agreed it would not be permissible to purchase sports equipment through the fund if institutions otherwise pay for such items (4/7/98 CCACA).
10. Permissible for a student-athlete to use the special assistance fund during the summer months provided the student-athlete was eligible for funds during the previous academic year (6/9/97 CCACA).
11. The fund may be used for expenses incidental to participation. However, an institution should request an incidental expense waiver prior to using the fund for these purposes (10/14/96 CCACA).
12. Agreed that a student-athlete who had medical expenses spring 1995 but was not eligible for the fund at the time could use the fund fall 1995 to pay those expenses provided the student-athlete is now eligible for the fund (10/24/95 CCACA).
13. Agreed it is not permissible to use the fund to pay for a foreign student-athlete's tax liability (6/13/95 CCACA).

TO: Agents and Amateurism Subcommittee

FROM: CCACA

DATE: September 6, 2002

SUBJECT: Bylaw 12.1.1.4.1 (Exception for Prize Money Prior to Full-Time Collegiate Enrollment)

The CCACA requests the Agents and Amateurism Subcommittee review the application of Bylaw 12.1.1.4.1 (exception for prize money prior to full-time collegiate enrollment) in regard to the definition of an "open athletics event." Specifically, 12.1.1.4.1 permits an individual, prior to full-time enrollment, to receive prize money that does not exceed actual and necessary expenses in an open athletics contest. However, there is not a definition of "open athletics event" set forth in Bylaw 12.

Bylaw 13.12.3.1 ("open" events) defines an open event as one that is not classified by age group or level of educational institution represented, and permits the participants only to be limited by number, by geographical area or on the basis of some objective standard of performance. The membership services staff has confirmed that the definition of an open event set forth in 13.12.3.1 should be applied to 12.1.1.4.1. However, the CCACA feels that such a definition is too restrictive and may be too difficult to administer. At the same time, the CCACA recognizes that some restrictions must be in place in order to prevent outside entities from "creating" events specifically for the purpose of funneling money to certain individuals/teams.

In regard to the age restriction set forth in 13.12.3.1, the CCACA feels that prohibiting an event from restricting by age in order to be considered open, may be contrary to common practice for running events. For example, many events (national and international) are limited by age group due to restrictions set forth by the sports' governing bodies due to health and welfare concerns (e.g., gymnastics). Such age restrictions are outside the control of the individual competitor and should not preclude the competitor for accepting actual and necessary expenses for participating in such an event. Further, even if the age restrictions are not set forth by governing bodies, it is very common to restrict participation by age (e.g., U-15, U-18). Under the current interpretation which precludes an event from being considered "open" if it is restricted by age, individuals that participate in these types of events would not be permitted to accept prize money to cover actual and necessary expenses.

In addition, in terms of certifying the eligibility of incoming student-athletes, requiring an institution to research the entry requirements of events that may have occurred years prior to an individual's first full-time collegiate enrollment may prove to be very difficult. For example, if an incoming tennis player states that he/she received actual and necessary expenses for participation in an event that occurred years beforehand, an institution's compliance officer would not only need to confirm the money received did not exceed actual and necessary expenses, but would be required to research the entry requirements of that event to insure it did not restrict by age or level of educational institution represented. In many cases, this type of information may no longer be available or readily accessible.

It is the recommendation of the CCACA that the use of the phrase "open athletics event" in 12.1.1.4.1 be defined as an event that is simply not an invitation only event. The CCACA believes that such a restriction would be sufficient to prevent outside entities from "creating" events specifically to funnel money to a limited number of prospective student-athletes. Further, that an "invitation only" prohibition would be significantly easier to administer when certifying eligibility at the institutional level.