

Memo: State General Managers,
State League Commissioners
NITP Head Coaches
AIS Basketball Program
WNBL & NBL Clubs

Date: 28 April 2010

From: Lorraine Landon, General Manager, National Teams & Competitions

Subject: NCAA

In January 2010 at the NCAA Convention new legislation (Proposal No. 2009-22) was introduced in relation to the eligibility of athletes for NCAA institutions.

The new legislation applies to all sports other than men's ice hockey and skiing and will be effective for all basketball prospective student-athletes who initially enroll in a collegiate institution on or after August 1, 2010. Specifically, the new legislation states that that prior to initial full-time collegiate enrollment, an individual may enter into an agreement to compete on a professional team and compete on a professional team, provided the agreement does not guarantee or promise payment (at any time) in excess of actual and necessary expenses to participate on the team. Further, a student-athlete who does not initially enroll full-time in a collegiate institution within one year or the next opportunity to enroll following the high school graduation date of the prospective student-athlete's class and participates in organized events after that grace year will be charged with a season of intercollegiate competition for each year of participation and must fulfill an academic year in residence at the certifying institution before being eligible to compete.

The rationale for the new legislation is that, prior to initial collegiate enrollment, it is more equitable to determine eligibility based on the circumstances as they relate to the individual prospect, as opposed to his or her teammates. The new legislation alleviates the situation in which a prospect's eligibility is jeopardized due to a teammate receiving remuneration above actual and necessary expenses, even though the prospect may be unaware of this arrangement and does not receive more than actual and necessary expenses for participation on the team. Under this approach, an institution would no longer be required to determine whether a team is considered professional. Instead, the focus would be on the individual's specific circumstances and eligibility would be assessed using the threshold of receipt of more than actual and necessary expenses. The competitive equity issues related to participation in organized competition are addressed by applying the delayed enrollment seasons of competition legislation.

Amendment to above:

The Division 1 Legislative Council, acting at its spring meeting in response to an override request by the Division 1 membership, delayed the effective date of the delayed-enrollment/organized-competition portion of Proposal No. 2009-22.

The delayed-enrollment/organized competition portion will not take effect until August 1, 2011. This decision has been made to assist with extra time to help with education efforts by the Division 1 schools.

Prospective student-athletes in sports other than tennis, swimming and diving and beginning August 1, women's volleyball, will continue to be subject to the "21st birthday rule" (which charges a season of competition for every year a prospect participates in organized competition after the 21st birthday and before full-time enrollment), until August 1, 2011.

What does this mean for athletes in Australia:

- Athletes can play in NBL/WNBL/State Leagues without jeopardizing their eligibility as long as they do not sign a contract and receive remuneration above actual and necessary expenses.

- Actual necessary expenses are limited to:
 - Meals directly tied to competition and practice held in preparation for such competition;
 - Lodging directly tied to competition and practice held in preparation for such competition;
 - Apparel, equipment and supplies;
 - Coaching and instruction;
 - Health/medical insurance;
 - Transportation (i.e. expenses to and from practice and competition, cost of transportation from home to training/practice site at the beginning of the season and from training/practice site to home at the end of season);
 - Medical treatment and physical therapy;
 - Facility usage;
 - Entry fees; and
 - Other reasonable expenses incidental to participation.
- The new rule defines that a student must enrol the year following graduation. E.g. if an athlete graduates from school in Australia in November/December 2009 then they need to enroll at the first available time after graduation i.e. 2010 August. However the NCAA have agreed that the delayed-enrollment/organized competition portion will not take effect until August 1, 2011.
- This change in the rule is only for a 12 months period.

12.3.1 General Rule

An individual shall be ineligible for participation in an intercollegiate sport if he or she ever has agreed (orally or in writing) to be represented by an **agent** for the purpose of marketing his or her athletics ability or reputation in that sport. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.

12.3.1.2 Benefits from Prospective Agents

An individual shall be ineligible per Bylaw 12.3.1 if he or she (or his or her relatives or friends) accepts transportation or other benefits from: *(Revised: 1/14/97)*

(a) Any person who represents any individual in the marketing of his or her athletics ability. The receipt of such expenses constitutes compensation based on athletics skill and is an extra benefit not available to the student body in general; or

(b) An **agent**, even if the **agent** has indicated that he or she has no interest in representing the student-athlete in the marketing of his or her athletics ability or reputation and does not represent individuals in the student-athlete's sport. *(Adopted: 1/14/97)*

Other Issues:

Please note that there are other issues that the NCAA and its member institutions will review when determining whether a student-athlete is eligible to compete at an NCAA institution, such as whether the athlete is academically eligible, or has enrolled in the specified time frame after leaving high school, which are not addressed in this memorandum.

3. Sanctioned Leagues

We are seeking further clarification on whether athletes who are currently enrolled in a NCAA Institution for Division 1 are able to play in the SEABL, Waratah, Big V, QABL, Central ABL and WA State Leagues in the NCAA summer holidays.

Athletes in Division 11 competition are allowed to participate subject to approval from their College however it is not clear that this refers to division 1.

The relevant rule is:

14.7.4.2 Individual Subject to Outside-Competition Regulations. Once a student-athlete becomes a candidate for the institution's basketball team (i.e., has reported for the squad), or if the student was recruited by a member institution in part for basketball ability and subsequently enrolls in the institution, this prohibition against outside organized basketball competition remains applicable until the student-athlete's intercollegiate basketball eligibility has been exhausted. ***This includes time while the student is officially withdrawn from college, fulfilling a residence requirement following transfer to another college, awaiting transfer or enrolled in a nonmember collegiate institution.***

Approval to play in NCAA or USA colleges

All athletes who accept a scholarship or enrol in the NCAA or a USA college or high school need to complete the application for Basketball Australia Education Player Release.

NJCAA

- Eligibility rules are very similar to the rules for NCAA with the exception that in summer vacations, all athletes are permitted to compete in a league (e.g. ACC) without that league having been sanctioned by the NJCAA.
- All potential athletes who are seeking to enrol with a NJCAA school are advised to discuss their athletic eligibility with the athletic personnel at the NJCAA College of their choice.
- All athletes must get approval from their school to play in other competitions including competitions back in Australia in summer holidays.
- NJCAA describe an amateur as an athlete who engage in sports for the physical, mental, or social benefits they derive in participation and to whom athletics is a vocation and not a source of personal monetary gains. Amateur status can be checked by viewing their NJCAA amateur rules (Article V, Section 11, NJCAA handbook)

The NCAA website is www.ncaa.org. Go to Rules and Legislation and Governance.

The NJCAA website is www.njcaa.org

If any league or State Association has any questions please do not hesitate to contact me.

We would also like to remind all State Associations and those involved in a coaching capacity with young athletes who are interested in going overseas, that they need to complete a Basketball Australia Educational Provisional Release. This is to assist Basketball Australia in tracking Australian athletes who are overseas in an educational institution. A copy of the form is attached for your information.

Kind regards



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