

# Thoughts on Deregulation

## Where are we going?

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What is bloated beyond its proportions inevitably collapses. The mind must not wander from goal to goal, or be distracted by success from its sense of purpose and proportion. What is concentrated, coherent, and connected to its past has power. What is dissipated, divided, and distended rots and falls to the ground. The bigger it bloats, the harder it falls.

*--Robert Greene and Joost Elffers, The 48 Laws of Power*

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Have you picked up an NCAA Manual lately? With just your *own* two hands?

It has become bloated, amassing regulation on top of regulation. It has become unfocused, trying to patch and fill every irregularity in the unlevel playing field.

Simply put, we do not need all the regulation we have placed upon ourselves. We are spending too much time worrying about legislative minutiae and not enough about the goals and fundamental purposes of the NCAA.

### **Exercise**

Ask any coach if there are too many rules and if they help or hinder his or her job performance.

## How will we get there?

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“True insanity is using the same behavior and expecting different results.”

*--Albert Einstein*

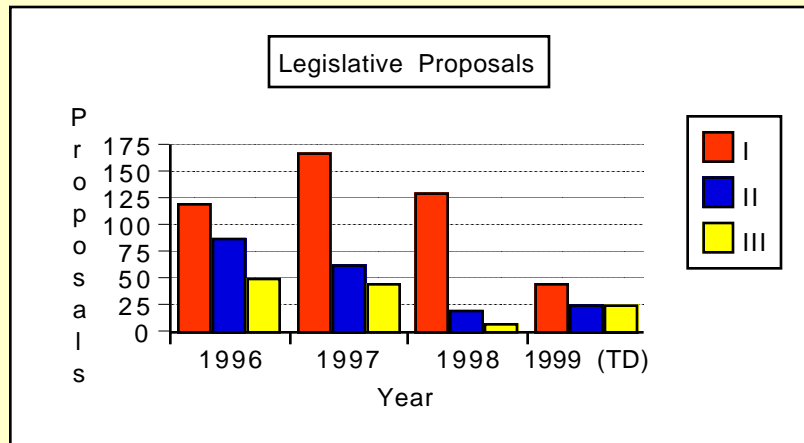
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Deregulation on a piecemeal basis has been tried before. And it is always difficult because everyone, it seems, has a favorite rule. And those favorite rules usually impact other rules. The result: deregulation stalls, or worse, fails.

But the recent restructuring of the NCAA (not to mention recent current events) provides a rare opportunity for Division I to start anew. Rather than a patchwork approach to legislation, we need to think about replacing entire bylaws of the NCAA Manual with rules that make sense--common sense--for a new century. We need a new approach.

### Exercise

Guess how high the Division I bar will rise in 1999.



### What will it look like?

Mr. [Wilford] Bailey said the [Deregulation and Rules Simplification] committee had come to the conclusion that complexity, rather than length, is the major problem with the NCAA Manual.

*-NCAA Council meeting, August 13-15, 1986*

Deregulation of NCAA rules should focus on a few goals. Only those rules that truly rise to the national level and meet these goals should be implemented.

- Simplify the rules so that they can be easily understood and applied and not inadvertently broken, thus reducing costs associated with rules education, compliance, monitoring, and the processing of violations.
- Give institutions and individuals the responsibility to and the accountability for decisions they make in cases when rules do not exist.
- Apply penalties swiftly and surely when rules are broken.

### Exercise

Which is greater, the number of angels that can dance on the head of a pin or the number of bulldozers needed to level the playing field?

## A brief overview

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It must be remembered that there is nothing more difficult to plan, more doubtful of success, nor more dangerous to manage than the creation of a new system.

*Machiavelli, 1513*

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What follows is a brief summary of suggestions from a small group that hopes it is not ahead of its time. Take a look. You might like a world with fewer rules.

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## Bylaw 11—Personnel

A deregulated personnel bylaw would:

- Permit more institutional autonomy in hiring and assigning the duties of its coaching staff within coaching limits.
- Define a coach by function, not category.
- Deregulate rules pertaining to outside income.

### Key Features in New Bylaw 11

- Retain limits on numbers of coaches, but permit institutions to determine coaching categories.
- Permit all coaches to recruit at the institution's discretion.
- Deregulate athletically related outside income requirements.

### Key Benefits of New Bylaw 11

- Allows institutions to determine the best way to spend their resources (for example, by hiring more graduate assistant coaches than parttime assistant coaches).
- Gives institutions the authority for determining which coaches are qualified to recruit off-campus; eliminates inadvertent violations.
- Makes institutions responsible for determining what its employees are allowed to earn, pushing the decision down from the national level to the local level.

## Bylaw 12—Amateurism

A deregulated amateurism bylaw would:

- Eliminate Bylaw 12 and redefine amateurism in terms of eligibility to participate.
- Regulate amateurism based on a simplified standard that would be applicable once an individual becomes a student-athlete.
- Acknowledge the current environment in which intercollegiate athletics and Olympic sports operate through corporate sponsorships and other means necessary to support athletic programs.
- Remove athletics fame or reputation from the definition of NCAA-eligible, thus permitting student-athletes to earn money from promotions, advertisements, or endorsements.
- Retain the rules about logos on uniforms and apparel, thus leaving with institutions the promotional rights to its uniforms.

### Key Features in New Bylaw 12

- Replaces “amateurism” with “NCAA-eligible”:
  - Student-athletes who have been paid to play or had an agreement with or received benefits from an agent would not be NCAA-eligible.
  - Permits individuals to receive expenses and awards for competition.
- Does not regulate amateurism prior to an individual becoming a student-athlete.
- Does not regulate receipt of expenses from outside, amateur organizations (e.g., USOC, NGB).
- Retains logo rules for uniforms and apparel.

### Key Benefits of New Bylaw 12

- Removes fame and reputation, two subjective criteria, from the definition of NCAA eligibility; removes conflict between the NCAA and other organizations’ definitions of amateurism; simplifies regulations and eliminates numerous interpretations.
- Establishes eligibility based on when an individual becomes a student-athlete and reduces monitoring prior to enrollment.
- Permits student-athletes to receive expenses from some outside organizations while improving their skills. Reduces monitoring of those expenses.
- Protects institutions’ abilities to secure promotional arrangements with equipment vendors while permitting individuals to receive compensation from other types of endorsements, advertisements, and promotions.

## Bylaw 13—Recruiting

A deregulated recruiting bylaw would:

- Permit institutions and coaches to recruit effectively, with normal civility, and with dignity, making the best use of their resources.
- Provide prospective student-athletes the best possible environment in which to make a decision that will impact the rest of their lives.
- Unify the recruiting rules to the greatest degree possible by:
  - Making the fundamentals of recruiting a prospective student-athlete similar for all sports.
  - Eliminating duplicative limits and unnecessary controls.
  - Providing more flexibility in the recruiting process.

### Key Features in New Bylaw 13

- Simplified recruiting calendars:
  - Two recruiting periods (off-campus and on-campus) instead of four (contact, evaluation, quiet, dead). Coaches may always recruit on-campus or at the site of their team's away-from-home competition.
  - Institutions select 40 days for off-campus recruiting in a given sport.
  - Institutions may perform recruiting activities with particular prospect off-campus on only seven days, rather than as a combination of contacts and evaluations.
  - Contacts and evaluations are counted on a day-by-day basis (and by institution) rather than separately (and by sport). Only contacts and evaluations initiated by institutions are countable.

### Key Benefits of New Bylaw 13

- Unifies the recruiting rules to the greatest degree possible.
- Reduces inadvertent violations and the paperwork associated with them.

## Key Features in New Bylaw 13

- Recruiting year runs from May 1—April 30 in all sports.
  - Contact may begin May 1 of the prospect's junior year of high school.
  - Telephone contact rules are retained with guidelines that are consistent across all sports.
- Prospects may issue a cease and desist request to an institution to prevent further telephone calls, correspondence, and contacts
  - Elimination of the categories of recruiting materials while retaining limits on the starting point for providing them to prospects.
  - Entertainment now includes providing complimentary admissions to a prospect for any of an institution's regular-season contests.
  - All travel and entertainment related to an official visit occurs during a three-day, rather than 48-hour, period.
  - Elimination of all recruiting publicity rules.

## Key Benefits of New Bylaw 13

- Enables institutions to assess a prospect's character over a longer period of time. Permits an institution to inform a prospect directly about key aspects of recruitment earlier in the recruiting process.
- Provides prospects with some measure of additional control over the recruiting process.
- Places more responsibility in the control of institutions, allowing them to determine how to allocate their resources.
- Allows institutions to make greater use of resources by folding some recruiting costs into team travel costs.
- Allows for easier administration of the official visit time period without a significant increase in costs.
- Reduces the number of minor violations related to recruiting publicity. Permits institutions the flexibility to announce NLI signings as desired.

## Bylaw 14—Eligibility

A deregulated eligibility bylaw would:

- Regulate on the basis of enhancing academic performance towards degree completion and eliminate regulations that exist because of recruiting and competitive equity.
- Place less restrictions on immediate eligibility to participate and focus on the student-athlete's academic performance at the certifying institution through continuing eligibility and monitoring freshmen during the first year.
- Minimize the need for institutions to recalculate progress “for the purposes of NCAA eligibility.”
- Eliminate regulations on outside competition.

### Key Features in New Bylaw 14

- Place less emphasis on initial-eligibility rules and certify continuing student-athletes under strengthened satisfactory-progress rules that would be simplified in their application.
  - Monitor freshmen during their first year in residence on a term-by-term basis by completing 12 units each term and earning a specified GPA.
  - Implement a term-by-term GPA requirement for student-athletes to remain eligible during the year.
  - Replace percent standards for degree progress and GPA with specific GPA and degree credits numbers.
  - Permit institutions to calculate progress based on institutional policy for all students.
- Eliminate residence requirements for transfers, provided the student-athlete is meeting cumulative progress requirements.

### Key Benefits of New Bylaw 14

- Less regulation on access. Returns responsibility for certifying academic qualification to institutions, thus eliminating the need for an Initial-Eligibility Clearinghouse. Helps identify academic problems early.
- Simplifies satisfactory-progress calculations.
- Fewer restrictions on participation (especially four-year transfers in revenue sports) based on positive academic performance. Emphasizes ability to complete degree.

## Key Features in New Bylaw 14

- Simplify season of competition rules by:
  - Charging a season of competition only when a student-athlete competes for the institution during the Championship segment of the playing season.
  - Providing institutions with the authority to grant permission for student-athletes to participate in outside competition on an outside team and in summer basketball competition.

## Key Benefits of New Bylaw 14

- Puts focus of NCAA rules on competition by student-athletes on behalf of the institution in contests that matter (e.g., during the championship segment or in contests that have a bearing on NCAA Championship selection).

## Bylaw 15—Financial Aid

A deregulated financial aid bylaw would:

- Provide additional opportunities for student-athletes to receive available financial aid when they might otherwise have had to refuse such aid in order to stay within the team limit.
- Create an atmosphere in which a student-athlete's aid may be increased at any time, especially if need is demonstrated, while protecting against aid decreases.
- Simplify definitions and calculations and reduce the amount of required monitoring.

### Key Features in New Bylaw 15

- Redefine the countable elements of financial aid to include only tuition, fees, room, and books, eliminating board.
- Defer to institutional policy for all students to determine limits on employment earnings. Prohibit institutional intervention in securing the employment.
- Only athletics aid is countable toward team financial aid limits.
- Permit student-athletes to receive aid based upon academic performance without counting against their individual limit.
- Permit athletics aid to be increased at any time and for any reason; remove restrictions on summer aid, outside aid, and aid provided after a student-athlete's eligibility expires.

### Key Benefits of New Bylaw 15

- Still permits institutions to provide meals and allows all student-athletes to partake in training table meals with the team during the playing/practice season. (see Bylaw 16)
- Permits student-athletes to earn unlimited employment income for actual work performed at the going rate.
- Simplifies the method for counting financial aid.
- Allows greater access to academically-related aid for student-athletes.
- Places more responsibility in the control of institutions, allowing them to determine how to allocate their resources.

## Bylaw 16—Awards and Benefits

A deregulated awards and benefits bylaw would:

- Simplify the rules pertaining to practice and competition expenses that may be provided to student-athletes.
- Retain dollar limits on awards that may be provided but deregulate the sources of the awards.
- Make institutions responsible for determining which benefits are incidental to participation and permit them to be provided without a waiver process.

### Key Features in New Bylaw 16

- Permit institutions—or any other group, with the permission of the institution—to provide:
  - Actual and necessary transportation expenses associated with practice only within 200 miles of campus
  - Actual and necessary expenses for competition (and associated practice) that counts toward the institution's date of competition limit in that sport.
  - Actual and necessary expenses for promotional, educational, charitable, and non-profit activities with which student-athletes are involved.
- Permit nonprofessional outside organizations—such as the USOC or NGBs—to defray the cost of training and competition expenses without requiring an itemization of expenses.
- Permit institutions to provide round-trip transportation expense reimbursement to student-athletes who compete during vacation periods in either regular-season play or NCAA Championships.
- Eliminate the provision of off-campus lodging for home contests.

### Key Benefits of New Bylaw 16

- Simplifies the application of the practice expenses rule; eliminates geographical boundaries from consideration.
- Makes institutions responsible for only competition expenses that relate to the institution's teams.
- Removes the mileage limits that currently exist, but retains the requirement that no class time be missed unless the student-athlete is competing on the road.
- Permits student-athletes to accept training and competition expenses from recognized, nonprofessional athletics organizations; deregulates the accounting process for monitoring these expenses.
- Simplifies application of the rules.
- Decreases costs associated with competition.

### **Key Features in New Bylaw 16**

- Eliminate categories of permissible awarding agencies from awards legislation.
- Permit institutions to determine whether or not a benefit is incidental to participation.
- Permit all members of a team to receive training table meals.

### **Key Benefits of New Bylaw 16**

- Permits institutions to determine which agencies may present awards, while retaining the dollar value for them.
- Eliminates cumbersome waiver process; places responsibility at institutional level, where it properly belongs.
- Reduces monitoring of board as financial aid and provides all student-athletes more equitable access to benefits incidental to participation.

## Bylaw 17—Playing and Practice Seasons

A deregulated playing and practice seasons bylaw would:

- Maintain limits on the number of competitions, length of the playing season, and required practice time for student-athletes.
- Establish consistent definitions of countable contests for all sports.
- Establish consistent means to determine starting dates for practice and competition.
- Create reasonable numbers of dates of competition for all sports and would eliminate exceptions and exemptions.
- Maintain flexibility, within certain overriding principles, between sports.
- Minimize monitoring responsibilities.

### Key Features in New Bylaw 17

- Use a common definition for all sports to calculate competition (i.e., date of competition).
- Eliminate exceptions to date of competition calculations (e.g., each date of a tournament counts as one date of competition).
- Eliminate contest exemptions.
- Simplify what counts in daily and weekly limits (i.e. eliminate safety exception, count everything that involves a coach/staff member and student-athlete designed to improve performance).
- Establish uniform system for determining start and end dates of playing and practice seasons (e.g. 11 weeks prior to the NCAA Championship).

### Key Benefits of New Bylaw 17

- Provides consistency between sports.
- Provides consistency, eliminates interpretations, and reduces inadvertent violations.
- Ensures equity in participation opportunities between institutions.
- Reduces interpretations and gray areas.
- Eliminates practice opportunity calculation. Provides consistency between sports and equity in playing and practice opportunities.