

## September 13, 2024 – Eligibility Committee Meeting @ 1pm EST

### **1. Call to Order:**

Rob Chaney, Board Chair, called the meeting to order at 1:03 EST on September 13, 2024.

### **2. Roll Call:**

Present: Vice-Chair: Christina Hundley (2024), Immediate Past Vice-Chair: Mike Saddler (ex-officio), Men's Administrator: Rob Nielson (2024) Division I Reps: Deron Clark (2023), Jeff Willis (2024); Division II Reps: Brian Anweiler (2024), Troy Larson (2024); Division III Reps: Kurt Kohler (2022), Kristen Schuth (2024), Dr. Tom Huebner, Troy Tucker (BOR Chair)

NCJAA Staff Liaisons in Attendance: Jeff White

Absent: Mary Young (2021) Women's Administrator

Other NJCAA Staff Members in Attendance: Wanda Bodey, Lauren Pritchett, Tyler Broderick

### **3. Recognition of Guests:**

**4. Approval of Agenda:** Rob Chaney approves to start the agenda breakdown at 1:04 PM EST

### **5. NJCAA August National Office Updates**

Wanda Bodey shares that the National Office is in full swing with fall season audits. There have been a few mandatory audits due to late eligibility roster submissions.

Jeff White shares that the Appeal Digest is nearing completion and almost ready to be published. Lauren Pritchett processed every 2023-2024 in IRAC form (Issue, Rule, Application, Conclusion) in order to supplement or replace the casebook. The Appeal Digest will likely be shared with ADs, Region Directors, Commissioners, etc.. for feedback on common reoccurring issues.

- Tom Huebner asked to clarify if this document would be available to all schools.
- Rob Chaney questions embedding scenarios in the Bylaws...
- Kristen Schuth states that a recurring problem is having these cases located in too many places. This would lead to forgetting to update it as needed.

Jeff White shares that the Handbook is being revised and rewritten due to conflicts and formatting issues.

- Advertisements will be removed the Handbook.

### **6. October Eligibility / Governance Committee Retreat (Charlotte, NC)**

Rob Chaney reminds EC members about October retreat. It appears that all members are set with travel, et cetera, ...

EC will liaise with Sport Governance to create an agenda for the October retreat.

## **7. Tiered Sanctions Subcommittee Update\***

Remains as an Agenda item in case there are needed updates.

## **8. Eligibility Proposals Received During July Cycle**

### **a. Re-Imagined Casebook**

*Elimination of current Casebook and creation of new Handbook that includes case studies directly below the bylaw that it relates to. Makes it such easier for the user and also makes it easier for handbook on all items in one place.*

SUBMITTED BY: Troy Tucker

CURRENT BYLAW: N/A

NEW LANGUAGE / ADDITION: Take current casebook scenarios and insert them into bylaws.

APPROVAL: Approved by the Eligibility Committee on August 16, 2024

EFFECTIVE DATE: August 1, 2025

Rob Chaney notes that this process has already been undertaken by the National Office.

### **b. Amateurism Age Limit (Article V, Section 4.A.3)**

*Due to the changing landscape of college athletics at the four-year level (i.e., no entrance requirements, lessening the restrictions for transfers, the Transfer Portal, NIL, etc..) recruiting at the two-year level has become more challenging. By pushing the age limit back just one year (from 19 to 20), we believe this will create some additional recruiting opportunities, particularly for international student-athletes wishing to come to the United States.*

SUBMITTED BY: Region 8

CURRENT BYLAW: An athlete will lose amateur status and shall be deemed permanently ineligible for participation in a NJCAA certified sport if any of the following criteria applies once the athlete reaches their 19th birthday or once they enroll in college as a full-time student, whichever comes first.

NEW LANGUAGE / ADDITION: An athlete will lose amateur status and shall be deemed permanently ineligible for participation in a NJCAA certified sport if any of the following criteria applies once the athlete reaches their **20th** birthday or once they enroll in college as a full-time student, whichever comes first.

APPROVAL: The Eligibility Committee did not vote on this proposal.

EFFECTIVE DATE: August 1, 2025

Mike Saddler mentions it references student-athletes that would be eligible for NCAA but not NJCAA / NAIA.

This proposal could expand recruiting base with international students.

Jeff White follows Rob Chaney that basketball is the most pressing issue currently due to the NBL1 program. This would allow international student-athletes to better acclimate to a college environment.

Deron Clark asks why the NJCAA is still concerned with amateurism given that NIL market is becoming so lucrative. These international students are most likely going to first land in the NJCAA. What are we trying to accomplish? A small percentage of former professional athletes will restart their academic career. Rob Chaney echoes these concerns with how landscape is changing, but answers to these questions have not appeared to help navigate this environment.

Jeff White states that age limits fall into many categories and issues... Complexities of evaluating amateur status ... d/o/b for international athletes is almost impossible to confirm. Taking away 1 year of eligibility for NJCAA athletes is half. There is a thin veneer of being paid to play between NIL and professionalism. Returning NCAA student-athletes will require exceptions. Should NJCAA accept affidavits from NCAA / NAIA

Kurt Kohler asks if NJCAA should get rid of age requirement all together or limit. Is the age limit attempting to prevent professionals from playing? The answer is dependent on the intended outcome. Mike Saddler reiterates that NCAA is not changing its amateurism requirements; this would create conflicts with NCAA.

Troy Larson states that changing the age to 20 would only extend the possibility that student-athletes cannot continue their careers after NJCAA.

Jeff Willis asks about specific instances where student-athletes are not eligible for NJCAA but can compete in NCAA / NAIA.

Jeff White says if age limit is eliminated, everyone would need two years of eligibility.

Troy Tucker shares that he feels the NJCAA is always reactive to the NCAA. He poses that the organization should make rules that apply specifically to the NJCAA and not worry about other associations. Should it be the school's responsibility to ensure that student-athletes are eligible at multiple levels?

Mike Saddler suggests tracking where NJCAA athletes are going and basing the answer to the above off that. If an overwhelming majority are going onto to NCAA, then does the NJCAA have a duty to shadow NCAA. It might be too much of a burden on the school.

Jeff White shares that NJCAA has aggregated data – not capturing on a student-by-student basis. He surmises that less than half are transferring on to 4 year institutions and the level varies quite a bit.

Brian Anweiler suggests EC is trying to cast too wide a net. What is EC really trying to achieve. Shouldn't not allow student-athletes if they can't transfer to a 4-year school.

Age limit could possibly eliminate high school athletes.

Jeff Willis mentions roster limits and numbers will likely go down, but also need to help with students getting a higher education... Institutions and association needs to be protected.

Prep schools are stealing enrollment from NJCAA schools. NIL will start to appear more and more in high schools, prep schools...

No strong consensus on this proposal – need to determine what the “big issue” is.

Dr. Huebner says we have to continue to be reactive in addressing the current needs for students. He suggests a blanket policy is almost impossible. NJCAA should be doing the best it can to protect the most students.

Could specific amateurism policies be developed for specific sports? Rob Chaney suggests this has already been done with prize amounts for specific sports.

Rob Chaney moves to table the proposal.

**c. Amateurism Age Limit (Article V, Section 4.C.1)**

*Refer to 8(b).*

SUBMITTED BY: Region 8

CURRENT BYLAW:

An athlete will lose amateur status and shall be deemed permanently ineligible for participation in a NJCAA certified sport if any of the following criteria applies once the

athlete reaches their 19th birthday or once they enroll in college as a full-time student, whichever comes first).

NEW LANGUAGE / ADDITION:

APPROVAL: The Eligibility Committee did not vote on this proposal.

EFFECTIVE DATE:

*Refer to 8(b).*

**d. NIL (Article V, Section 4.D.3.c) – move to discussion**

*Wish to allow NJCAA member colleges to operate in the NIL space, provided it is compliant with local, state, and federal law. NIL collectives are not sustainable in two-year athletics and should be added as an additional item prohibited by the membership.*

SUBMITTED BY: Rob Chaney

CURRENT BYLAW: The following acts remain prohibited with regards to Name, Image & Likeness: (i) Representatives of a Member College cannot directly pay student-athletes; (ii) Cannot be contingent upon enrollment at a Member College; (iii) Cannot be based on athletic performance.

NEW LANGUAGE / ADDITION: N/A

APPROVAL: Approved by the Eligibility Committee on August 16, 2024

EFFECTIVE DATE:

**e. FT Enrollment Requirement (Article V, Section 2.C.2)**

*Language is no longer accurate due to the Last-Term PT Enrollment and Graduate Exceptions. Needs to be “massaged”.*

SUBMITTED BY: Rob Chaney

CURRENT BYLAW: Full-Time Requirement: Student-athletes must be enrolled in full-time status at the college prior to competition and certifying NJCAA eligibility using any combination of sessions (regular term, mini term, fast track term) within a term. Full-time enrollment is defined as 12 or more credit hours. A minimum of six (6) credit hours must begin before the end of the published regular season schedule of the student-athletes’ chosen sport.

NEW LANGUAGE / ADDITION: N/A

APPROVAL: The Eligibility Committee did not vote on this proposal.

EFFECTIVE DATE:

**9. New Business**

**a. Grid Scenario via Appeals Committee**

Should Grid be expanded and built out further to show continued academic progress

Troy Tucker says build out might make most sense in order to prove continuing academic progress

**b. Grid Scenario re: Transferability (specific to NCAA DIII)**

DIII Eligibility Tracker has section “would this student-athlete be eligible at your institution?”

**c. Duplicate LOIs (per Dr. Parker’s request)**

**d. More Potential Changes from NCAA**

**10. Old Business (Ongoing) F2F or Virtual**

**a. Division III “Celebratory LOI” – *proposal submitted next cycle***

13.9.1 Letter-of-Intent Prohibition. An institution shall not use any form of a letter of intent or similar form of commitment in the recruitment of a prospective student-athlete. However, it shall be permissible for the institution to use in the recruitment of a prospective student-athlete its pre-enrollment forms executed by prospective student in general at that institution.

13.9.1.1. Exception – Nonbinding Athletics Celebratory Form. An institution may use a standard, nonbinding athletics celebratory signing form after a prospective student-athlete has been accepted for enrollment to the institution. The standard form shall be made available by the NJCAA national office.

- A proposal should be coming in the next cycle from region 19.
- DIII Nonbinding?
  - Kristen Schuth asks whether a DII LOI and then comes to DIII, would it be binding?

**b. Article V, Section 2.D.1 (Full-Term Defined) – pg. 13**

OLD LANGUAGE: Full-Time Term: A student-athlete is charged with attempting a term of full-time enrollment when they remain enrolled in full-time status beyond the 18th calendar day (not to end on a weekend or Federal Holiday) of the term or if they have not participated.

APPROVED April '23 – Full-Time Term Defined: A student-athlete will be charged with attempting a term of full-time enrollment when they remained enrolled in full-time status beyond the 18th calendar day of the term (not to end on a weekend or Federal Holiday) **OR** if they have participated in a contest prior to that date.

**c. Article V, Section 4.D.3 (NIL) – “Impermissible Inducement” – pg. 24-25**

Current Article VII, Section 3.A.2 – Impermissible Inducement: No member institution shall permit a prospective student athlete to be solicited or recruited to attend such institution by the promise of gift or any aid or inducement other than that of grant-in-aid as permitted by these bylaws.

- Conflict ... NIL is impermissible inducement ... really no longer applies
- Schools are in/directly working with collective ... potential conflict for transfer students

**d. Article VI, Section 2.A (LOIs) – Language guiding when SA can sign LOI – pg. 34**

A.2 Signing Dates: The earliest dates for signing a recruit to a LOI are established by sport and listed on the NJCAA Sports Procedures Chart

A.2.a – Under no circumstances may the member college enter into a scholarship agreement or contract of any type prior to the official LOI signing date

**e. Article VI, 2.D.1 (Cancellation and Modification of Grants-In-Aid) – pg. 35**

D.1.c – The student athlete voluntarily withdraws from a sport prior to the institution’s first competition in that sport

- Frequent situations in which student-athletes are leaving teams but aid cannot be revoked. However, can also be weaponized...
- Should NJCAA be putting guardrails in place or should it be up to schools?
  - NJCAA is not a party / third-party beneficiary to contract - NJCAA should not be policing this
  - Contracts between student and institution... they should be free to determine when/where/how it is cancelled
- Different reasons for cancellation of LOI / aid

**f. Article VII, Section 2 (Requirements for Participating in Team Activities) – pg. 40**

Current interpretation from National Office allows student to participate in team activities (i.e., practice, scrimmage) prior to graduating from high school (1 hour requirement and physical on file)

- The interpretation from the National Office currently allows high school seniors to potentially participate in spring practice.
- Moved to retreat in Charlotte.

**g. Article V, Section 2.B.3 (Clarification of Foreign Transcripts) – pg. 10**

Foreign transcripts of student-athletes who previously attended a foreign college or university and participated in intercollegiate (2 hours 25 minutes)

- Wording needs to be changed – moved to October in Charlotte
- h. Article V, Section 4.E (Professional Organizations-Agents-Advisors)**

**i. From Recent Appeals**

- i. **Recommendation that NJCAA Bylaws go under review from outside agency for evaluation and to ensure they are legally sound (i.e., Multiple LOI Violations – Article VI, Section 2.D.1 – pg. 35)**
- ii. **LOI & Release – should release from one release SA from all LOIs?**
- iii. **Potential Mental Health Hardship Waiver (3<sup>rd</sup> Hardship Option)**

**j. Carryover Items from 2023-2024**

- i. **Multi-Sport/Season Subcommittee Draft Proposal**
- ii. **Consideration of including Amateurism in Audit process?**
  1. **Review audit ‘checklist’ in its entirety**
- iii. **Scenarios impact LT-FT and Graduate Exceptions**
- iv. **Withdrawal Regulations**
- v. **Certified NJCAA SA Disabilities Exception**

**k. Elimination of High School Diploma Requirement**

- Huge problem for auditing – Jeff clarified he was looking at this only for audits
- Most schools don’t require, some do – bigger problem in limited circumstances
- Early College program exception allows students who have not graduated from high school
- Some schools have changed transcript requirements after COVID – would an institutional requirement allow audit clearance?
- Proof of high school graduation ... need not be an original

**11. Good of the Order**

Representative from the NCAA will be in attendance at October Charlotte meeting

Brett Monaghan is finalizing hotel arrangements (Hilton); Sports Governance Committee will also be in attendance

Rob Chaney reminds the Committee that the industry is ever changing, making it frustrating.

**12. Next Meeting: Tuesday-Thursday, October 8-10, Charlotte, NC**

**13. Adjournment**

The meeting was adjourned by Rob Chaney at 2:56 EST.

