

2014-15 Autonomy Legislation Question and Answer Document

(Updated: February 13, 2015)

This document contains questions and answers to assist the NCAA membership in its understanding of selected autonomy proposals. Questions and answers related to NCAA Division I Proposal No. 2014-2, and relevant questions from the January 8 autonomy legislation question and answer document are also included in this document. Questions and answers that were not included in the January 8 document are shaded gray.

Proposal No. 2014-2 Organization -- Division I Governance Structure.

Question No. 1: When autonomy legislation is adopted, will the previous legislation continue to be published for institutions in conferences other than the five conferences that choose not to apply the autonomy legislation?

Answer: If the autonomy legislation is more restrictive than the previous legislation, then the previous legislation will continue to be published. If the autonomy legislation is more permissive than the previous legislation, then the previous legislation will no longer be published. In those situations, institutions in conferences other than the five conferences can decide, subject to conference discretion, what standard to apply.

Question No. 2: Are *conferences*, other than the five autonomy conferences, required to take any specific action (e.g., conference rule, policy, etc.) to enable a conference institution to have the discretion to decide whether to apply autonomy legislation?

Answer: Conferences have the discretion to determine conference and/or institutional positions on applying autonomy legislation.

Question No. 3: Are *institutions* in conferences other than the five autonomy conferences required to take any specific action (e.g., have a statement on file with the president's office, director of athletics' office, faculty athletics representative's office, etc.; provide notice to the conference office; provide notice to the national office; etc.) to indicate whether the institution is applying autonomy legislation?

Answer: Subject to conference discretion, institutions in conferences other than the five autonomy conferences have the discretion to determine whether they will apply autonomy legislation.

Question No. 4: In conferences other than the five autonomy conferences, may an *institution* choose to apply the autonomy legislation on a sport-by-sport, team-by-team and/or student-athlete by student-athlete basis?

Answer: Yes. Subject to conference discretion, institutions in conferences other than the five autonomy conferences can choose to apply the autonomy legislation on a sport-by-sport, team-by-team and/or student-athlete by student-athlete basis.

Proposal No. 2014-10 Autonomy Proposal -- Concussion Safety Protocol.

Question No. 1: Must an institution's protocol be approved before it may participate in competition in a particular sport?

Answer: No. The NCAA Concussion Safety Protocol Committee will review an institution's protocol and provide feedback, if appropriate; however, the protocol will not be subject to a formal approval process.

Question No. 2: What is the process for a member institution in a conference other than the five autonomy conferences to submit its concussion safety protocol to the Concussion Safety Protocol Committee?

Answer: Procedures for submitting information to the committee are being developed. Once those procedures are developed, they will be communicated to the membership.

Question No. 3: What is an institution required to do if the Concussion Safety Protocol Committee does not approve a plan or sends it back?

Answer: The committee will review, but will neither approve nor reject, submitted concussion safety protocols. If, as a result of its review, the committee has feedback on the institution's protocol, then the committee will provide that feedback to the institution to determine whether to amend its protocol.

Question No. 4: If institutions in conferences other than the five autonomy conferences choose to apply this legislation and submit their concussion safety protocol by May 1, will the Concussion Safety Protocol Committee be able to review all submitted concussion safety protocols by June 30, 2015?

Answer: Yes. The committee will make any adjustments necessary to ensure the submitted protocols are reviewed within the specified timeframe by the legislation.

Question No. 5: Is the role of the Concussion Safety Protocol Committee to establish policies or only to review submitted concussion safety protocols?

Answer: The committee was created to review protocols for institutions, not to establish policies for institutions. Institutions will continue to set their own policies based on specific institutional needs.

Proposal No. 2014-12 Autonomy Proposal -- Amateurism and Expenses, Awards and Benefits -- Exceptions to Amateurism Rule -- Benefits, Gifts and Services -- Insurance Against Loss of Value.

Question No. 1: Does this proposal allow an institution to pay premiums for a student-athlete's loss of value insurance?

Answer: No. The proposal only allows an individual to borrow against his or her future earnings potential from an established, accredited commercial lending institution, for the purpose of purchasing loss-of-value insurance. It also allows an institutional staff member (or staff members) (e.g., professional sports counseling panel) to assist a student-athlete with arrangements for securing the loan and insurance.

Question No. 2: Is it permissible to use the NCAA Student Assistance Fund to purchase loss-of-value insurance for a student-athlete?

Answer: Yes, subject to conference and institutional policies.

Proposal No. 2014-13 Autonomy Proposal -- Financial Aid -- Maximum Limit on Financial Aid -- Full Grant-in-Aid -- Other Expenses Related to Attendance up to Cost of Attendance, as amended by Proposal No. 2014-13-1 Autonomy Proposal -- Financial Aid -- Cost of Attendance -- Student Assistance Fund.

Question No. 1: How will equivalencies be calculated for an institution who is a member of one of the five autonomy conferences?

Answer: The grant-in-aid will be redefined as equal to student-athlete's cost of attendance. The denominator in the equivalency calculation will be

increased to the value of cost of attendance. “Other expenses related to attendance,” or the difference between cost of attendance and a current grant-in-aid (tuition and fees, room and board and required course-related books) is an element of financial aid (see NCAA Bylaw 15.2.4) and will become an element of a full grant-in-aid under the new definition. Institutions in conferences other than the five autonomy conferences should refer to Question No. 8 in this section to determine how equivalencies will be calculated.

Question No. 2: May an institution continue to use either the actual or the averaging method for calculating equivalencies?

Answer: Yes.

Question No. 3: May a student-athlete receive a Pell Grant in addition to a full grant-in-aid, which includes other expenses related to attendance at the institution up to the cost of attendance?

Answer: The proposal does not change Bylaw 15.1.1, which states that a student-athlete who receives a Pell Grant may receive financial aid equivalent to the limitation set forth in Bylaw 15.1 (cost of attendance) or the value of a full grant-in-aid plus the Pell Grant, whichever is greater. Each institution must ensure that it also follows applicable federal, state and institutional requirements.

Question No. 4: May a student-athlete’s cost of attendance be adjusted based on individual needs?

Answer: An institution must calculate the cost of attendance for student-athletes in accordance with the cost-of-attendance policies and procedures that are used for students in general. Accordingly, if an institution’s policy allows for students’ direct and indirect costs (e.g., tuition, fees, room and board, books, supplies, transportation, child care, cost related to a disability and miscellaneous personal expenses) to be adjusted on an individual basis from the institution’s standard cost figure, it is permissible to make the same adjustment for student-athletes, provided the adjustment is documented and is available on an equitable basis to all students with similar circumstances who request an adjustment.

Question No. 5: What is the limit on financial aid during the summer? Is a cost of attendance figure determined for summer?

Answer: The individual limit on summer financial aid will be the cost of attendance figure for a summer term as determined by the institutional policies and federal guidelines applicable to all students at the institution.

Question No. 6: May a student-athlete receive expenses from the Student Assistance Fund if he or she is receiving a full grant-in-aid, including other expenses related to attendance at the institution up to cost of attendance?

Answer: If this amendment is adopted and Proposal No. 2014-13 is adopted, it will be permissible to use the Student Assistance Fund as it has been previously used; however, an institution must ensure that it also follows applicable federal, state and institutional requirements.

Question No. 7: Is it permissible to provide a student-athlete who is not a counter with NCAA Student Assistance Fund (SAF) dollars to cover other expenses related to attendance at the institution (i.e., regular term expenses other than tuition and fees, room and board and required course-related books) without causing the student-athlete to become a counter?

Answer: Yes. However, if the student-athlete receives any athletics aid, then he or she would become a counter.

Question No. 8: When calculating equivalency values, is an institution that is a member of (or has a sport that is a member of) a conference other than the five autonomy conferences permitted to use as its full grant-in-aid a value that is greater than the previous definition of a full grant-in-aid (tuition and fees, room and board and required course-related books), but less than the new definition of a full grant-in-aid (tuition and fees, room and board, books and other expenses related to attendance at the institution up to the institution's cost of attendance)?

Answer: An institution that is a member (or has a sport that is a member) of a conference other than the five autonomy conferences must use in its equivalency computations a full grant-in-aid as defined in new Bylaw 15.02.5 (tuition and fees, room and board, books and other expenses related to attendance at the institution up to the cost of attendance) **or** a full grant-in-aid that consists of tuition and fees, room and board and required course-related books (i.e., old definition of a full grant-in-aid). When calculating equivalencies, an institution providing a student-athlete athletically related financial aid that exceeds the value of tuition and fees, room and board and required course-related books **must** use a full grant-in-aid as defined in new Bylaw 15.02.5 as its denominator. Finally, as a

reminder, an institution must calculate the cost of attendance for student-athletes in accordance with the cost-of-attendance policies and procedures that are used for students in general, ensuring it follows applicable federal, state and institutional requirements.

Question No. 9: Does this legislation affect how an institution determines how much athletically related financial aid a student-athlete is permitted to receive for a summer term?

Answer: No. This proposal did not change the method for determining the amount of athletically related financial aid a student-athlete is permitted to receive for summer school (See Bylaw 15.2.8).

Question No. 10: If a student-athlete is receiving financial aid valued at cost of attendance, is it permissible for the student-athlete to accept additional financial aid (e.g., an outside financial aid award) that must be included in the student-athlete's individual financial aid limit?

Answer: No. The legislation continues to use the greater of the value of cost of attendance or the value of a full grant-in-aid plus a Pell Grant as a student-athlete's individual limit for financial aid. Therefore, if a student-athlete receives financial aid that exceeds that limit, he or she is ineligible.

Question No. 11: If an institution's policy limits financial aid for any student to cost of attendance (regardless of the source of the financial aid), is it permissible for the institution to allow its student-athletes to receive a full grant-in-aid plus the Pell Grant if that total would exceed cost of attendance?

Answer: Although NCAA legislation permits a student-athlete to receive the greater of the value of cost of attendance or the value of a full grant-in-aid plus a Pell Grant, the institution is not required to permit its student-athletes to receive financial aid in excess of cost of attendance if an institutional policy prohibits a student from receiving financial aid in excess of cost of attendance. Institutions are encouraged to have their athletics department and office of student financial aid discuss all policies related to the receipt of financial aid.

Question No. 12: If an institution in a conference other than the five autonomy conferences elects to apply this legislation to use the definition of a full grant-in-aid as defined in new Bylaw 15.02.5, is the institution required to allocate at least some portion of the student-athlete's athletically related financial aid

to the additional expenses included in that legislation's definition of a full grant-in-aid?

Answer: No. Subject to the discretion of its conference pursuant to Constitution 5.3.2.1.2.2, the institution may decide whether to provide a student-athlete athletically related financial aid that exceeds the value of tuition and fees, room and board and required course-related books.

Question No. 13: If an institution's cost of attendance value for books exceeds \$800, how is the student-athlete's equivalency determined? For example, if an institution's cost of attendance is \$25,000 and \$1,000 of that amount is for books, what value is used in the denominator? And, if the student-athlete receives athletically related financial aid for books, what number is used in the numerator?

Answer: Bylaw 15.5.3.2.1 (additional requirements) specifies how books are counted when determining equivalencies. The legislation specifies that books shall count for calculation purposes as \$800 in the denominator and if a student-athlete receives any portion of a book allowance for the academic year, the institution must use \$800 in the denominator and numerator for books, regardless of the actual cost of the books. And, if a student-athlete is enrolled for less than a full academic year (e.g., one semester, one or two quarters) and receives any portion of a book allowance, the institution must use the amount in the numerator that is proportionate to the number of terms of enrollment (\$400 for semester systems, \$534 or \$267 for quarter systems).

Using the example above, a student-athlete who receives books for the academic year would have \$800 used to represent his or her books in the numerator and denominator, regardless of the value used by the institution when determining cost of attendance. So, the denominator for the student-athlete in the example would be \$24,800, not \$25,000. Subject to institutional policies applicable to all students, the \$200 difference between the value of books as calculated for cost of attendance and as legislated for determining equivalencies may still be provided to the student-athlete.

Question No. 14: How can the value of books be calculated if the institution does not specifically identify a particular value for books (e.g., books, supplies and personal expenses are combined)?

Answer: The actual cost of books for a student-athlete may be used or the institution's financial aid office may be consulted to identify the value for books used by the institution in determining the applicable component of the cost of attendance.

Question No. 15: Now that the definition of a full grant-in-aid references books, instead of required course-related books, is it now permissible to provide recommended books as part of an athletics grant-in-aid?

Answer: Yes. If an athletics grant-in-aid includes books, in addition to providing the student-athlete's required course-related books, an institution is permitted to provide books recommended for the courses in which the student-athlete is enrolled.

Question No. 16: What effect does this legislation have on a student-athlete whose current financial aid agreement permits him or her to receive a miscellaneous expense allowance?

Answer: For the five autonomy conferences, if an institution has a student-athlete whose financial aid agreement includes a miscellaneous expense allowance and the institution is in an autonomy conference, the miscellaneous expense allowance will become countable financial aid for the 2015-16 academic year. Further, the student-athlete cannot receive financial aid in excess of the cost of attendance. Therefore, he or she cannot receive a miscellaneous expense allowance that would result in the student-athlete receiving financial aid in excess of his or her cost of attendance.

For institutions in a conference other than one of the five autonomy conferences, if the institution has elected to use the definition of a full grant-in-aid from new Bylaw 15.02.5 when calculating equivalencies, then the same standard above applicable to autonomy conferences would apply. Otherwise, the method for calculating that student-athlete's equivalency for 2015-16 remains the same as it is for the current (2014-15) academic year.

Question No. 17: If an institution issues a new financial aid agreement to a student-athlete whose current agreement enables him or her to receive a miscellaneous expense allowance is the student-athlete permitted to continue to receive a miscellaneous expense allowance under the new financial aid agreement?

Answer: No. Institutions are now permitted to offer a student-athlete athletically related financial aid that consists of tuition and fees, room and board, books and other expenses related to attendance at the institution up to the cost of attendance established pursuant to Bylaws 15.02.2 and 15.02.2.1. Therefore, if an institution wants to provide financial aid to cover the types of expenses the miscellaneous expense allowance could have covered, the institution can offer financial aid to cover those other expenses related to attendance at the institution up to the cost of attendance as part of the student-athlete's new financial aid agreement.

Question No. 18: Is an institution permitted to disburse financial aid intended to cover other expenses related to attendance at the institution for a term at the conclusion of that term, as opposed to disbursing it at the beginning of the term or periodically throughout the term?

Answer: Disbursement of financial aid will continue to be done in accordance with institutional policies and procedures. Institutions are encouraged to discuss questions about the timing of the disbursement of financial aid with their campus financial aid office.

Question No. 19: Is an institution that uses the definition of a full grant-in-aid as defined in new Bylaw 15.02.5 permitted to issue a financial aid agreement that provides athletically related financial aid only for "other expenses related to attendance?"

Answer: Yes. Institutions are encouraged to discuss this type of award with their campus financial aid office to ensure it would be consistent with any applicable federal, state and institutional requirements.

Question No. 20: For purposes of determining whether applicable membership requirements set forth in Bylaw 20 (e.g., minimum financial aid requirements, Football Bowl Subdivision requirements, etc.) have been met, what is the definition of a full grant-in-aid?

Answer: As set forth in new Bylaw 20.02.7, the definition of a full grant for purposes of Bylaw 20 is full tuition and fees, room and board and required course-related books.

Question No. 21: If an institution or conference uses the new definition of a full grant-in-aid, will it affect the revenue distribution calculation?

Answer: As set forth in the proposal's rationale, the new legislation is not intended to alter the definition of a full grant-in-aid for purposes of applying current revenue distribution formulas or Division I minimum financial membership requirements. Discussions about how the information needed for revenue distribution will be collected are ongoing and will be communicated to the membership as information becomes available.

Question No. 22: When will the NCAA Compliance Assistant application (CA) be updated to accommodate this legislation?

Answer: Although CA is not scheduled for any significant improvements until at least 2017, staff is working to ensure CA will be able to apply this legislation by August 1, 2015.

Proposal No. 2014-14 Autonomy Proposal -- Financial Aid -- Terms and Conditions of Awarding Institutional Financial Aid -- No Athletics Reasons in Reduction or Nonrenewal After Period of Award.

Question No. 1: May athletically related financial aid be canceled during the term of the award or not renewed after the term of the award based on nonathletically related conditions?

Answer: Yes. Although current Bylaw 15.3.4.2.2 is deleted in the proposal, the substance of the provision will simply be moved to the proposed Bylaw 15.3.4.1.

Question No. 2: What are the standards for cancellation or nonrenewal for student-athletes who receive athletically related aid for the first time after the academic year of his or her initial enrollment at the institution?

Answer: If athletically related financial aid is first provided to a student-athlete after the academic year of his or her initial full-time enrollment at the institution, the institution may choose to not renew such aid after the period of the award for any reason.

Question No. 3: If a student-athlete enrolls midyear and does not receive athletically related financial aid until the fall term of the following academic year does the new legislation apply?

Answer: No. In order for the legislation to apply, a student-athlete must receive athletically related financial aid in the academic year (i.e., fall through

spring) of his or her initial enrollment at the institution.

Question No. 4: May the nonrenewal or reduction of athletically related financial aid be based on the reason that all available aid was awarded to other student-athletes and prospective student-athletes?

Answer: No. Such a nonrenewal or reduction is considered to be based on athletics reasons.

Question No. 5: Does the proposal apply to a student-athlete who first enrolled in the 2014-15 academic year or earlier?

Answer: The legislation applies new awards of athletically related aid by which aid is provided during the 2015-16 academic year and thereafter to any student-athlete who has eligibility remaining and who received athletically related financial aid in the academic year of his or her initial full-time enrollment at the certifying institution. The legislation would not apply to the nonrenewal of a multiyear award that began with the 2014-15 academic year or earlier.

Question No. 6: Does the legislation only apply to a student-athlete who signed a National Letter of Intent?

Answer: No. The legislation applies to any student-athlete who receives athletically related financial aid in the academic year (i.e., fall through spring) of his or her initial enrollment at the institution.

Question No. 7: Does the legislation apply to a student-athlete who signed a 2015-16 National Letter of Intent in November 2014?

Answer: Yes.

Question No. 8: Is it permissible to provide a multiyear award that includes years where the athletically related financial aid is less than it was in the initial year of the award (e.g., a three-year financial aid agreement that provides a 50-percent equivalency from athletics aid in the first academic year, a 25-percent equivalency from athletics aid in the second academic year and a 15-percent equivalency from athletics aid in the third academic year.)?

Answer: Yes. However, because the student-athlete received athletically related financial aid in the academic year (i.e., fall through spring) of his or her initial enrollment at the institution, at the end of the period of the award,

the award cannot be reduced or not renewed for the following academic year or years of the student-athlete's five-year period of eligibility based on the student-athlete's athletics ability, performance or contribution to the team's success; an injury, illness or physical or mental condition; or any other athletics reason. [Note: When determining whether the renewal satisfies the legislation, the institution must apply the legislation governing reduction of multiyear awards].

Question No. 9: Is it permissible to include a provision in a financial aid agreement that specifies that graduation may serve as a basis for reducing or not renewing athletically related financial aid?

Answer: Yes.

Question No. 10: If an institution in a conference other than the five autonomy conferences chooses to apply this legislation and does not adhere to it, is the institution required to self-report a violation?

Answer: Yes.