NCAA Bylaw
Overlap Scenarios

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Summary

- Intercollegiate competition.
- Outside competition.
- Expenses for outside competition.
- Awards and payment based on performance for outside competition.

INTERCOLLEGIATE COMPETITION
VERSUS
OUTSIDE COMPETITION
**Intercollegiate Competition**

Intercollegiate competition occurs when a student-athlete:

- Represents a collegiate institution in any contest against outside competition;
- Competes in any apparel with institutional identification (e.g., uniform); or
- Receives expenses from the institution for the competition.

*NCAA Division I Bylaws 14.02.9/17.02.8 - Intercollegiate Competition.*

**Intercollegiate Competition (Continued)**

Participation on an institution's club team is exempted from the application of legislation provided the institution does not sponsor the sport at the varsity intercollegiate level.

*Bylaw 14.02.9.2 - Participation on an Institution's Club Team.*

**Outside Competition**

- In sports other than basketball, a student-athlete may not participate during the academic year as a member of any outside team.
- A student-athlete that does participate in impermissible outside competition must seek reinstatement.

*Bylaw 14.6 - Outside Competition.*
Outside Competition
(Continued)
• Common exceptions:
  ➢ Vacation period.
  ➢ May 1 exception (soccer, women's volleyball, field hockey, men's water polo).
  ➢ Competition as individual.
  ➢ Elite competition.

Bylaw 14.6 - Outside Competition.

Outside Competition
(Continued)
• Nonqualifier:
  ➢ Permissible:
    • Participation in an institution's intramural program.
  ➢ Not permissible:
    • Participation on an outside team; or
    • Participation on an institutional club team.

Bylaw 14.3.2.3 - Outside Competition - Nonqualifier.

Maximum Limitations
• Institutional.
  ➢ Institutional limit on its total number of contests during the playing season (e.g., 13 contests in gymnastics).
• Student-athlete.
  ➢ An individual student-athlete may participate in a limited number of total contests during the academic year, while representing the institution (e.g., 13 contests in gymnastics).

Bylaw 17...5 - Number of Contests and Dates of Competition.
Noncollegiate, Amateur Competition

- What to be aware of:
  - During the academic year versus competition outside the playing season;
  - Involvement of coaching staff members;
  - Student-athlete limitations on outside competition; and
  - Sport-specific exceptions.

Bylaw 17.8.1 - Noncollegiate, Amateur Competition.

What is the Analysis?

Four(ish) Steps.

1. Identify the sport.
2. Represent the institution.
   - Yes; intercollegiate competition.
   - No; outside competition.

What is the Analysis? (Continued)

3. When.
   - During academic year versus vacation period.
   - During the playing season versus outside the playing season.

4. Distinguishing circumstances.
   - Type of competition.
   - Eligibility status.
Case Study No. 1

- A men's golf student-athlete would like to participate in a local golf tournament during the academic year, but outside of the institution's playing and practice season.
- Local golf tournament is classified as an open event and is open to any and all entrants.

Case Study No. 1 (Continued)

- The student-athlete will be competing while representing himself as an individual.
- The student-athlete is a freshman serving his nonqualifier academic year in residence.
  - Is the student-athlete permitted to participate in the tournament?
  - Are there any additional legislated restrictions?

Case Study No. 1 (Continued)

<table>
<thead>
<tr>
<th>Steps</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify the sport.</td>
<td>Men's golf.</td>
</tr>
<tr>
<td>Representing the institution.</td>
<td>No. Outside competition.</td>
</tr>
<tr>
<td>When.</td>
<td>During the academic year. Outside the playing/practice season.</td>
</tr>
<tr>
<td>Distinguishing circumstances.</td>
<td>Competing as an individual. Open event. Student-athlete is a nonqualifier.</td>
</tr>
</tbody>
</table>
Case Study No. 1

Answer

Is the student-athlete permitted to participate in the golf tournament?

• Yes.
  ➢ A student-athlete is permitted to participate in outside competition as an individual during the academic year provided he represents only himself.

  Bylaw 14.6.1.7 – Competition as an Individual/Not Representing Institution.

  ➢ A nonqualifier is permitted to participate in an open event involving collegiate and noncollegiate competitors provided the student-athlete represents only himself.

  February 21, 1997 Staff Interpretation.

Case Study No. 1

(Continued)

Are there any additional legislated restrictions?

• In golf, there are no limits on the number of student-athletes per institution who may practice or compete on an outside team outside the playing/practice season.

  Bylaw 12.10.8.1.2 - Out of Season.

Same Sport Analysis

• Determination.
  ➢ For purposes of NCAA legislation.
    • (e.g., amateurism, outside competition, benefits, playing/practice season.)
      ➢ Playing rules.
      ➢ Mechanics.
      ➢ Skill set.
      ➢ Equipment.
**Same Sport Analysis**

*(Continued)*

Examples:

- Sculling and rowing.
- Futsal and soccer.
- Rugby and football.
- Netball and basketball.

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**Case Study No. 2**

- A football student-athlete would like to represent his home country in the Flag Football World Championships.
- The event is sponsored by the International Federation of American Football.

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**Case Study No. 2**

*(Continued)*

- The competition will occur during the institution's summer term, but during the institution's preseason practice.
- Institution will not provide expenses to the student-athlete to participate in the Flag Football World Championships.
  - Is the student-athlete permitted to participate in the Flag Football World Championship?
  - Are there any additional legislated restrictions?
Case Study No. 2
(Continued)

<table>
<thead>
<tr>
<th>Steps</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify the sport.</td>
<td>Flag football = football. (January 12, 1994 – Staff Interpretation)</td>
</tr>
<tr>
<td>Representing the institution.</td>
<td>No. Outside competition.</td>
</tr>
<tr>
<td>When.</td>
<td>During the playing/practice season.</td>
</tr>
<tr>
<td>Distinguishing circumstances.</td>
<td>World Championships.</td>
</tr>
</tbody>
</table>

Case Study No. 2

Answer

Is the student-athlete permitted to participate in the Flag Football World Championship?

• Yes.
  - Flag football and football are considered to be the same sport for purposes of outside competition legislation.
  - The Flag Football World Championship is an official World Championship event sponsored by the applicable international sports federation.

Case Study No. 2

Answer

Are there any additional legislated restrictions?

• In football, the number of student-athletes who may participate on an outside team is limited to five per institution.
  
Bylaw 17.9.8.1.1 - Vacation-Period Exception.
Case Study No. 3

• A women's cross country student-athlete would like to participate as a member of the institution's triathlon club team in an outside competition.

• The institution does not sponsor triathlon at the varsity level.

• Competition would occur during the institution's playing/practice season in cross country.

Case Study No. 3 (Continued)

➢ Is the student-athlete permitted to compete with her institution's triathlon club team?

➢ Are there any additional legislated restrictions?

Case Study No. 3 (Continued)

<table>
<thead>
<tr>
<th>Steps</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify the sport.</td>
<td>Triathlon = cross country, T/F and swimming</td>
</tr>
<tr>
<td>Representing the institution.</td>
<td>Yes. Intercollegiate competition.</td>
</tr>
<tr>
<td>When.</td>
<td>During the academic year.</td>
</tr>
<tr>
<td></td>
<td>During the cross country playing/practice season.</td>
</tr>
<tr>
<td>Distinguishing circumstances</td>
<td>“Institutional club team.”</td>
</tr>
</tbody>
</table>
Case Study No. 3

Is the student-athlete permitted to participate on the institution's triathlon club team?

• Yes.
  ➢ Intercollegiate competition.
  ➢ Competition occurs during the playing/practice season.

Case Study No. 3

Are there any additional legislated restrictions?

• In cross country, competition must be counted against the student-athlete's seven dates of competition.

Bylaw 17.5.5.2 - Maximum Limitations - Student-Athlete

Case Study No. 3

What if competition occurred on an outside triathlon club team?

• Impermissible participation on an outside team in cross country during the playing and practice season.
  ➢ Student-athlete would be declared ineligible for intercollegiate competition in women's cross country until reinstated by student-athlete reinstatement.
EXPENSES AND AWARDS
FOR
OUTSIDE COMPETITION

Competition Expenses – Outside Sponsor

- Student-athlete may receive expenses for competition and practice held in preparation for competition.
- May not exceed actual and necessary expenses.
- May not be provided by agent, booster or professional sports organization.

Bylaw 12.1.2.1.4.3 - Expenses from an Outside Sponsor.

Payment Based on Performance

- Student-athlete may accept payment based on performance in an athletics event.
- May not exceed actual and necessary expenses.
- May be provided only by the sponsor of the event or team in which the student-athlete represents.

Bylaw 12.1.2.4.1 - Exception for Prize Money Based on Performance.
Calculation of Actual and Necessary Expenses

• Actual and necessary as defined in Bylaw 12.02.2.
• Team sports - calculated using a season analysis.
• Individual sports - calculated using a calendar year analysis.
• May not include expenses or fees of anyone other than the individual.

Bylaw 12.02.2 - Actual and Necessary Expenses
Bylaw 12.02.3 - Calculation of Actual and Necessary Expenses

What is the Analysis?
Expense/payment analysis.

• Source of expense/payment.
• Purpose and category of expense/payment.
• If cash payment,
  ➢ Amount of payment; and
  ➢ Amount of expenses incurred by student-athlete.

Awards

• Awards received while not representing the institution shall conform to the rules of the amateur sports organization that governs the competition.
• May not include cash (or cash equivalents) that exceeds actual and necessary expenses.

Bylaw 16.1.1.1 - Awards Received for Participation While not Representing the Institution.
Reminders

- Awards received while representing the institution shall conform to Bylaw 16.1 and Figures 16-1, 16-2 and 16-3.
- Cash or other award an individual could not receive under NCAA legislation may not be forwarded to a different individual or agency.

What is the Analysis?

Awards analysis.

- Purpose of award.
- Represent the institution versus represent self or outside team.

Case Study No. 4

- A soccer student-athlete participated on an amateur summer soccer league.
- Team paid for uniforms, tournament entry fees and provided meals on the day of competition.
- Student-athlete incurred $400 out-of-pocket for all other expenses.
- Team provided the student-athlete with a $250 bonus for most assists during season.
Case Study No. 4

Answer

• Was it permissible for the student-athlete to compete in the summer league?
  ➢ Yes. Competition occurs outside playing and practice season and after May 1.

*Bylaw 14.6.1.1 - Exception: Soccer, Woman's Volleyball, Field Hockey, Men's Water Polo.*

Case Study No. 4

(Continued)

• Was it permissible for the student-athlete to receive the identified expenses from the team?

• Was it permissible for the student-athlete to accept the $250 bonus?

Case Study No. 4

(Continued)

<table>
<thead>
<tr>
<th>Steps</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source of expense/payment.</td>
<td>Team.</td>
</tr>
<tr>
<td>Purpose and category of expense/payment.</td>
<td>1. Competition-related uniforms, entry fees and meals.</td>
</tr>
<tr>
<td></td>
<td>2. Bonus based on performance during season.</td>
</tr>
<tr>
<td>Amount of cash payment/amount incurred by student-athlete.</td>
<td>$250/$400</td>
</tr>
</tbody>
</table>
Case Study No. 4
(Continued)

• Was it permissible for the student-athlete to receive the identified expenses from the team?
  ➢ Yes. Uniforms, entry fees and meals from team considered actual and necessary expenses for competition and practice held in preparation for competition.

Bylaw 12.1.2.1.4.3 - Expenses from an Outside Sponsor
Bylaw 12.02.2 - Actual and Necessary Expenses

Case Study No. 4
(Continued)

• Was it permissible for the student-athlete to accept the $250 bonus?
  ➢ Yes. May accept $250 bonus from team to offset $400 student-athlete's spent out-of-pocket expenses on actual and necessary expenses.

Bylaw 12.1.2.4.1 - Exception for Prize Money Based on Performance
Bylaw 12.02.2 - Actual and Necessary Expenses

Case Study No. 5

• A golf student-athlete plans to compete in an amateur golf tournament over the summer.
  • In order to assist in covering the travel and lodging expenses related to the tournament:
    ➢ The student-athlete hosts a fundraiser BBQ in his hometown over Christmas break; and
    ➢ The student-athlete's institution acquires donations from boosters and community members.
Case Study No. 5
(Continued)

• May the student-athlete accept the funds raised through his hometown BBQ?
• May the student-athlete accept the funds from the institution’s boosters and community members?

Case Study No. 5
(Continued)

<table>
<thead>
<tr>
<th>Steps</th>
<th>Analysis</th>
</tr>
</thead>
</table>
| Source of expense/payment | 1. Hometown community.  
| | 2. Boosters of institution and community members. |
| Purpose and category of expense/payment | Competition-related travel and lodging. |
| Amount of cash payment/amount incurred by student-athlete | Unknown. May not exceed actual and necessary expenses. |

Case Study No. 5
Answer

• May the student-athlete accept the funds raised through his hometown BBQ?
  > Yes. May accept earmarked fundraised dollars from sponsor other than booster, agent and professional team.
  > Travel and lodging considered actual and necessary expenses for competitions.
  > Bylaw 12.1.2.1.4.3 - Expenses from an Outside Sponsor
  > Bylaw 12.0.2 - Actual and Necessary Expense

• May the student-athlete accept the funds from the institution’s boosters and community members?
  > No. May not accept fundraised dollars from booster or community. Institution may not assist in outside fundraising efforts.
  > Bylaw 12.1.2.1.4.3 - Expenses from an Outside Sponsor
Case Study No. 6

- Tennis student-athlete attends University X.
- Student-athlete has been invited to compete in a United States Tennis Association (USTA) amateur event, open to collegiate and noncollegiate athletes, being held September 13-14, 2014.
- University X begins classes August 28, 2014.

Case Study No. 6
Answer

- May student-athlete compete in the USTA event?
  - Yes. May participate in outside competition as an individual during the academic year provided represents only himself.
  
  Bylaw 14.6.1.7 - Competition as an Individual/Not Representing Institution.

Case Study No. 6
(Continued)

- USTA plans to provide the following to the participants:
  - Expenses associated with the competition;
  - Expenses associated with practice, beginning September 11, 2014; and
  - Name brand head phones valued at $300 to all participants as a participation award.
### Case Study No. 6

#### (Continued)

<table>
<thead>
<tr>
<th>Steps</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source of expense/award.</td>
<td>Sponsor of event.</td>
</tr>
<tr>
<td>Purpose and category of expense.</td>
<td>1. Expenses related to competition and practice immediately preceding competition.</td>
</tr>
<tr>
<td></td>
<td>2. Participation award.</td>
</tr>
<tr>
<td>Amount.</td>
<td>1. Up to actual and necessary expenses.</td>
</tr>
<tr>
<td></td>
<td>2. $300 for headphones.</td>
</tr>
</tbody>
</table>

#### Case Study No. 6

**Answer**

- May the student-athlete accept the expenses?
  - Yes. Actual and necessary expenses from sponsor of event for competition and practice immediately preceding competition.
    - *Bylaw 12.1.2.4.3 - Expenses from an Outside Sponsor*
    - *Bylaw 12.02.2 - Actual and Necessary Expenses*
- May the student-athlete accept the participation award?
  - Yes. Provided it conforms to the rules of the amateur sports organization that governs the competition.
    - Note: Student-athlete not representing the institution.
    - *Bylaw 16.1.1.1 - Awards Received for Participation While not Representing the Institution*

#### Case Study No. 6

(Continued)

- USTA would also like to provide the following items to the winner of the event:
  - A pro shop credit in the amount of $100; and
  - $500 in prize money.
### Case Study No. 6
(Continued)

<table>
<thead>
<tr>
<th>Steps</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source of award/</td>
<td>Sponsor of event.</td>
</tr>
<tr>
<td>Payment</td>
<td></td>
</tr>
<tr>
<td>Purpose and category of</td>
<td>1. Award based on performance.</td>
</tr>
<tr>
<td>award/payment</td>
<td>2. Cash based on performance.</td>
</tr>
<tr>
<td>Amount of award/</td>
<td>1. $100 credit (not redeemable for cash)</td>
</tr>
<tr>
<td>Amount of payment/amount incurred by student-</td>
<td>2. $500/$0.</td>
</tr>
<tr>
<td>athlete.</td>
<td></td>
</tr>
</tbody>
</table>

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### Case Study No. 6

**Answer**

- May a student-athlete accept the $100 pro shop credit?
  - Yes. If permitted by the USTA rules.
  - Note: Not redeemable for cash.

*Bylaw 16.1.1.1 - Awards Received for Participation While not Representing the Institution.*

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### Case Study No. 6

**Answer**

- May a student-athlete accept the $500 in prize money?
  - No. Exceeds actual and necessary expenses as student-athlete will not incur expenses.
  - Unless prize money does not exceed actual and necessary out-of-pocket expenses for the calendar year.

*Bylaw 12.1.2.4.1 - Exception for Prize Money Based on Performance*

*Bylaw 12.02.3 - Calculation of Actual and Necessary Expenses – Individual Sports*
Summary

- Intercollegiate competition.
- Outside competition.
- Expenses for outside competition.
- Awards and payment based on performance for outside competition.

Questions?