

Law of College Sports: NCAA Governance & Compliance

Syllabus for May 3-7, 2021 Remote Intersession Course

One Credit; Remote sessions M-F 2:00-5:00 p.m. PDT

Willamette University College of Law

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This course is delivered remotely through video conference. Jake lives in Utah, so there are no office hours, but he is happy to receive phone calls/texts or arrange a zoom meeting prior to or during the course.

Required Course Materials

- [NCAA Manual](#)
- ncaa.org (access for NCAA publications, educational materials, rule interpretations, violation reports and waiver requests)
- Links for additional materials will be available on WISE prior to the beginning of the course

Course Description

This course will provide a brief overview of collegiate sports law issues along with an in-depth look at NCAA rules, governance, legislative process, major infractions, and waivers. We will also review a string of antitrust cases against the NCAA and analyze debate over student-athlete use of name, image, and likeness.

In the process, we will focus on our ability to take an area of law with its own terminology and conform written and verbal communication for the non-legal audience. This course will provide opportunities for statutory interpretation of NCAA rules and other supporting guidance.

Learning Outcomes

Students will develop a base understanding of NCAA governance structure, rules, and processes. This will allow students to see college athletics from a new perspective and understand what is really happening behind the scenes when the media reports on different NCAA Compliance issues arise with student-athlete recruiting, eligibility, amateurism, financial aid, personnel, and scheduling of playing and practice seasons. Additionally, students will enhance their ability to decisively communicate in the setting of college athletics, which will translate into any legal setting. Finally, this course will apply other areas of law such as torts, employment, or constitutional law to the arena of college athletics.

Evaluation

Student grading is based on participation (30%) and assignments (70%). Students need to prepare for classes to enhance their learning experience and participate. Preparation enables students to more clearly express opinions and ask good questions in class while maximizing knowledge retention for success on written assignments and the final exam. The participation

grade is based on attendance, preparation, and class session interactions. Students who fail to attend 90% of remote class time may not receive full participation credit. Barring extenuating circumstances, students must keep the video on for remote class sessions.

Each assignment will have its own instructions, and grading will be based upon the quality of the submission, and whether the student followed instructions. Writing assignments are best if they communicate concisely in a manner that cannot be misunderstood. The final exam will be in a written, take-home format.

Class Schedule and Preparation (subject to change)

	Topic of Class	Preparation and Assignments
Day 1	Collegiate sports law overview (areas of law, issues, careers, etc.)	<p>Read the following cases and be prepared to make arguments on either side as if appearing before appellate court:</p> <ol style="list-style-type: none"> 1. Hayden v. University of Notre Dame, 716 N.E.2d 603 (Ind. App. 1999) (risk management case); 2. Vanderbilt University v. DiNardo, 174 F.3d 751 (6th Cir. 1999) (head coach contract case); 3. Stanley v. USC, 178 F.3d 1069 (9th Cir. 1999) (Equal Pay Act case); 4. University of Colorado v. Derdeyn, 863 P.2d 929 (Colo. 1993) (constitutional right to privacy and mandatory drug testing for athletes); 5. Favia v. Indiana University of Pennsylvania, 812 F. Supp. 578 (W.D. Pa. 1993) (Title IX case when sports program is cut); 6. Association for Intercollegiate Athletics for Women (AIAW) v. NCAA, 735 F.2d 577 (D.C. Cir. 1984) (antitrust case) 7. NCAA v. Tarkanian, 488 U.S. 179 (1988) (NCAA not a state actor) <p>Other assigned reading:</p> <ol style="list-style-type: none"> 8. Review provided sample contracts in college athletics (coach employment contract, competition agreement, student-athlete financial aid agreement, facility lease agreement, sponsorship agreement, suite lease agreement)
		Choose a case from the last few years regarding an issue in college athletics and be ready to explain the legal analysis. Many suitable cases will come from news media (no appellate opinion) and settled out of court.
		ASSIGNMENT 1: Take Division I NCAA recruiting exam (any sport) until you get a perfect score (due before class on Day 2)
Day 2	NCAA Governance Structure and legislative process	Read Garlock article on NCAA legislative process (pages 1-13)

		<p>Review NCAA website on legislative process and governance structure, including the following:</p> <ol style="list-style-type: none"> 1. NCAA Governance Structure Diagram 2. View NCAA video on legislative process 3. Review NCAA Governance website links including: Legislative actions and issues, Committees, and Membership <p>Review the following case:</p> <ol style="list-style-type: none"> 1. Law v. NCAA (antitrust) 5 F. Supp. 2d 921 (D. Kan. 1998)
		ASSIGNMENT 2: NCAA Rules Exercises (50 questions due before class on day 3)
Day 3	NCAA Rules Review	List five questions you have about NCAA rules
	LSDBi - Providing Rule Interpretations	ASSIGNMENT 3 (GROUP) - Exercises of several questions and scenarios – discuss, research, and write out recommended actions to present in class (due before class on Day 4)
	Verbal and written communication in college athletics	<p>Review the following case:</p> <ol style="list-style-type: none"> 1. NCAA v. Board of Regents of the University of Oklahoma, 468 U.S. 85 (1984) (antitrust)
Day 4	Review rule interp questions	ASSIGNMENT 4 (GROUP) - Write Legislative Relief Waiver request (due before class on Day 5)
	Waiver requests and Student-Athlete Reinstatement Requests	<p>Review the following cases:</p> <ol style="list-style-type: none"> 1. O’Bannon v. NCAA, 802 F.3d 1049 (9th Cir. 2015) (antitrust)
Day 5	Infractions process, violation investigating and reporting	<p>Review the following major infraction cases:</p> <ol style="list-style-type: none"> 1. Boise State: recruiting inducements 2. Florida State: football academic misconduct 3. Louisville: MBB recruiting practices 4. SMU: death penalty 5. USC: Reggie Bush 6. Oregon: Recruiting service 7. TBD – MBB FBI cases <p>Finally, review the following case and be prepared to make arguments on either side in the student-athlete Name, Image, Likeness usage debate using the principles and precedent in the string of NCAA antitrust cases:</p> <ol style="list-style-type: none"> 1. Alston v. NCAA see file (antitrust)
	Name, Image, Likeness	

Assignments:

- Assignment 1: Go to link and take practice exams until you obtain a perfect 30/30 score on the coaches recruiting exam. Students are encouraged to use the NCAA Manual to look up applicable rules. Please submit a pdf showing the perfect score through WISE.
- Assignment 2: This is an exercise designed to give students further exposure to the NCAA Manual and how the NCAA rules interact with each other through 50 questions that outline common scenarios governed by NCAA rules. It will prepare students for a more robust class discussion on basic NCAA rules. This exercise will require students to locate in the manual the bylaw that applies to the question, and interpret the language and intent of the bylaw.
- Assignment 3: (professor will assign groups for completion of this assignment): This exercise will require groups to receive and research several questions from various possible sources (coach, high level booster, athletic director, student-athlete, etc.). Groups will use the NCAA Manual and NCAA website to research answers to the questions. Then they must craft a written response suitable for the audience. The best submissions will state the question and facts, and answers will be clear, concise, suitable to the audience (careful of legalese—layman’s terms usually is better) and anticipate other possible intersections with rules that could arise. Answers should also cite bylaws and rule interpretations used to answer the question.
- Assignment 4 (professor will assign groups for completion of this assignment): Each group will write a hypothetical rule waiver request from an assigned scenario. Strong submissions will:
 - Include a description of the facts with an introductory paragraph that clearly outlines the request for legislative relief with the primary mitigating factors and extenuating circumstances;
 - Cite the applicable bylaw from which you seek relief;
 - Clearly address/document each required element for obtaining relief as outlined in the NCAA Division I Information Standards, Guidelines and Directives;
 - Be written persuasively, clearly so as not to be misunderstood, and concisely (wordy submissions are bad); and
 - Include helpful case precedent.