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A Proposal for Reform of NCAA Transfer Bylaws

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The NCAA bylaws governing student-athlete transfer are in need of reform. The present system favors the original institution over student-athletes in a number of ways. The original institution has control over the schools with which student-athletes may discuss athletically-related financial aid and those at which they might be eligible for competition immediately. Head coaches move from institution to institution freely, while student-athletes cannot, even when sanctions unrelated to the student-athletes' conduct prevent them from competing for a championship. The present system treats student-athletes differently depending on their sport.

This proposal stands in stark contrast to the present system, and it addresses all the issues enumerated above. It removes all control of transfer decisions from the original institution and provides it to the student-athletes, and this proposal treats all student-athletes the same, regardless of sport. Under this proposal, no student-athlete ever needs to secure the permission of the original institution in order to transfer, and student-athletes are immediately eligible for aid and practice. The proposal also addresses the inequities of head coach versus student-athlete mobility, making all student-athletes immediately eligible for competition upon transfer when a head coach quits or is fired or when sanctions are imposed on the original institution limiting post-season competition. Student-athletes who have earned a baccalaureate degree will have immediate athletics eligibility if they desire to attend a different institution. Walk-ons will also have immediate athletics eligibility upon transfer. Other existing exceptions to the year in residence requirement are also preserved.

While this proposal would create a far more student-athlete-friendly transfer system than the present one, it eschews a system in which all student-athletes are eligible for competition immediately after transfer. Data clearly indicate that, in broad strokes, transfer has negative educational implications – both on likelihood of graduation and time to degree. A plan that includes immediate eligibility for all transferring student-athletes creates an environment in which transfers will dramatically increase, and such a plan predictably will have an overall negative impact on graduation and time to degree.

This proposal forces recognition of the increased time-to-degree by adding a year to the clock of transferring student-athletes who are not eligible for competition immediately, which creates an additional year of educational opportunity for the transferring student-athlete, and places the responsibility for providing that additional educational time on the receiving institution.

In addition, the proposal ensures that student-athletes do not lose a year of competition due to transfer. By adding one year to their clock, transferring student-athletes will have the same

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number of years of competition remaining at the second institution following a year-in-residence as they did at the original institution at the time of transfer.

The proposal also eschews immediate eligibility based on achieving some academic threshold. A plan that permits immediate eligibility on higher-threshold academic criteria will have a predictably disparate impact on different demographics and sports. This plan does not provide different transfer paradigms for students of different academic gifting or performance, but treats all student-athletes who maintain their eligibility the same. One of the guiding principles of reform was that student-athletes in all sports should be subject to the same transfer landscape. Models that base post-transfer eligibility on elevated academic standards will have predictably unequal effects on football and men's basketball, perpetuating the presence of different transfer landscapes for different sports.

Draft of Proposed Bylaw

A student-athlete may transfer without the permission of the original institution and be immediately eligible for aid and practice. A student-athlete who transfers is not eligible for competition for the academic year following transfer, unless:

1. the student-athlete earned a baccalaureate degree at the original institution;
2. the student-athlete's head coach at the original institution resigned or was fired during or after the most recent season of competition, except that the student-athlete is not immediately eligible at another institution at which the head coach is employed;
3. sanctions have been imposed on the original institution that limit post-season competition in the student-athlete's sport;
4. the student-athlete did not receive athletically-related financial aid at the original institution; or
5. an exception in bylaw 14.5.5.2 or 14.5.6 is satisfied.

A first-time transfer who is not immediately eligible for competition receives a one-year extension to the five-year clock if it is necessary to ensure that the student-athlete does not lose a year of competition due to transfer.

Summary of the Proposal's Benefits to Student-Athletes

- This plan is genuinely significant transfer reform that relocates all control of transfer decisions to student-athletes. This plan removes all authority on transfer decisions from the original institution.

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- Student-athletes may transfer to the institution of their choice, and they never need the permission of the original institution to transfer.
- All student-athletes are immediately eligible for aid and practice after transfer.
- Student-athletes may transfer once without losing a season of competition.
- Student-athletes who transfer after a head coaching change or the imposition of a limit on post-season competition are eligible immediately.
- Student-athletes who are walk-ons or graduates are eligible immediately after transfer.
- Student-athletes who transfer may continue to take advantage of other existing exceptions to the year in residence requirement.

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