



Case Summary

General Case Information

Case Number	Case Type	Sub Case Type	Release to Database
1046671	Interpretation Request	Eligibility - Bylaw 14 Four-Year College Transfers-Bylaw 14.5.5 (Including Graduate Transfers - Bylaws 14.6.1)	No

Division **Sport(s)**

I

Legislative Cite(s)

14.5.1 - Residence Requirement -- General Principle.
14.5.5.1 - General Rule.
14.02.14 - Residence.
14.02.14.1 - Academic Year of Residence.

Status Information

Status	Status Date	Status Level	Status Level Type
Resolved	02/06/2019	Staff	Individual

Conditions

Rationale

Interpretation:: Per Bylaw 14.02.14, a student-athlete must enroll by the 12th day of classes in order for a term to be used as part of a year in residence. In this case, the SA enrolled at institution #1 for the spring 2019 term, competed, and then transferred to the certifying institution, where he enrolled full-time on the eighth day of class. Therefore, the SA's year in residence begins with the spring 2019 term at the certifying institution.

Case Summary

Specific Case Information

Describe the interpretive request

We have a men's basketball student-athlete who recently transferred to us from another four-year institution. We are trying to determine his year in residence. He played on the first day of the spring semester (1/14/19) at his previous institution. He transferred to our institution and will meet the definition of residence, via 14.02.14, at our institution this spring. Can we count this spring as part of his year in residence despite him playing in the spring semester at his previous institution?

Provide the conference analysis of the interpretive request.

Provide the institution's analysis of the interpretive request.



Institution: Nicholls State University
Case Type: Interpretation Request

Division: I

Case ID: 1046671
Date: 08/05/2019

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General Information

Institution Information

Institution or Conference Nicholls State University
Division of Institution I
Conference Southland Conference
Phone Number 985/448-4794
Academic year related to this request 2018-19

Sub Case Types

Please check all the Interpretation Request sub-case types and conditions that apply

Eligibility - Bylaw 14

Eligibility - Bylaw 14 Sub-Case Types

Four-Year College Transfers-Bylaw 14.5.5 (Including Graduate Transfers - Bylaws 14.6.1)

Legislation Related to this Request

Provide cite(s) of applicable legislation, educational column or interpretation

Type	Division	ID	Text
Bylaw	I	14.5.1	Residence Requirement -- General Principle.
Bylaw	I	14.5.5.1	General Rule.
Bylaw	I	14.02.14	Residence.
Bylaw	I	14.02.14.1	Academic Year of Residence.

One sentence statement that describes the interpretive issue.

What is considered a year in residence for a four-year men's basketball student-athlete that transfers after competing in the spring semester of institution one but will complete a semester of residence -- via 14.02.14 -- in the spring 2019 at institution two?

Case Prioritization Information

Do the circumstances of this request require urgent review (within the next two business days)? No

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Case Information

Case Information

All Requests

Describe the interpretive request

We have a men's basketball student-athlete who recently transferred to us from another four-year institution. We are trying to determine his year in residence. He played on the first day of the spring semester (1/14/19) at his previous institution. He transferred to our institution and will meet the definition of residence, via 14.02.14, at our institution this spring. Can we count this spring as part of his year in residence despite him playing in the spring semester at his previous institution?

Have you previously contacted any NCAA staff regarding this request? No

Have the institution and conference communicated regarding this request? No

Page 3 - Case Documentation

Case Documentation

(Maximum individual file size is 10MB.) Upload each document individually.

Recommended Documentation

If necessary

Provide any documentation related to the interpretive request

Page 4 - Case Contacts and Submission

Case Contacts and Submission

Select Contacts for this Case

Primary Contact Andrew Kearney (andrew.kearney@nicholls.edu) Phone: 9854484812 Cell: [REDACTED]

Secondary Contact Lindsey McKaskle (lindsey.mckaskle@nicholls.edu) Phone: 448-448-4789 C [REDACTED]

Additional Case Contacts

Additional contacts with a valid email address from the conference or member institution will receive selected e-mails related to the case.

Email Delivery First Name Last Name Title E-mail Address

Terms and Conditions

Disclaimer Terms and Conditions

I understand the interpretations staff response will be based solely on the specific facts provided in this interpretive request. Any changes to the facts presented, or additional information relevant to this request, must be submitted through Requests/Self-Reports Online.

Agreement by Andrew Kearney on 02/06/2019

Activity After Case Submission

Responses to Requests for Additional Information



Case Summary

General Case Information

Case Number	Case Type	Sub Case Type	Release to Database
1047320	Interpretation Request	Amateurism - Bylaw 12 Awards and Benefits - Bylaw 16	No

Division	Sport(s)
I	

Legislative Cite(s)

12.5.3 - Media Activities.
12.1.2.1.6 - Preferential Treatment, Benefits or Services.

Status Information

Status	Status Date	Status Level	Status Level Type
Resolved	02/13/2019	Staff	Individual

Conditions

Rationale

Interpretation:: It is permissible for student-athletes to participate in this show provided Bylaw 12.5.3 (media activities) is satisfied. It is only permissible for student-athletes to receive a prize if that same benefit is extended to all participants on the show for reasons other than athletics.

Case Summary

Specific Case Information

Describe the interpretive request

Nicholls State University was made aware of a Youtube "talk show" (Bayou Boyz Live) led by the institution's students with student-athletes as guests on the show. Student-athletes are the sole guests on the show at this point. The Athletics Department was not aware of this show until 2/11/19. In three of the four episodes, current student-athletes participate in normal talk show-like activities. However, near the end of the episode, student-athletes compete in different competitions for the chance to win a \$10 gift card to a restaurant (Subway, Outback Steakhouse and Hooters in these three episodes). None of the competitions that the student-athletes compete in have anything to do with skills related to their sport. One women's basketball student-athlete competes in a "Minute to Win It" style cup stacking game. In another episode, two women's basketball student-athletes and a volleyball student-athlete compete in a trivia contest. In the third episode, two women's tennis student-athletes compete against two women's soccer student-athletes in a Jeopardy-like trivia competition. The links for each of the episodes is included in case documentation. Nicholls does not believe this to be a violation. We believe this to be similar in nature to Notre Dame University Arika Ogunbowale being able to win prize money on the Dancing With the Stars because dancing was not related to her skills as a basketball player.

Provide the conference analysis of the interpretive request.

The conference office was unsure on the application.

Provide the institution's analysis of the interpretive request.

Nicholls believes that because all of the gift cards were won using abilities that have nothing to do with the student-athletes' sports that no violation has occurred. We believe this to be very similar to the Dancing With the Stars/Arika Ogunbowale situation.



Institution: Nicholls State University
Case Type: Interpretation Request

Division: I

Case ID: 1047320
Date: 08/05/2019

Page 1 - General Information

General Information

Institution Information	
Institution or Conference	Nicholls State University
Division of Institution	I
Conference	Southland Conference
Phone Number	985/448-4794
Academic year related to this request	2018-19

Sub Case Types	
Please check all the Interpretation Request sub-case types and conditions that apply	
Amateurism - Bylaw 12	Awards and Benefits - Bylaw 16

Legislation Related to this Request			
	Type	Division ID	Text
Provide cite(s) of applicable legislation, educational column or interpretation	Bylaw	I 12.5.3	Media Activities.
	Bylaw	I 12.1.2.1.6	Preferential Treatment, Benefits or Services.
One sentence statement that describes the interpretive issue.	Students from the institution created an internet video talk with student-athletes, who are able to win gift cards for non-athletic feats (trivia, "Minute to Win It" games).		

Case Prioritization Information	
Do the circumstances of this request require urgent review (within the next two business days)?	Yes
Provide description of reason for expedited review request.	Upcoming competition of student-athletes involved
Provide the date of the issue requiring expedited review	02/13/2019

Page 2 - Case Information

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Case Information

All Requests

Describe the interpretive request	Nicholls State University was made aware of a Youtube "talk show" (Bayou Boyz Live) led by the institution's students with student-athletes as guests on the show. Student-athletes are the sole guests on the show at this point. The Athletics Department was not aware of this show until 2/11/19. In three of the four episodes, current student-athletes participate in normal talk show-like activities. However, near the end of the episode, student-athletes compete in different competitions for the chance to win a \$10 gift card to a restaurant (Subway, Outback Steakhouse and Hooters in these three episodes). None of the competitions that the student-athletes compete in have anything to do with skills related to their sport. One women's basketball student-athlete competes in a "Minute to Win It" style cup stacking game. In another episode, two women's basketball student-athletes and a volleyball student-athlete compete in a trivia contest. In the third episode, two women's tennis student-athletes compete against two women's soccer student-athletes in a Jeopardy-like trivia competition. The links for each of the episodes is included in case documentation. Nicholls does not believe this to be a violation. We believe this to be similar in nature to Notre Dame University Arika Ogunbowale being able to win prize money on the Dancing With the Stars because dancing was not related to her skills as a basketball player.
Have you previously contacted any NCAA staff regarding this request?	No
Have the institution and conference communicated regarding this request?	Yes
Provide the date(s) of contact between the institution and conference office regarding this request.	02/11/2019
Provide the conference analysis of the interpretive request.	The conference office was unsure on the application.
Provide the institution's analysis of the interpretive request.	Nicholls believes that because all of the gift cards were won using abilities that have nothing to do with the student-athletes' sports that no violation has occurred. We believe this to be very similar to the Dancing With the Stars/Arika Ogunbowale situation.

Page 3 - Case Documentation

Case Documentation

(Maximum individual file size is 10MB.) Upload each document individually.

Recommended Documentation

If necessary

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[BAYOU_BOYZ_LINKS.docx](#)

Uploaded on 02/12/2019 by Andrew Kearney

Page 4 - Case Contacts and Submission

Case Contacts and Submission

Select Contacts for this Case

Primary Contact Andrew Kearney (andrew.kearney@nicholls.edu) Phone: 9854484812 Cell [REDACTED]

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Agreement by Andrew Kearney on 02/12/2019

Activity After Case Submission

Responses to Requests for Additional Information



Andrew Kearney <andrew.kearney@nicholls.edu>

Cumulative GPA

Andrew Kearney <andrew.kearney@nicholls.edu>
To: "DeJulio, Maria (Contractor)" <mdejulio@ncaa.org>

Wed, Mar 27, 2019 at 1:36 PM

Thank you! We are including all higher education courses in the adjusted GPA.

Andrew

On Wed, Mar 27, 2019 at 11:36 AM DeJulio, Maria (Contractor) <mdejulio@ncaa.org> wrote:

Hi Andrew:

I checked with DeAnna Wiley and you can use the adjusted GPA as long as it is not a term GPA. (see below)

Maria



Maria K. DeJulio

NCAA Research Contractor

w: 913-397-7668 | **c:** [REDACTED] | ncaa.org

P.O. Box 6222, Indianapolis, IN 46206-6222

From: Wiley, DeAnna <dwiley@ncaa.org>

Sent: Wednesday, March 27, 2019 10:42 AM

To: DeJulio, Maria (Contractor) <mdejulio@ncaa.org>; Yurk, Kathryn <kyurk@ncaa.org>

Subject: RE: Cumulative GPA

We use the GPA that is used for graduation purposes at the institution. So I think the adjusted is fine, provided it is not a term GPA.

DeAnna Wiley

Assistant Director, Academic and Membership Affairs



w: 317-917-6337 | **c:** [REDACTED] ncaa.org
P.O. Box 6222, Indianapolis, IN 46206-6222

From: DeJulio, Maria (Contractor) <mdejulio@ncaa.org>
Sent: Wednesday, March 27, 2019 10:03 AM
To: Wiley, DeAnna <dwiley@ncaa.org>; Yurk, Kathryn <kyurk@ncaa.org>
Subject: FW: Cumulative GPA

Good morning!

I have never received this one before – what do you advise?

Maria



Maria K. DeJulio
NCAA Research Contractor
w: 913-397-7668 | **c:** [REDACTED] ncaa.org
P.O. Box 6222, Indianapolis, IN 46206-6222

From: Andrew Kearney <andrew.kearney@nicholls.edu>
Sent: Wednesday, March 27, 2019 8:59 AM
To: DeJulio, Maria (Contractor) <mdejulio@ncaa.org>
Subject: Cumulative GPA

Maria,

We are doing some APR projections and I have a question about the GPA needed for transfer adjustment. The APP manual states that the GPA used (2.6 or 3.3) is a cumulative GPA. We use our "adjusted" GPA on campus because that is what we use for graduation purposes. The main difference, and usually only difference, between our cumulative GPA and our adjusted GPA is factoring out repeats.

Can we use our adjusted GPA since we use that to determine graduation? Or, does the adjustment have to factor in all classes, even repeats, for the transfer adjustment?

--

Andrew Kearney



Nicholls State University
Associate Athletic Director for Compliance and Administration

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Cell: [REDACTED]
@androohkearney

GeauxColonels.com

--

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