

THE CALIFORNIA STATE UNIVERSITY
OFFICE OF THE CHANCELLOR

BAKERSFIELD

January 9, 2006

CHANNEL ISLANDS

MEMORANDUM

CHICO

DOMINGUEZ HILLS

TO: CSU Presidents

EAST BAY

FROM: Charles B. Reed
Chancellor

FRESNO

FULLERTON

SUBJECT: California Student Athlete Fair Opportunity Act of 2005 —
Executive Order No. 967

HUMBOLDT

Attached is a copy of Executive Order No. 967 relating to the California Student Athlete Fair Opportunity Act of 2005.

LONG BEACH

LOS ANGELES

In accordance with policy of the California State University, the campus president has the responsibility for implementing executive orders where applicable and for maintaining the campus repository and index for all executive orders.

MARITIME ACADEMY

MONTEREY BAY

If you have questions regarding this executive order, please contact Mr. Ray Murillo, Associate Director, Student Programs, Student Academic Support, at (562) 951-4707 or rmurillo@calstate.edu

NORTHRIDGE

POMONA

CBR/mlr:lem

SACRAMENTO

Attachment

SAN BERNARDINO

cc: CSU Provosts/Vice Presidents for Academic Affairs
CSU Vice Presidents for Administration/Finance
CSU Vice Presidents for Student Affairs
Athletic Directors
Directors of Financial Aid
Executive Staff, Office of the Chancellor

SAN DIEGO

SAN FRANCISCO

SAN JOSÉ

SAN LUIS OBISPO

SAN MARCOS

SONOMA

STANISLAUS

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802-4210
(562) 951-4707

Executive Order: 967
Effective Date: January 1, 2006
Supersedes: No prior executive order
Title: California Student Athlete Fair Opportunity Act of 2005

This executive order is issued pursuant to Section 1 and 2 of Chapter III of the Standing Orders of the Board of Trustees of the California State University and in accordance with Section 89271 of the *California Education Code*.

On October 5, 2005 the Governor signed Senate Bill 661, the California Student Athlete Fair Opportunity Act of 2005 ("The Act"). This bill added The Act as Section 89241 of the *Education Code*, requiring that the Trustees of the California State University provide appropriate academic support service in order to ensure that student athletes are provided a fair opportunity to earn a baccalaureate degree.

Policy

It is the responsibility of the university president to ensure that appropriate efforts and resources are directed toward meeting the following requirements of the California Student Athlete Fair Opportunity Act of 2005, which seeks to improve the graduation rate of student athletes, particularly those athletes who were admitted as general exceptions for their athletic ability under Section 40900, Title 5 of the California Code of Regulations.

Comprehensive Plan For The Academic Support Of Student Athletes

Each campus that is a member of the National Collegiate Athletic Association shall adopt a comprehensive plan providing for the academic support of student athletes. The plan shall be consistent with the requirements of Title IX of the federal Education Amendments of 1972, as amended, and the bylaws of the National Collegiate Athletic Association, as amended. The plan shall include, but not limited to, the following:

- Coordination with existing academic and financial support services at the campus;
- Evaluation of the academic needs of student athletes;
- A set of academic support initiatives;

- A financing plan for these initiatives and a fund-raising strategy for the augmentation of those initiatives; and
- A regular evaluation mechanism to monitor the academic progress of athletes and the effectiveness of academic support programs.

Services provided under the plan may include any of the following:

- Additional athletic financial assistance, which covers an amount up to the cost of attendance under provisions of Title IV of the Higher Education Act of 1965, as amended, for additional periods of attendance necessary for an athlete to complete the requirements for a baccalaureate degree after the student's period of athletic eligibility has ended;
- Employment assistance, including work-study programs;
- Tutoring;
- Mentoring; and
- Accommodations in class scheduling to provide a fair opportunity for student athletes to attend required courses in a manner that allows them to participate in the requirements of their sports.

Summer Athletic Scholarships

Commencing with the 2006 summer term, all campuses of the California State University that provide athletic scholarships for student athletes shall provide summer athletic scholarships that shall be consistent with both the requirements of Title IX of the federal Education Amendments of 1972 and with bylaws of the National Collegiate Athletic Association, as amended.

The first priority for summer athletic scholarship assistance shall be provided to students who were admitted to the campus under provisions of Title 5, Section 40900 or 40901, of the *California Code of Regulations*, and who are at risk of not completing their degree before their athletic eligibility ends.

Summer athletic scholarships shall, at a minimum, be sufficient to cover the cost of tuition, fees, books, and supplies as calculated for purposes of the summer cost of attendance under the provisions of Title IV of the Higher Education Act of 1965, as amended. Summer athletic scholarships shall not be limited to any amount that is less than that which is allowed under the bylaws of the National Collegiate Athletic Association.

A summer athletic scholarship shall be of sufficient amount and duration, with regard to the number of summer sessions and the number of units covered, to provide a student athlete a

fair opportunity to correct academic progress problems through attendance in a summer session.

Summer athletic scholarships may be funded through any revenue source available to, or procured by, the campus, including, but not necessarily limited to, gate receipts, donations from alumni and others, corporate sponsorships, associated student contributions, and campus-based student fees that may be legally used for this purpose. The campus shall not use state General Fund moneys or state university fee revenue to fund summer athletic scholarships nor shall a campus set aside, for purposes of summer athletic scholarships, any institutional financial aid funds for which any financially needy students are eligible.

Student athletes may receive other institutionally administered financial aid for the summer if the athlete qualifies for that assistance irrespective of his or her status as a student athlete.

Reporting Requirements

Each campus that is a member of the National Collegiate Athletic Association shall provide a copy of its comprehensive plan for the academic support of student athletes to the Associate Director, Student Programs, Academic Affairs, Student Academic Support, Office of the Chancellor by September 1, 2006 and, thereafter, by September 1 of each odd-numbered year commencing with 2007.

Each campus that is a member of the National Collegiate Athletic Association shall also provide a report, in a format prescribed by the Office of the Chancellor, by October 1, 2006 and, thereafter, by October 1 of each odd-numbered year commencing with 2007, regarding the status of athletic academic progress and athletic academic support

The report shall include, but may not be limited to, the following information:

- A five-year history of the graduation rate and Academic Progress Rate of each team on each campus as calculated by the National Collegiate Athletic Association, to the extent these rates are available;
- Annual admission category information for each team on each campus that indicates the number and percent of students admitted who were not eligible for regular admission to the campus;
- A summary of the academic initiatives and support programs available to the athletes at the campus;
- If the campus participates in Division I, including any of its subparts, of the National Collegiate Athletic Association, and if any team or the athletic program overall has an Academic Progress Rate score of less than 925 for any year, a summary of the corrective action planned by the campus or athletic department as well as a report on sanctions, if any, imposed by the National Collegiate Athletic Association; and

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- The total budget for the athletic programs and each team, including an itemization of the amount spent on athletic scholarships and the amount spent on summer athletic scholarships.

Implementation Guidance

Pursuant to this executive order, the Office of the Chancellor shall provide additional advice and guidance to CSU campuses on implementation issues and concerns and may, as needed or appropriate, modify that guidance to ensure that reasonable efforts are made to provide appropriate academic support services in assisting student athletes to earn a baccalaureate degree.

Comprehensive Plan For The Academic Support Of Student Athletes

Campus plans for the academic support of student athletes shall be submitted biennially to Academic Affairs, Student Academic Support, Office of the Chancellor, with the first report due by September 1, 2006 and, thereafter, biennially by September 1 of every odd-numbered year beginning in 2007. Plans shall be consistent with the requirements of Title IX of the federal Education Amendments of 1972, as amended, and the bylaws of the National Collegiate Athletic Association, as amended.

CSU campus plans shall take into consideration appropriate student athlete academic achievement goals reflected in the strategic plans of athletic conferences with which the campus is affiliated as well as CSU campus strategies for facilitating graduation. In addition, each campus plan shall address, at a minimum, measures that will be taken to ensure that retention and graduation rates and time-to-degree data for student athletes compare favorably with corresponding rates and data for the entire student body of the campus.

Campus plans should identify efforts that the campus will undertake to address academic advisement and support needs of athletes admitted to the campus under provisions of Title 5, Section 40900 or 40901, of the of the *California Code of Regulations* as well as the needs for academic advisement, support services, and financial assistance for athletes whose athletic eligibility expires prior to completion of their baccalaureate degree.

Summer Athletic Scholarships

The provision of summer athletic scholarships shall be at all times and in every instance consistent with requirements of Title IX of the federal Education Amendments of 1972, as amended, and with the bylaws of the National Collegiate Athletic Association, as amended.

While the Act is not specific as to the number of summer athletic scholarships that are to be made available by each campus, it was the intent of the legislation for campuses to provide a limited number of summer athletic scholarships. Campuses that are Division I schools shall provide no fewer than two and not more that 10 summer athletic scholarships

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annually, and campuses that are Division II schools shall provide no fewer than two and not more than 5 summer athletic scholarships annually.

The campus comprehensive plan for the support of student athletes shall address the efforts that the campus will undertake to ensure that summer athletic scholarship opportunities are provided to student athletes in an effort to assist them in maintaining or reestablishing satisfactory academic progress that may be required as a condition for their continued eligibility to enroll at the campus, to participate in intercollegiate athletics, to receive student financial aid, or to complete additional courses required to keep them on track with respect to completing their degree. Consideration should be given to gender equity when awarding summer athletic scholarships; however, progress toward degree is the priority.

In addressing summer enrollment and scholarship opportunities, campus plans may consider the extent to which student athletes may enroll at community colleges in order to reduce the cost for summer courses and the extent to which student athletes are eligible to receive federal, state, and institutional financial aid for summer enrollment.

In accordance with Section 89241(d) of the *California Education Code*, priority for the awarding of summer athletic scholarships shall be accorded to those student athletes who were admitted to the campus under provisions of Title 5, Section 40900 or 40901, of the of the *California Code of Regulations*. Additionally, priority for the award of summer athletic scholarships should be accorded student athletes who are most in need of summer enrollment opportunities in order to correct academic progress problems that will permit them to retain their eligibility to participate in intercollegiate athletic programs or to maintain or reestablish their eligibility to receive student financial aid funding.

As specified in statute, summer athletic scholarships shall equal the amount of required tuition, state and campus mandatory fees, books and supplies, and course materials fees associated with summer term enrollment. The summer athletic scholarship award should be consistent with student athletic scholarships during the regular academic year. For example, if a campus also provides a stipend or award to cover living expenses during the academic year, consideration should be given to including a similar proportional amount for students selected to receive summer scholarships.

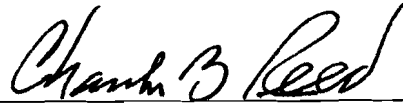
The statute prohibits the use of general funds and state university fee revenue for summer athletic scholarships. The statute further provides that student athletes may receive other institutionally administered financial aid for the summer only if the athlete qualifies for that assistance regardless of his or her status as a student athlete.

Reporting Requirements

Campuses shall report to the Academic Affairs, Student Academic Support, Office of the Chancellor, by October 1, 2006, and, thereafter, biennially by October 1 of every odd-numbered year beginning in 2007, the five-year history of the graduation rate and the Academic Progress Rate of each team as calculated by the National Collegiate Athletic Association, to the extent these rates are available. A report form will be provided to

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campuses for reporting the required elements that are not already collected in the Equity in Athletics Disclosure Act Survey, which must be completed for the U.S. Office of Postsecondary Education by October 15 of each year. This information will enable the California State University to provide the reports to the Legislature and the Governor required by the Act.

A handwritten signature in cursive script that reads "Charles B. Reed". The signature is written in black ink and is positioned above a horizontal line.

Charles B. Reed, Chancellor

Dated: January 9, 2006