(Authority: 20 U.S.C. 1092(g)(3) and (5))

3. A new section 668.48 is added to subpart D to read as follows:

§ 668.48 Report on athletic program participation rates and financial support

- (a) Applicability. This section applies to each co-educational institution of higher education that—
- (1) Participates in any title IV, HEA program; and

(2) Has an intercollegiate athletic

program. (b) *Definitions*. The following

definitions apply for purposes of this section only.

- (1) Athletically-related student aid means any scholarship, grant, or other form of financial assistance, the terms of which require the recipient to participate in a program of intercollegiate athletics at an institution of higher education in order to be eligible to receive that assistance.
- (2) Institutional salary means all wages and bonuses an institution pays a coach as compensation attributable to coaching.
- (3) Recruiting expenses means all expenses institutions incur for recruiting activities, including but not limited to expenditures for transportation, lodging, and meals for both recruits and institutional personnel engaged in recruiting, all expenditures for on-site visits, and all other expenses related to recruiting.
- (4) Reporting year means a consecutive twelve-month period of time designated by the institution for the purposes of this section.

(5) Undergraduate students means students who are consistently designated as such by the institution.

(6) Varsity team means a team that— (i) Is designated or defined by its institution or an athletic association as a varsity team; or

(ii) Primarily competes against other teams that are designated or defined as

varsity teams.

(c) *Report*. An institution subject to this section shall annually, for the immediately preceding reporting year, prepare a report that contains the following information regarding intercollegiate athletics:

- (1) The number of male and female full-time undergraduate students that attended the institution.
- (2) A listing of the varsity teams that competed in intercollegiate athletic competition and for each team the following data:
- (i) The total number of participants, by team, as of the day of the first scheduled contest of the reporting year for the team.
- (ii) Total operating expenses attributable to those teams. For the purposes of this section, the term "operating expenses" means expenditures on lodging and meals, transportation, officials, uniforms and equipment. An institution-
- (A) Also may report those expenses on a per capita basis for each team; and
- (B) May report combined expenditures attributable to closelyrelated teams-such as track and field or swimming and diving. Those combinations must be reported separately for men's and women's teams.
- (iii)(A) Whether the head coach was male or female and whether the head coach was assigned to that team on a full-time or part-time basis.
- (B) The institution shall consider graduate assistants and volunteers who served as head coaches to be head coaches for the purposes of this report.
- (iv)(A) The number of assistant coaches who were male and the number of assistant coaches who were female for each team and whether a particular coach was assigned to that team on a full-time or part-time basis.
- (B) The institution shall consider graduate assistants and volunteers who served as assistant coaches to be assistant coaches for purposes of this report.
- (3) The total amount of money spent on athletically-related student aid, including the value of waivers of educational expenses, aggregately for men's teams, and aggregately for women's teams.
- (4) The ratio of-(i) Athletically-related student aid awarded male athletes; and
- (ii) Athletically-related student aid awarded female athletes.

- (5) The total amount of expenditures on recruiting aggregately for all men's teams, and aggregately for all women's
- (6) The total annual revenues generated across all men's teams, and the total annual revenues generated across all women's teams. An institution may also report those revenues by individual team.
- (7)(i) The average annual institutional salary of the head coaches of all men's teams, across all offered sports, and the average annual institutional salary of the head coaches of all women's teams, across all offered sports.
- (ii) If a head coach had responsibilities for more than one team and the institution does not allocate that coach's salary by team, the institution shall divide the salary by the number of teams for which the coach had responsibility and allocate the salary among the teams on a basis consistent with the coach's responsibilities for the different teams.
- (8) The average annual institutional salary of the assistant coaches of men's teams, across all offered sports, and the average annual institutional salary of the assistant coaches of women's teams, across all offered sports.

Note to paragraph (e): The Secretary interprets the statute to require an institution to count all varsity team members as participants, and not merely those athletes who take part in a scheduled contest. "Participants" include all students who practice with the varsity team and receive coaching as of the day of the first scheduled intercollegiate contest of the designated reporting year, including junior varsity team and freshman team players if they are part of the overall varsity program. The Secretary believes that a reasonable count of participants would also cover all students who receive athletically-related student aid, including redshirts, injured student athletes, and fifth-year team members who have already received a bachelor's degree. (Authority: 20 U.S.C. 1092(g)(1), (2) and (4))

Appendix

Note: The following appendix will not appear in the Code of Federal Regulations.

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