



**UNIVERSITY OF SOUTH FLORIDA**  
*Athletics*

**Via Electronic Mail**

Greg Wilkinson  
Intercollegiate Sailing Association  
ICSA President  
[president@collegesailing.org](mailto:president@collegesailing.org)

**Re: Rule 12(e) ICSA Procedural Rules for Intercollegiate Sailing Competition  
Eligibility of Student-Athletes**

Mr. Wilkinson:

I am writing to you on behalf of the University of South Florida Women's Sailing Team and other similarly situated institutions. In effort to achieve equitable treatment of female student-athletes participating in sailing at the university level, we respectfully request that the Intercollegiate Sailing Association ("ICSA") amend Rule 12(e) of the ICSA Procedural Rules for Intercollegiate Sailing Competition to allow student-athletes to receive financial assistance from their university on the basis of their sailing ability.

**BACKGROUND**

At the University of South Florida ("USF"), we are deeply concerned about the impact of Rule 12(e) on the longevity of collegiate sailing. Universities like USF have a legal responsibility to comply with Title IX of the Education Amendments Act of 1972. Unfortunately, the rule's prohibition against awarding athletics-related financial aid to sailing student-athletes limits an institutions' ability to sponsor the sport. Further, the rule places an undue burden on these student-athletes, effectively relegating them to the status of "walk-ons" and unnecessarily depriving them of the opportunities afforded to student-athletes in other sports on campus.

Altering Rule 12(e) to allow sailing student-athletes to accept financial aid on the basis of their sailing ability, sailing student-athletes will provide a more fulfilling student-athlete experience more akin to their peers in other sports on campus, help institutions comply with federal law, and promote the future growth of the sport.

### **RATIONALE**

#### **I. RULE 12(E) DISPROPORTIONATELY AFFECTS FEMALE STUDENT-ATHLETES AND PUTS INSTITUTIONS THAT SPONSOR THE SPORT AT RISK FOR TITLE IX NONCOMPLIANCE.**

Title IX is a federal law that states “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” There are three basic elements for Title IX compliance by a collegiate institution: (1) both men and women must be provided equal opportunity to participate in sports; (2) male and female student-athletes must receive athletic financial aid in an amount that is proportional to their participation; and (3) the institution must provide equal treatment of female and male student-athletes in various sport-specific and general provisions, such as equipment, facilities, coaching, recruitment, support services, and more.

USF granted varsity status to its women’s sailing team in 2000, due in part to the club program’s successes, but also in an effort to maintain Title IX compliance on campus. USF makes every effort to provide a rewarding student-athlete experience to its women’s sailing team. First, the USF Women’s Sailing Team has year-round access to elite facilities in St. Petersburg, including team spaces that were recently renovated to improve the student-athlete experience. Further, USF sailing athletes are trained under the guidance of Olympic Gold Medalist and U.S. Hall of Fame Head Coach Allison Jolly. Finally, the team trains on a brand-new fleet of boats.

Despite being a seemingly perfect addition to USF's varsity roster and the team's immediate and ongoing success, USF's commitment to hosting the team as a varsity sport actually puts the institution's Title IX compliance in jeopardy. Under the second prong of Title IX, referenced above, the institution is required to provide athletic financial aid in an amount that is proportional to their participation. In contradiction, Rule 12(e) prohibits sailing student-athletes from receiving any athletic financial aid. Therefore, by hosting a varsity women's sailing team, to which zero athletic financial aid can be allocated, USF's Title IX efforts are disadvantaged. In short, USF must look elsewhere and double its efforts to provide athletic scholarship, and in turn benefits and resources, to other female student-athletes on campus.

The inability to achieve Title IX financial aid compliance with a sailing team is a deterrent for institutions to create, elevate, and maintain a sailing team.

USF maintains its commitment to maintain this standard for its sailing athletes and other gender equivalents, but Rule 12(e) creates an unnecessary impediment to these Title IX-focused efforts.

This impediment not only negatively impacts the sailing student-athletes financial stability, but also their overall student-athlete experience. The student-athletes are aware that they are effectively relegated to being "walk-on athletes" despite being one of the most successful teams on campus (twelve conference titles and three national championships) and USF's interest and ability to fund sailing athletes. Thus, this not only negatively impacts USF's Title IX compliance numerically, but also as it negatively impacts the student-athlete experience and their morale.

To not only encourage institutions' interests in onboarding and maintaining varsity sailing teams but also to ensure the student-athlete experience is full and fair, the ICSA should amend Rule 12(e) to allow sailing student-athletes to receive athletic financial aid.

**II. RULE 12(E) CONTRADICTS THE NCAA'S ALLOWANCE OF GRANT-IN-AID FINANCIAL SUPPORT OF SAILING STUDENT-ATHLETES.**

Although sailing student-athletes may receive academic financial support, sailing student-athletes are prohibited from accepting any athletic-based scholarships. In contrast, despite itself not administering sailing, for purposes of calculating sports sponsorship requirements, the NCAA allows a member institution to count four grants-in-aid financial assistance to sailing student-athletes. In 2002, the NCAA said in a published interpretation reiterating this point and emphasizing that four grants-in-aid for sailing can be used for sport sponsorship if the team competes in a minimum of twelve contests per season, with at least four participants in each contest. See Exhibit A. However, institutions have not been able to use this allowance because of the prohibition in Rule 12(e).

Under what is likely to become the new NCAA model following the *House v. NCAA* settlement, institutions will rely on roster limits in place of scholarship caps. But this creates an issue with collegiate sailing because programs do not have the opportunity to entice participation through the offer of athletics-related aid.

Therefore, USF seeks to leverage the emerging new collegiate model to allow a more diverse pool of student-athletes to receive more financial support. In order to do so, ICSA must amend Rule 12(e) to allow financial assistance to sailing student-athletes on the basis of their athletic abilities.

**CONCLUSION**

The ICSA states that the collegiate sailing experience offers “more extensive and significant support” to sailors and “excellent and extensive” training and education. The collegiate model for sailing has changed the landscape of the sport as a whole – growing the sport from a few, informal clubs, to highly-competitive national races on every weekend during fall, winter, and spring competition seasons. Sailing student-athletes go on to become Olympic medalists, national and world championship, and elite competitors in their respective fields of competition. Their athlete prowess is honored with ICSA awards like All-American, College Sailor of the Year, Women’s Sailor of the Year, and various championship awards. However, sailing student-athletes are unfairly denied equal opportunity and a full student-athlete experience on college campuses as a result of the prohibition against athletic scholarships pursuant to Rule 12(e). Further, institutions that sponsor varsity sailing programs unnecessarily jeopardize their Title IX compliance because counting sailing student-athletes inhibits the institution’s ability to achieve athletic financial aid proportionality.

In order to maintain and elevate the student-athlete experience on campuses like USF, where sailing is a successful and beloved program, the ICSA must amend Rule 12(e) to allow sailing student-athletes to receive financial assistance on the basis of their athletic abilities.

Sincerely,



Michael Kelly  
Vice President of Athletics  
University of South Florida

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**Type:** Staff Interpretation

**Title:** Requirements for Counting Sailing for Sport Sponsorship

**Division:** I

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**Text:**

The membership services staff confirmed that an institution may request, pursuant to Bylaw 20.9.3.2.1, that sailing be used for sports sponsorship. The institution must compete in a minimum of 12 contests, with at least four participants in each, with a maximum of four grants-in-aid (based on value) in effect at any one time. [References: NCAA Bylaw 20.9.3.2.1 and 08/13/86 official interpretation, Item No. 41, which has been archived.]

**Legislative References**

Legislative Cite	Title
20.10.6.1.1	Waiver.

**Other References**

Reference
08/13/86 Official Interp Item. 41

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