



Eligibility Committee

Position Paper

To: File
From: USA Rugby Eligibility Committee
Date: 8/26/2009
Re: Multiple Campus Player Eligibility

The USA Rugby Eligibility Committee has been asked to clarify USAR Eligibility Guideline Section 4.2 as it pertains to the eligibility of college players who attend school full-time and play on the same team, but who attend school at different campus locations.

Jurisdiction

The request was submitted by the Mid-Atlantic Rugby Football Union, through its Collegiate Committee Chair, Carl Schmitt. The Request was forwarded to the Penn State University Director of Rugby, Don Ferrell, for comment and response. This matter, along with those submissions, has now been reviewed by, and received input from, the entirety of the USA Rugby Eligibility Committee, as well as from USA Rugby Staff Liaisons, as per the recommended practice of the USAR Rugby Committee. Accordingly, it is properly situated for a position to be taken by this Committee for submission and approval or modification by the Rugby Committee.

Guideline Clarification Sought

Section 4. NATIONAL COLLEGIATE CLUB CHAMPIONSHIPS

4.2. Player Eligibility

*In order to participate in a **Qualifying Match**, and in the National Collegiate Club Championship, the player must meet all of the following eligibility criteria at the time of competition:*

c) The player must play on the team representing the school in which he/she is enrolled.

Position Resolution

Penn State University RFC and all other schools similarly situated are hereafter prevented from having players participate in matches that lead to a national championship, or playoff qualification for same, who do not attend school at the campus where the club is situated. For schools with multiple campuses, players at the various campuses are not eligible to play on the same team representing the university with others attending another campus, absent a specific waiver. Waivers will not be granted absent some compelling circumstance beyond the hope of playing collegiate level rugby or playing with a certain group of players from a different campus.

This resolution is a unanimous recommendation and would result in an amendment to the referenced section to the same effect.

Comment

The request for review submitted by MARFU and the Response indicated from Penn State are attached in their entirety.

It should be stated at the outset that Eligibility is more interested in creating opportunities for growth of the game and playing opportunities than in restricting players from opportunities. When some measure of restriction occurs, it should occur at the prospect of growth and fairness to all. Here, the prospect for growth is more readily grasped when different colleges and campuses in a multiple site situation are encouraged to have separate teams. When that does not happen or can not happen, the player's option is to play only in games that do not lead to a Championship or playoff contention. Traditionally, that has been done in the "B" game, thus preserving some collegiate rugby experience for the player.

For purposes of this Position, the Eligibility Committee assumes *arguendo* Penn State's claim that there is a difference between multiple campuses of a single university and a university system. That is, that assertion may or may not be true, but it is not determinative of the outcome in this instance, so it is not reached and may be revisited if it becomes pertinent to another Eligibility-related issue at some future date. Accordingly, it is simply accepted and the outcome that follows is the same as if it were not accepted.

The Guideline language involved, specifically subsection c, establishes that the players involved must play on the "team" representing the school at which he or she is enrolled. A single university with multiple campuses is not precluded from having multiple teams and, in fact, other universities with multiple campuses (like the Penn State system) have separate "teams."

Multiple teams is a preferred outcome in order to foster growth and where allowing the opposite might actually discourage growth. Additionally, allowing Penn State to continue in its practice while others follow a preferred path will potentially result in a competitions disadvantage to those teams where the players are all derived from a single campus.

Furthermore, to the extent that the "multiple campus university" v "university system" explanation actually is true, it hardly begins to provide an analysis of the many, many factors that might actually be considered in determining which teams fall into which category. To claim that distinction as a reason for allowing the single team definition to prevail will only invite a potential avalanche of arguments on why some list of systemic distinction and argument should allow other teams to consolidate or never spread out and grow the game. For every difference that can be pointed out, a similarity can also be found. And, as to growth, a quick example that presents is the State University of New York system, which is virtually identical to Penn State in all the ways mentioned and which has separate campuses *and separate teams* at several campuses (i.e., Albany, Alfred, Cortland, Fredonia, Geneseo, Hamilton, Hobart, Oneonta, Oswego, Plattsburgh and Potsdam).

Penn State's other arguments are not well-received. To leave individual schools to define themselves will only result in a variance in application and may even give some teams a competitive advantage over other schools if schools that are very similar come to different conclusions. That is actually at issue here because there are universities on a multiple campus system who require separate teams at the various campuses. In this case, MARFU's submissions included a recitation that Penn State-Altoona has come to a similar conclusion for future students but they are allowing the current players to play in a "grandfather clause" type of application. That submission went unchallenged by Penn State despite a fore warning to them that all considerations need to be submitted. Moreover, if it needs to be stated, allowing a school to make that determination provides no basis for confirming that the school meets with USA Rugby's intended goals.

Penn State's challenge as to what USA Rugby will do with special circumstance students is mis-placed. Those circumstances are the whole reason a waiver process is in place. Individual students have always been, and will continue to be, able to avail themselves of the waiver process. An Eligibility Committee of a single organization is a far better vehicle for ensuring consistent application of a guideline than having various schools make their determination using criteria that may or may not reflect the bases upon which other school and campuses have made their determinations.

Penn State claims a lack of infrastructure to address the situation. Even if true, that would not be a reason for avoiding the path toward better competition. Additionally, that infrastructure might yet be generated. However, the Eligibility Committee disagrees with Penn State's premise in this regard. The infrastructure is in place by way of collegiate playoff check-in procedures, assuming people do their job and confirm the campus locations when viewing school IDs of players and following up on any registrar notations that are not completely consistent. Ultimately, players can try to cheat and clever cheaters may get away with their efforts. That fact will not convince anyone to avoid rules and applications that are geared toward growth and better competition; and there is no set of rules or infrastructure that will account for every scheme to cheat. The current infrastructure works for the most part and situations that vary from the norm or the standard generally are found out, just as happened in this case amidst genuine interpretation disagreement. The issue is one of timeliness and that is largely dependent upon people doing their jobs and team leaders participating honestly and honorably.

Conclusion

Penn State's submission expresses concern over the timing of this issue and the implication that a "wrong" has been done. Those concerns are misplaced. Nobody is claiming that Penn State has committed an intentional wrong, there is no discipline that will follow from this review and any member of the rugby community should be allowed to raise a concern over perceived fairness, competitions and growth-related issues at any time. Otherwise, to simply proceed with practices based on the theory that "it has always been done this way" ensures complacency, stagnation and bad practices going uncorrected.

MARFU recently, and perhaps unwittingly, became aware of a practice that might place their playoff bids at risk if later determined to be a violation of the Guidelines; and the people in authority there did the responsible thing—they asked whether their understanding and practice were acceptable, addressing their inquiry to the proper body to provide an interpretation, the Eligibility Committee. Rugby has grown in several ways in this country over the last decade and there has been a decided effort under the current national leadership to hone the processes in place, so as to provide better review by bodies on which USA Rugby relies for support, most notably the IRB.

The resolution provided presents the most fair, growth-oriented and internally-controllable administrative option.

John Mullett
On Behalf of the USAR Eligibility Committee