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AG Yost Leads Multistate Lawsuit Against NCAA Over Anti-Competitive Transfer Eligibility Rule

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(COLUMBUS, Ohio) — Led by Ohio Attorney General Dave Yost, seven states filed a federal antitrust [lawsuit](#) today challenging the NCAA's transfer eligibility rule as an illegal restraint on college athletes' ability to market their labor and control their education.

The rule requires college athletes who transfer among Division I schools to wait one year before competing in games, unless the National Collegiate Athletic Association waives the rule for a particular athlete. The NCAA began automatically exempting first-time transfers from the regulation in 2021 but has continued to enforce the rule for subsequent transfers and to deny waivers for no legitimate reason.

"The rule is riddled with so many exceptions that the NCAA cannot plausibly substantiate its prior justifications," Yost said. "We're challenging it in order to restore fairness, competition and the autonomy of college athletes in their educational pursuits."

As part of the multistate lawsuit, filed in U.S. District Court for the Northern District of West Virginia, the attorneys general are seeking a temporary restraining order and preliminary injunction to keep the NCAA from enforcing the rule.

The suit follows by about six weeks a letter that Yost sent to the NCAA expressing concerns about the eligibility status of second-time transfer Aziz Bandaogo, a 7-foot center for the University of Cincinnati basketball team whose appeal for a waiver was denied in early November.

"Not only is that decision wrong as a matter of common sense and decency, it is also likely illegal," Yost wrote, noting that the denial "raises serious antitrust concerns as an illegal restraint of trade."

Although Bandaogo has since been cleared to play by the NCAA, the rule continues to hold back uncounted other college athletes, including second-time transfer Jamille Reynolds, a UC forward and teammate of Bandaogo's.

"We're challenging the rule to restore fairness, competition and the autonomy of college athletes in their educational pursuits," Yost said.

Since its founding in 1906, the NCAA has expanded its rulebook beyond on-field contests to regulate off-the-field competition among its member institutions and manage the burgeoning business of collegiate sports. Some regulations are essential for the administration of college sports, the states' lawsuit acknowledges, but "certain rules, lacking a clear procompetitive benefit, may run afoul of the nation's antitrust laws, which are rooted in the belief that market forces yield the best outcomes."

In justifying the one-year waiting period for second-time transfers, the NCAA cites the promotion of academic well-being and the preservation of athletic amateurism. But the suit calls the connection between the rule and these goals "pretextual"; notes that these purported goals can be accomplished through less-restrictive means; and argues that the harm it does to athletes, universities and fans far exceeds any supposed benefits.

The one-year waiting period constitutes 20% of the total time allotted by NCAA regulations for the completion of a college athlete's full eligibility – and, as such, could prove devastating for athletes seeking to optimize their career and welfare by transferring to schools that better suit them.

The NCAA often describes the college athlete experience as transformative, with competition playing a key role. By preventing students from competing, however, it hinders the full realization of this experience. Students deprived of the opportunity to compete in their chosen sports are denied the benefits that competition offers in preparing them for life, as acknowledged by the NCAA, and often suffer financial harm.

"The 'AA' in NCAA might as well stand for 'arbitrary and atrocious,'" Yost said. "The transfer eligibility rule needlessly curtails the fundamental rights of college athletes."

Joining Yost in the lawsuit are the attorneys general of Colorado, Illinois, New York, North Carolina, Tennessee, and West Virginia.

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