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AG Yost and Allies Score Major Win for College Athletes

5/30/2024

(COLUMBUS, Ohio) — Ohio Attorney General Dave Yost today announced a game-changing settlement with the National Collegiate Athletic Association in his lawsuit challenging the NCAA's double transfer rule, which restricts college athletes' ability to compete after transferring to another school.

The agreement, which is subject to the approval of U.S. District Judge John Preston Bailey, frees college athletes from the unfair control that the NCAA exerts over them through its transfer eligibility rule, which Yost views as an illegal restraint on athletes' ability to maximize their economic opportunities.

"We've leveled the playing field for college athletes to allow them to better control their destinies," Yost said. "This long-term change is exactly what we set out to accomplish."

The transfer rule requires athletes who transfer among Division I schools to wait one year before competing in games unless they are granted a waiver. Although it never changed its rule, the NCAA in 2021 began automatically exempting first-time transfers from the regulation; simultaneously, it continued to enforce the rule for subsequent transfers and to deny waivers for no legitimate reason.

In December, Yost and other state attorneys general sued the NCAA, accusing the association of violating antitrust laws with its "arbitrary and unfair" restrictions on second-time transfers. The states, which were quickly joined in the lawsuit by the U.S. Department of Justice, maintained that the rule infringes on the athletes' ability to market their labor.

Judge Bailey, of the Northern District of West Virginia, granted the states' request for a preliminary injunction, forbidding the NCAA from enforcing the transfer rule through at least the spring sports season.

The proposed settlement announced today makes permanent the judge's decision in favor of the athletes.

In addition to ensuring athletes' autonomy, the agreement also:

- Prevents retaliation from the NCAA against member institutions and athletes who challenge the rule or support those who do. This includes safeguarding student athletes' rights to compete during legal proceedings without fear of punitive actions from the NCAA.
- Requires the NCAA to grant an additional year of eligibility to Division I athletes who for any reason were previously deemed ineligible under the transfer eligibility rule since the 2019-20 academic year.
- Prohibits the NCAA from undermining or circumventing its provisions through future actions, rules or policies, thereby ensuring college athletes' rights and freedoms.
- Establishes the court's continuing jurisdiction to enforce its terms and resolve any disputes that may arise.

Yost led the attorneys general of Colorado, Illinois, Minnesota, Mississippi, New York, North Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, as well as the U.S. Department of Justice, in securing this agreement.

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