



Friday
February 3, 1995

Part VII

**Department of
Education**

**34 CFR Part 668
Student Assistance General Provisions;
Proposed Rule**

DEPARTMENT OF EDUCATION

34 CFR Part 668

RIN 1840-AC14

Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the Student Assistance General Provisions regulations. These amendments are necessary to implement a new requirement in the Higher Education Act of 1965, as amended (HEA), recently added by the Improving America's Schools Act of 1994 (IASA). The IASA provision, titled the "Equity in Athletics Disclosure Act (EADA)," requires certain coeducational institutions of higher education to prepare—and make available to students, potential students, and the public—a report on participation rates, financial support, and other information on men's and women's intercollegiate athletic programs. These proposed regulations would implement this new statutory requirement. The statute requires that the Secretary issue final regulations implementing the EADA not later than 180 days following enactment. Thus, the statute requires that final regulations be issued by April 18, 1995.

DATES: Comments must be received on or before April 4, 1995.

ADDRESSES: All comments concerning these proposed regulations should be addressed to: Ms. Paula M. Husselmann, U.S. Department of Education, 600 Independence Avenue, S.W., ROB3, Room 4318, Washington, D.C. 20202-5346, or to the following internet address: Athletic—Data@ed.gov.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Ms. Paula Husselmann, U.S. Department of Education, 600 Independence Avenue, S.W., ROB3, Room 4318, Washington, D.C. 20202-5346. Telephone: (202) 708-7888. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Student Assistance General Provisions regulations (34 CFR part 668) apply to all institutions that participate in the Title IV, HEA programs. The proposed

changes in these regulations are necessary to implement changes to the HEA made by the Equity in Athletics Disclosure Act (EADA), which was included in the Improving America's Schools Act of 1994 (IASA), Pub. L. 103-382, enacted on October 20, 1994. The EADA requires that certain institutions of higher education disclose—to students, potential students, and the public—financial, participation, and other information concerning the institutions' women's and men's intercollegiate athletic programs. The EADA is a "sunshine" law designed to make "prospective students and prospective student athletes . . . aware of the commitments of an institution to providing equitable athletic opportunities for its men and women students." (IASA, section 360B(b)(7)) In enacting the EADA, Congress expected that "knowledge of an institution's expenditures for women's and men's athletic programs would help prospective students and prospective student athletes make informed judgments about the commitments of a given institution of higher education to providing equitable athletic benefits to its men and women students." (IASA, section 360B(b)(8))

The EADA does not require that this information be submitted to the Federal Government. Institutions of higher education that are subject to the EADA must make the information available to students, potential students, and the public.

Summary of the Proposed Regulations

The following is a summary of the regulations that the Secretary proposes to implement the EADA. The Secretary is interested both in ensuring that students and the public receive consistent, useful information from institutions of higher education about their intercollegiate athletic programs, and in keeping regulatory burden on those institutions to the minimum necessary to carry out congressional intent. The Secretary is also committed to working with organizations that are interested in women's and men's sports in implementing the EADA, including development of proposed and final regulations and any optional reporting formats. The Secretary began consulting with a number of these organizations soon after the law was enacted, and will continue to do so in the future.

The proposed regulations include only the statutory requirements contained in the EADA, as described below. The proposed regulations do not include any requirements except those imposed by the statute. In this summary, the Secretary describes a

number of issues that could be addressed in regulations or in non-binding guidance and requests comments on the following questions:

- Which, if any, of these issues should be addressed in the final regulations and how should they be addressed?
- Which issues instead should be addressed in non-binding guidance provided by the Department and how should they be addressed?
- Which issues should not be addressed by the Department because the statutory language is clear or for other reasons?
- Which other issues should be addressed in the final regulations or in non-binding guidance from the Department and how should they be addressed?

1. Institutions of higher education that are subject to the EADA.

The EADA applies to any coeducational institution of higher education (IHE) that participates in a Title IV, HEA program and has an intercollegiate athletic program. This statutory provision is set forth in proposed § 668.48(a).

The Secretary interprets "intercollegiate athletic program" to refer to varsity teams. The term "varsity" is also used in the EADA. These are the teams that compete at a certain level of play (against other IHEs' varsity-level teams). The EADA does not apply to intramural teams or to club teams even if such a team plays a limited number of intercollegiate games against varsity teams. The Secretary requests comments on whether the type or level of financial support by the IHE should also be a determinant of whether a team should be considered a varsity team under the EADA.

The Secretary interprets the term "coeducational" to refer to the composition of an IHE's undergraduate student body. Thus, if an IHE has undergraduate students of only one gender, the EADA would not apply to the IHE's intercollegiate athletic program.

2. Annual report.

The EADA requires that an institution subject to this law shall annually, for the immediately preceding academic year, prepare a report that contains certain information regarding intercollegiate athletics. The EADA specifies the information that must be included in the report. The statutory reporting requirement is in proposed § 668.48(b).

3. Full-time male and female undergraduates.

The report must include the number of male and female full-time

undergraduates that attended the institution for the immediately preceding academic year. (Proposed § 668.48(b)(1))

The terms "academic year" and "full-time student" are defined in the Student Assistance General Provisions (34 CFR 668.2(b)). For the definition of "full-time student," see 59 FR 22419, published on April 29, 1994. For the definition of "academic year," see 59 FR 61178, published on November 29, 1994. The Secretary could apply these definitions to the EADA regulations and requests comments on whether to use (1) these definitions, (2) other definitions, or (3) no definitions. In particular, should the definition of "academic year," which does not refer to a 12-month period, apply? The Secretary believes that the categories of information required to be reported by the EADA should be with respect to a 12-month period, but requests comments on this issue.

The Secretary also requests comments on whether the term "undergraduate" should be defined, and, if so, how.

4. *Participants on varsity teams.*

The report must include—for the immediately preceding academic year—a listing of the varsity teams that competed in intercollegiate athletic competition and—for each team—the total number of participants, by team, as of the day of the first scheduled contest for the team. (Proposed § 668.48(b)(2)(i))

The Secretary requests comments on who should be included and who should be excluded as team "participants" under the EADA. For example, since "red-shirted" players typically practice with a team and receive athletically-related financial aid, should they be included as "participants?"

5. *Operating expenses.*

The report must include—for the immediately preceding academic year—the total operating expenses attributable to each varsity team. The EADA defines "operating expenses" to mean expenditures on lodging and meals, transportation, officials, uniforms, and equipment. In addition to reporting total operating expenses for each team, an institution may also report those expenses on a per capita basis for each team. An institution may report combined expenditures attributable to closely related teams—such as track and field or swimming and diving. Any such combinations must be reported separately for men's and women's teams. (Proposed § 668.48(b)(2)(ii))

The Secretary interprets the EADA to include expenses for both home and away games and training sessions, including lodging and meals. The

Secretary also believes that "total operating expenses" should include the expenses incurred by a team during an entire year, not just those incurred during the sports season of a team. The Secretary interprets the statute to exclude any categories of expenses that are not specifically listed in the law. The Secretary is interested in comments on which expenses should or should not be included under each of the statutory categories (lodging and meals, transportation, officials, uniforms, and equipment).

6. *Head coaches and assistant coaches.*

The institution must indicate in its report—for the immediately preceding academic year—whether the head coach for each varsity team was male or female and whether the head coach was assigned to that team on a full-time or part-time basis. The EADA requires that the institution consider graduate assistants and volunteers who served as head coaches to be head coaches for the purposes of this requirement. The institution must also indicate, for each team, the number of assistant coaches who were male and the number of assistant coaches who were female and whether a particular coach was assigned to that team on a full-time or part-time basis. As with head coaches, the EADA requires the institution to consider graduate assistants and volunteers who served as assistant coaches to be assistant coaches for the purposes of this requirement. (Proposed § 668.48(b)(2)(iii) and (iv))

7. *Total amount of athletically related student aid.*

The report must include—for the immediately preceding academic year—the total amount of money spent on athletically related student aid, including the value of waivers of educational expenses, separately for men's and women's teams overall. (Proposed § 668.48(b)(3))

The Secretary interprets this provision of the statute to require that the IHE report two totals—one total for men's teams and one total for women's teams.

The term "athletically related student aid" is defined in section 485(e)(8) of the HEA to mean 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 IHE in order to receive that assistance. This definition does not apply automatically to the EADA, which is in subsection (g) of section 485. However, the Secretary believes that the definition in subsection (e)(8) would provide useful guidance for the purposes of the EADA

and that having a single definition would promote clarity and consistency in the administration of these statutes. Thus, the Secretary proposes that the definition in subsection (e)(8) be made applicable to the EADA. The Secretary requests comments on whether "athletically related student aid" should also include scholarships to students who are on medical waivers (who therefore are not currently participating on the team) or who continue to receive athletically related aid after they cease to participate on a team for which they had been awarded that aid.

8. *Ratio of aid to male and female athletes.*

The report must give—for the immediately preceding academic year—the ratio of athletically related student aid awarded male athletes to athletically related student aid awarded female athletes. (Proposed § 668.48(b)(4))

The Secretary interprets this provision to require an IHE to calculate a ratio of the total of athletically related student aid awarded male athletes to the total of athletically related student aid awarded female athletes.

9. *Expenditures on recruiting.*

The report must include—for the immediately preceding academic year—the total amount of expenditures on recruiting, separately for men's and women's teams overall. (Proposed § 668.48(b)(5))

The Secretary interprets this provision of the statute to require that the IHE report two totals—one total for men's teams and one total for women's teams.

The Secretary requests comments on whether a definition of "expenditures on recruiting" is necessary, and, if so, which expenditures should or should not be included in the report as "expenditures on recruiting."

10. *Total annual revenues.*

The report must include—for the immediately preceding academic year—the total annual revenues generated across all men's teams and across all women's teams. In addition, an institution may report those revenues by individual team. (Proposed § 668.48(b)(6))

The Secretary interprets this provision of the statute to require that the IHE report two totals—one total for men's teams and one total for women's teams. The Secretary interprets the term "total annual revenues" to mean gross income, since there is no indication in the EADA that Congress intended anything less than that amount.

Under section 487(a)(18) of the HEA, IHEs are currently required to make an annual compilation of revenues and expenses attributable to "football, men's

basketball, women's basketball, all other men's sports combined, and all other women's sports combined [with respect to the institution's] intercollegiate athletics activities." The revenues and expenses to be calculated for this purpose are set forth in section 487(a)(18)(B) (i) and (ii) (20 U.S.C. 1094(a)(18)(B) (i) and (ii)). The Department's regulations implementing these statutory requirements are in 34 CFR 668.14 (d) and (e) (59 FR 22427-22428, published April 29, 1994). The specific definition of "operating expenses" in the EADA precludes using the definition of "expenses" in section 487 and the Department's regulations. However, the Secretary will consider the extent to which the definition of "revenue" in these provisions should be used in deciding what should be included in "total annual revenues" under the EADA.

The Secretary requests comments on whether the EADA regulations should adopt a definition of "total annual revenues" that is different from the definition of "revenue" in § 668.14, and, if so, what specific sources of income should or should not be included in "total annual revenues."

11. *Coaches' and assistant coaches' salaries.*

The report must include—for the immediately preceding academic year—the average annual institutional salary of the head coaches of men's teams, across all offered sports, and the average annual institutional salary of the head coaches of women's teams, across all offered sports. If a head coach had responsibilities for more than one team and the institution does not allocate that coach's salary by team, the EADA states that the institution should 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. The report must also include 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. (Proposed § 668.48(b) (7) and (8))

The Secretary interprets "across all offered sports" to mean a single average for all men's sports in the aggregate and a single average for all women's sports in the aggregate.

The Secretary requests comments on what types of compensation should be included in a coach's or assistant coach's "salary" to provide an accurate picture of relative compensation. For

example, should "salary" include bonuses or other monetary benefits?

The Secretary also requests comments on the determination of an average annual institutional salary if unpaid volunteers serve as head coaches or assistant coaches. Consistent with the provisions in the EADA that volunteers serving as part-time or full-time coaches or assistant coaches should be counted as such, the Secretary believes that their salaries (or lack thereof) should be reflected in the average annual institutional salaries calculated by the IHE. The Secretary believes that unpaid volunteer coaches and assistant coaches could be included in these computations with a designated salary of zero dollars. However, the Secretary requests comments as to whether the report should instead simply include the number of unpaid volunteers who served as coaches and assistant coaches without including them in the computation of average annual institutional salaries.

Because the EADA states that an IHE "should" allocate a coach's salary if he or she coaches more than one team, the Secretary believes that the statute requires that an IHE shall do the allocation, and the proposed regulations so provide.

12. *General issues.*

The Secretary believes that coeducational teams should be reflected in the IHE's report, and requests comments on how this could be done most accurately and with minimal burden, particularly under the EADA provisions that ask for information separately for "men's and women's teams." For example, the salary for a head coach of a coeducational team could be prorated according to how many members of the team are male and how many are female.

Some expenses, revenues, and salaries may be attributable to more than one activity. In general, the Secretary believes that an IHE should prorate these figures in a reasonable manner and to indicate in the report how the figures were calculated, so that students, potential students, and the public will understand the basis for the calculations. If a faculty or staff member also coaches, the IHE should make a reasonable determination of how much of the professor's salary is attributable to his or her coaching duties. If a women's team and a men's team share transportation to competitions held at the same site, the transportation expense should be prorated according to the relative number of female and male athletes who share the transportation. Are there other situations where proration would be necessary to develop

the information required by the EADA? What guidance should the Secretary offer to assist schools in making the prorations in a consistent manner that allows for comparisons among schools? What burdens would be imposed on IHEs in prorating expenses, revenues, or salaries?

In calculating and reporting expenses, revenues, and salaries, the Secretary interprets the EADA to require IHEs to use actual amounts expended or earned during the immediately preceding academic year, not budgeted or estimated amounts. The Secretary requests comments on any burdens that would be imposed on schools in meeting an October 1 deadline and in using actual data.

The EADA requires that the information in the annual report be for the immediately preceding academic year. How can this requirement be made to work for an IHE whose fiscal year is not the same as its academic year?

As noted above, certain definitions in 34 CFR Part 668, the Student Assistance General Provisions (SAGP), could apply to these regulations. The SAGP also contains other regulations that are pertinent to the EADA, including recordkeeping requirements in § 668.23 and the enforcement and appeal provisions in Subparts G and H of Part 668. Under section 443 of the General Education Provisions Act (20 U.S.C. 1232f), as amended by the IASA, records under the EADA generally will have to be maintained by an IHE for three years.

Under the Student Right-to-Know Act (20 U.S.C. 1092(a)(5)), the Secretary is required to permit an IHE that is a member of an athletic association or athletic conference that has voluntarily published data, or has agreed to publish data, that the Secretary considers substantially comparable to the information required under the Act, to use that data to satisfy the requirements of the Act. The Secretary requests comment on whether a similar provision should be included in the EADA regulations.

13. *Format for the report.*

The Secretary believes that the information in IHEs' reports under the EADA should be as consistent as possible to assist students, potential students, and the public understand and use that information. The Secretary is also aware that differences exist among intercollegiate athletic programs. Given these factors, the Department is considering development of an optional model format that IHEs could use for the annual report required by the EADA. Such a format would be based on and developed in consultation with athletic

conferences, schools, and groups interested in women's and men's sports. Should such a form be developed and made available? Can one format be used by all of the types of IHEs that will be subject to the law, or will a small number of different formats be necessary? If the latter, on what basis should institutions be differentiated?

Do any of the categories of information required by the EADA simply not apply to some IHEs? If so, how should regulations, non-regulatory guidance, or a model format address this situation?

14. Disclosure to students and the public.

The EADA requires that an institution of higher education subject to the Act shall make available to students and potential students, upon request, and to the public, the information contained in the report. The institution shall inform all students of their right to request that information. The Act requires that each institution make available its first report not later than October 1, 1996. These statutory provisions are set forth in proposed § 668.41(e).

Each IHE must make its first report available by October 1, 1996. The Secretary believes that October 1 also should be the deadline for subsequent annual reports, and would best meet the needs of IHEs, students, and potential students.

The Secretary believes it is particularly important that students, potential students, and parents have easy and timely access to the information in this report. How should an IHE give notice to each of these groups that the report is available? How should the IHE make the information accessible to students, potential students, and the public? The Secretary does not believe that students or potential students should be charged for copies of the report but is sensitive to the possible financial burden on IHEs and requests comments on this matter. Also, should an IHE be allowed to charge the public for copies of the report?

Executive Order 12866

1. Assessment of Costs and Benefits

These proposed regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of the regulatory action. The potential costs associated with the proposed regulations are those resulting from statutory requirements. Burdens specifically associated with information collection requirements are identified

and explained elsewhere in this preamble under the heading *Paperwork Reduction Act of 1980*.

To assist the Department in complying with the specific requirements of Executive Order 12866, the Secretary invites comment on how the final regulations should be written to minimize potential costs or to increase potential benefits resulting from these proposed regulations consistent with the purposes of the EADA.

2. Clarity of the Regulations

Executive Order 12866 requires each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these regulations easier to understand, including answers to questions such as the following: (1) Are the requirements in the regulations clearly stated? (2) Do the regulations contain technical terms or other wording that interferes with their clarity? (3) Does the format of the regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity? Would the regulations be easier to understand if they were divided into more (but shorter) sections? (A "section" is preceded by the symbol "S" and a numbered heading; for example, § 668.48 *Report on athletic program participation rates and financial support data*.) (4) Is the description of the proposed regulations in the "Supplementary Information" section of this preamble helpful in understanding the proposed regulations? How could this description be more helpful in making the proposed regulations easier to understand? (5) What else could the Department do to make the regulations easier to understand?

A copy of any comments that concern how the Department could make these proposed regulations easier to understand should be sent to Stanley M. Cohen, Regulations Quality Officer, U.S. Department of Education, 600 Independence Avenue, S.W. (Room 5121, FB-10), Washington, D.C. 20202-2241.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. The small entities that would be affected by these regulations are small coeducational institutions of higher education that participate in Title IV, HEA programs and that have intercollegiate athletic programs. However, the regulations would not

have a significant economic impact on these small entities because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The proposed regulations would not impose any requirements except the statutory requirements in the EADA.

Paperwork Reduction Act of 1980

Section 668.48 contains information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h))

Educational institutions that are public or nonprofit institutions or businesses or other for-profit institutions may participate in the Title IV, HEA programs. IHEs will need and use the information required by these regulations to meet the disclosure requirements of the EADA.

Annual public reporting and recordkeeping burden contained in the collection of information proposed in these regulations is estimated to be 18,000 hours, including the time for searching existing data sources and gathering and maintaining the data needed.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, D.C. 20503; Attention: Daniel J. Chenok.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 4318, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Education, Grant

programs—education, Loan programs—education, Reporting and recordkeeping requirements, Student aid.

Dated: January 26, 1995.

Richard W. Riley,

Secretary of Education.

(Catalog of Federal Domestic Assistance Numbers: 84.007 Federal Supplemental Educational Opportunity Grant Program; 84.032 Federal Stafford Loan Program; 84.032 Federal PLUS Program; 84.032 Federal Supplemental Loans for Students Program; 84.033 Federal Work-Study Program; 84.038 Federal Perkins Loan Program; 84.063 Federal Pell Grant Program; 84.069 State Student Incentive Grant Program; 84.268 Federal Direct Student Loan Program; and 84.272 National Early Intervention Scholarship and Partnership Program. Catalog of Federal Domestic Assistance Number for the Presidential Access Scholarship Program has not been assigned.)

The Secretary proposes to amend Part 668 of Title 34 of the Code of Federal Regulations as follows:

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

1. The authority citation for Part 668 is revised to read as follows:

Authority: 20 U.S.C. 1085, 1088, 1091, 1092, 1094, 1099c, and 1141, unless otherwise noted.

2. Section 668.41 is amended by revising the heading, removing and reserving paragraphs (a) and (b), reserving paragraphs (c) and (d), and adding a new paragraph (e), to read as follows:

§ 668.41 Reporting and disclosure of information.

(a)–(d) [Reserved]

(e)(1)(i) An institution of higher education subject to § 668.48 shall make available to students and potential students, upon request, and to the public, the information contained in the report described in § 668.48(b).

(ii) The institution shall inform all students of their right to request that information.

(2) Each institution shall make available its first report under § 668.48 not later than October 1, 1996.

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

3. Section 668.48 is added to subpart D to read as follows:

§ 668.48 Report on athletic program participation rates and financial support data.

(a) *Applicability.* This section applies to each coeducational institution of higher education that—

(1) Participates in any Title IV, HEA program; and

(2) Has an intercollegiate athletic program.

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

(1) The number of male and female full-time undergraduates 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 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 closely related 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 the purposes of this report.

(3) The total amount of money spent on athletically related student aid, including the value of waivers of educational expenses, separately for men’s and women’s teams overall.

(4) The ratio of—

(i) Athletically related student aid awarded male athletes; to

(ii) Athletically related student aid awarded female athletes.

(5) The total amount of expenditures on recruiting, separately for men’s and women’s teams overall.

(6) The total annual revenues generated across all men’s teams and 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 men’s teams, across all offered sports, and the average annual institutional salary of the head coaches of 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.

(Authority: 20 U.S.C. 1092(g)(1), (2), (4))

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