



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Jason S. Miyares
Attorney General

202 North Ninth Street
Richmond, Virginia 23219
804-786-2071
Fax 804-786-1991

Wednesday, October 4, 2023

Charlie Baker, President
The National Collegiate Athletic Association
700 W. Washington Street
P.O. Box 7110
Indianapolis, Indiana 46206-6222

President Baker and Board of Directors,

I write to address the Division I Council's decision and NCAA Board's denial of James Madison University's ("JMU") waiver to shorten their transition to the Football Bowl Subdivision ("FBS"), and to urge you to reconsider. The waiver, if granted, would shorten JMU's transition to the FBS from two years to one year. JMU's football program would also be eligible to compete in the Sun Belt Conference championship game and in a post-season bowl this year.

It is my understanding that the two-year transition period, during which the transitioning college or university is ineligible to compete for a championship at either the FCS or FBS level, allows the transitioning program time to satisfy the FBS' requirements of eligibility and ease into the higher level of competition. Historically, colleges and universities transitioning from FCS to FBS compete against primarily FCS programs in year one and primarily against FBS programs in year two, allowing the program to gradually rise to the higher level of competition while implementing necessary changes to their infrastructure.

As you know, JMU did not take this traditional approach to its transition. First, JMU quickly implemented all necessary changes to their infrastructure. Second, JMU immediately accepted an offer to join the Sun Belt Conference, which has, since 2001, competed at the FBS level. Third, in 2022, its first year in the transition period, ten of JMU's eleven football games were played against FBS opponents. JMU finished the 2022 campaign with an impressive 8-3 record, including seven wins over FBS opponents, demonstrating their competitiveness at a higher level of play. JMU would have played in the Sun Belt Conference Championship game and would have been bowl eligible if this rule did not make them ineligible. Earning this opportunity is a remarkable feat for any program competing for the first time at the FBS level.

JMU was the preseason favorite to win the East Division of the Sun Belt Conference, voted on by the Coaches of the Sun Belt Conference. JMU is currently 5-0 with notable wins over Utah State, a member of the Mountain West Conference; the University of Virginia, a longstanding member of the Atlantic Coast Conference; and Troy University, the 2022 Sun Belt Conference Champion and preseason favorite to win the West Division. In the last two seasons, JMU has an impressive 13-3 record, and they are currently receiving votes in this week's Top 25 Ranking in both the USA Today Coaches Poll and the Associated Press. Finally, and perhaps most importantly, JMU has met every other requirement for full eligibility to compete in the FBS.

I understand the two-year transition period is intended to ensure that programs are able to operate and compete at the highest level of intercollegiate football to which they are graduating. However, it is obvious that JMU's football program has demonstrated it is more than capable of operating and competing at the FBS level, and it has satisfied all other NCAA requirements of FBS eligibility. The NCAA oversees intercollegiate athletics for hundreds of colleges and universities nationwide, and it fosters an environment for achievement and accountability while rewarding excellence. That is exactly why I'm asking you to recognize JMU's commitment to achievement and to excellence by granting JMU's waiver and deeming JMU's football program fully eligible for inclusion in the FBS.

Sincerely,

A blue ink signature of Jason S. Miyares, written in a cursive style.

Jason S. Miyares
48th Attorney General of Virginia