

Compliance Monthly

COLONIAL ATHLETIC ASSOCIATION



Educational Column - May 11, 2012 NCAA Division I Committee on Academic Performance Application of Penalties for Transfer Student-Athletes

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NCAA Division I institutions should note that if a student-athlete transfers when his or her team is subject to ineligibility for postseason competition due to the team's NCAA Division I Academic Progress Rate performance, and does not meet a transfer exception, the student-athlete must serve a year in residence at the certifying institution. If the student-athlete does not meet a transfer exception, an institution may submit a waiver, pursuant to NCAA Bylaw 14.8.2, to the NCAA Division I Legislative Council Subcommittee for Legislative Relief in an attempt to waive the year in residence requirement. In order to be eligible for the waiver, the loss of access to postseason competition must preclude the student-athlete and/or the student-athlete's team from participating in postseason competition during all remaining seasons of the student-athlete's eligibility. Therefore, this waiver is generally only available to student-athletes with one season of eligibility remaining.

Additionally, in accordance with Bylaw 13.1.1.3.4, on approval by the NCAA Division I Committee on Academic Performance, written permission is not required for an institution to contact a student-athlete of another institution whose team is declared ineligible for postseason competition. Consistent with the waiver requirements, this permission is available only to student-athletes with one season of eligibility remaining. Further, the institution making the contact must inform the student-athlete's institution. This notification permits an institution to establish reasonable restrictions on recruitment (e.g., no missed class time), provided those restrictions do not preclude the opportunity for the student-athlete to discuss the possibilities of transferring. If impermissible contact occurs, including contact occurring prior to the recruiting institution informing the student-athlete's institution of the recruitment, the institutions that contacted the student-athlete must report a violation of Bylaw 13.1.1.3.4.

Finally, if a student-athlete is granted a waiver of the transfer year-in-residence requirement because his or her team is ineligible for postseason competition in the student-athlete's last year of eligibility, the student-athlete's original team may request an adjustment for the lost retention point.

[References: NCAA Division I Bylaws 13.1.1.3.4 (permission to contact) and 14.8.2 (residence requirement waivers)]



Official Interpretation: October 2, 2009

Communication Regarding Institutional Camp and Clinic Logistical Issues (I)

The committee determined that telephone calls, electronic mail and facsimiles to an individual (or his or her parents, legal guardians, relatives or coach) that relate solely to institutional camp and clinic logistical issues (e.g., missing registration information) are not subject to the restrictions on telephone calls or recruiting materials, provided, in the case of telephone calls, no recruiting conversation or solicitation of particular individuals to attend a camp or clinic occurs and, in the case of electronic mail and facsimiles, the correspondence contains no recruiting language and no solicitation of particular individuals to attend a camp or clinic occurs.

[References: NCAA Division I Bylaws 11.7.1.2 (recruiting coordination functions), 11.7.4 (limitations on number of coaches and off-campus recruiters), 13.1.3 (telephone calls), 13.1.3.1 (time period for telephone calls -- general rule), 13.1.3.4 (permissible callers), 13.1.3.4.1 (institutional coaching staff members -- general rule), 13.4.1 (recruiting materials), 13.4.1.2 (electronic transmissions) and 13.12.1.3 (recruiting calendar exceptions); an official interpretation (4/2/09, Item No. 2), which has been archived, and a staff interpretation (9/23/09, Item No. 1), which has been archived]

Staff Interpretation: May 4, 2012

Contractors Serving as Strength and Conditioning Coaches (I)

The academic and membership affairs staff determined an institution may contract with or hire individuals to perform strength, flexibility or conditioning activities in accordance with institutional policies and procedures applicable to all employees or independent contractors, even if those policies and procedures do not require them to be considered institutional employees. In bowl subdivision football, any such individuals who work with football student-athletes in any capacity, regardless of the nature or duration of the activities, are subject to the institutional limit of not more than five weight or strength coaches for the duration of the academic year.

[References: NCAA Division I Bylaws 11.7.2.1.1 (weight or strength coach), 11.7.3.1.1 (weight or strength coach) and 11.7.4.1.1 (weight or strength coach); and staff interpretations (5/13/92, Item No. a) and (5/2/07 (Item No. 1a), which has been archived, Proposal No. 2010-19]



Educational Column: April 26, 2012

Recruiting - Electronic Transmissions - Microblogs (I)

NCAA Division I member institutions should note that it is permissible for an institution's website or an athletics department staff member's personal website (or personal page on any site) to include information related to the institution's athletics program, subject to the restrictions applicable to an institution's athletics website. Accordingly, a coach may post general informational content not created for a recruiting purpose such as game scores, team updates, facility updates or generic updates regarding the coaching staff and/or team to the extent they do not mention a specific prospect. These formats may include website posts, online personal journals such as blogs and microblogs, which are a form of blogging resulting in a stream of short blog posts that are generally limited by a total number of characters. A current example of a microblog is Twitter.

Microblogs and Publicity.

Institutions should note that in accordance with NCAA Bylaw 13.10.2, before the signing of a prospective student-athlete to a National Letter of Intent (NLI) or an institution's written offer of admission and/or financial aid, a member institution may comment publicly only to the extent of confirming its recruitment of the prospective student-athlete. The institution may not comment generally about the prospective student-athlete's ability or the contribution that the prospective student-athlete might make to the institution's team. Further, the institution is precluded from commenting in any manner as to the likelihood that the prospective student-athlete will sign with that institution.

Therefore, while it is permissible for an institutional staff member to publicly microblog (e.g., Twitter/tweets) about generic information, including locations visited (e.g., visit to a high school or town, attending a contest, etc.), institutions are reminded they are not permitted to publicize the recruitment of a particular prospective student-athlete in a manner inconsistent with the legislation. For example, it is not permissible for an institution to post the name, nickname, or other personally identifiable information (e.g., address) of a prospective student-athlete on a microblog unless it is in response to an inquiry by the media in order to confirm recruitment of a prospective student-athlete. Further, communication with or about a prospective student-athlete in the public's view (e.g., Twitter, "@replies," or "mentions") is contrary to the publicity legislation and is an impermissible form of electronic communication with a prospective student-athlete.

In addition, institutions may not publicize (or arrange for the publicity of) a prospective student-athlete's visit to campus. Further, institutions may photograph a prospective student-athlete during a campus visit but may not use the photograph until the prospective student-athlete has signed a NLI or the institution's written offer of admission and/or financial aid and the prospective student-athlete's name or photograph is not used in any promotional items that involve the purchase or receipt of commercial advertising (e.g., season ticket advertisement in newspapers or on a billboard). Therefore, it is not permissible for an institutional staff member to post a photograph of a prospective student-athlete taken during an institutional camp, for example, to the staff member's microblog, personal website or institutional website prior to the prospective student-athlete's signing of a NLI or the institution's written offer of admission and/or financial aid.



Microblogs and Electronically Transmitted Correspondence.

Institutions should note that pursuant to Bylaw 13.4.1.2 an institution may send electronically transmitted correspondence to a prospective student-athlete in sports other than men's basketball and ice hockey beginning September 1 at the beginning of the prospective student-athlete's junior year in high school. In men's basketball and ice hockey, an institution may send electronically transmitted correspondence to a prospective student-athlete beginning June 15 at the conclusion of a prospective student-athlete's sophomore year in high school.

Further, electronically transmitted correspondence that may be sent to a prospective student-athlete is limited to electronic mail (email) and facsimiles until either after the calendar day on which a prospective student-athlete signs a NLI or the institution's written offer of admission and/or financial aid, or the institution has received a financial deposit in response to the institution's offer of admission. All other forms of electronically transmitted correspondence (e.g., Instant Messenger, text messaging) currently are prohibited.

Institutions should note that email communication is not limited to traditional email services provided by an institution, website or Internet service provider (e.g., Gmail, Yahoo! Mail). Permissible email communication extends to communication through electronic services and applications comparable to traditional email in which a message is sent directly to another individual. Accordingly, it is permissible for an athletics department staff member to send electronically transmitted correspondence to a prospective student-athlete using a service that permits a private message to be sent between only the sender and recipient in a manner comparable to traditional email (e.g., Twitter/"direct message"). However, as previously noted, all other electronically transmitted correspondence through other services or applications remain impermissible, including those that may be directed to a specific individual but are accessible to other users of the service or application (e.g., Twitter, "@replies," or "mentions").

Additionally, institutional staff members may not use a service or software to convert email into a text message (or other prohibited form of electronically transmitted correspondence) when received by a prospective student-athlete. Therefore, to the extent an athletics department staff member is aware that a prospective student-athlete is receiving a permissible form of electronic communication in an impermissible format (e.g., receiving email as text messages), such electronic transmission is prohibited. However, if a coach is unaware of how a prospective student-athlete has elected to receive a particular form of communication, the coach is not responsible for sending an impermissible form of electronic correspondence. For example, if a coach is aware that a prospective student-athlete has elected to receive Twitter direct messages as text messages and the coach continues to engage in a direct message conversation as a means to circumvent the restrictions on text messages, the coach has committed a violation. However, if the coach is not aware that the prospective student-athlete has chosen to receive these direct messages as text messages, the coach has not acted contrary to the legislation.

Finally, institutions should note that in the sport of men's basketball, effective June 15, 2012, there shall be no limit to the form of electronically transmitted correspondence, provided the correspondence is sent directly to the prospective student-athlete (or his or her parents or legal guardians) and is private between only the sender and recipient.

[References: NCAA Bylaws 13.4.1.2 (electronic transmissions), 13.4.1.2.1 (exception -- electronic transmissions after National Letter of Intent signing or other written commitment), 13.4.1.2.2 (exception -- electronic transmissions after receipt of room or tuition deposit), 13.10.2 (comments before signing), 13.10.5 (prospective student-athlete's visit), and 13.10.8 (photograph of prospective student-athlete); Division I Proposal No. 2011-99; official interpretation (3/14/07, Item No. 2) and official interpretation (7/11/07, Item No. 1)]

June Recruiting Calendars



Cross Country/ Track & Field						
Su	M	T	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Men's Basketball						
Su	M	T	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Women's Basketball						
Su	M	T	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Women's Volleyball & Sand Volleyball						
Su	M	T	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Softball						
Su	M	T	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Women's Lacrosse						
Su	M	T	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

*June 7—Dead Period ends at NOON; Contact Period begins at 12:01 p.m.

Men's Lacrosse						
Su	M	T	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Baseball						
Su	M	T	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Note: This is a color-coded visual of the recruiting calendars, please consider this when printing.

Quiet Period
 Contact Period
 Evaluation Period
 Dead Period