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Compliance *Monthly*

The CAA Compliance staff is dedicated to providing its member institutions with comprehensive Rules Compliance Services and Support. We hope that you find the CAA monthly newsletters to be useful and we welcome your feedback and ideas for new content.

Rules Working Group Makes Final Recommendations for First Phase.

*By Michelle Brutlag Hosick
NCAA.org - December 20, 2012*



The Rules Working Group recommended the Division I Board of Directors adopt a group of 26 proposals, including a set of Division I commitments, aimed at creating Division I rules that are meaningful, enforceable and supportive of student-athlete success. The Board will review the group's report and vote on the proposals Jan. 19 at the 2013 NCAA Convention in Grapevine, Texas.

The working group met December 17-18 in Indianapolis.

Working group chair Jim Barker, president at Clemson, urged the membership to remain involved with the process.

"We on the working group are committed to changing the regulatory culture in meaningful ways," Barker said. "(We hope the membership will) remain actively involved, open-minded and engaged throughout this process. A successful culture change will require a collaborative effort and a sense of shared responsibility. Our goal is smarter rules and tougher enforcement."

Beyond adding a set of commitments, the proposals would deregulate some personnel, amateurism, recruiting, eligibility and award, benefit and expense rules and are considered the first phase of a multi-phase effort to change the regulatory structure in meaningful ways that, in conjunction with an enhanced enforcement structure, will better support the collegiate model and, where practical, simplify the rules.

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Education Column - December 12, 2012**Recruiting - Electronic Transmissions - Social Networking Websites and Microblogs**

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 prospective student-athlete. 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. Twitter and tumblr are examples of microblogs. Further, institutions, teams and coaching staff members may maintain sites on social networks such as Facebook and Google+.

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) or post on a social networking website, about generic information, including locations visited (e.g., visit to a high school or town, attending a contest), 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 or social networking website 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," wall-to-wall Facebook communication) 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, even if the visit occurs after the signing of the prospective student-athlete to a NLI or an institution's written offer of admission and/or financial aid. 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 may not use the prospective student-athlete's name or photograph 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 or a social networking website prior to the prospective student-athlete's signing of a NLI or the institution's written offer of admission and/or financial aid.

Further, while institutions should note that the identification of a prospective student-athlete as a "friend" on a staff member's profile page on a social networking site confirms only the institution's potential recruitment of that individual, institutions are reminded that any public comments on the site prior to the signing of the prospective student-athlete to a NLI or an institution's written offer of admission and/or financial aid about the prospective student-athlete's ability, the contribution that the prospective student-athlete might make to the institution's team or the likelihood of the prospective student-athlete's signing with that institution would run contrary to the publicity legislation. Additionally, the initiation of or acceptance of "friend" requests may not occur until such time that it is permissible to send electronically transmitted correspondence to a prospective-student athlete.

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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 men's ice hockey beginning September 1 at the beginning of the prospective student-athlete's junior year in high school. In men's basketball and men's 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. In men's basketball, if the prospective student-athlete attends an educational institution that uses a nontraditional calendar, for example a Southern Hemisphere educational institution, then the electronically transmitted correspondence may be sent as of the day after the conclusion of the prospective student-athlete's sophomore year in high school.

Further, in sports other than men's basketball, 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) are prohibited.

Institutions should note that email communication is not limited to traditional email services provided by an institution, website or Internet service provider. 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," Google+ messenger, Facebook email feature). 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," Facebook wall-to-wall feature).

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.

In men's basketball, any type of electronic correspondence (e.g., text messages, Instant Messenger) may be sent to a prospective student athlete 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. Institutions should note that these requirements are linked to the legislation regarding comments before signing and, therefore, are not applicable to electronic correspondence sent once a prospective student-athlete signs a NLI or an institution's written offer of admission and/or financial aid or once the institution receives a financial deposit from the prospective student-athlete in response to the institution's offer of admission.

[References: Bylaws 13.4.1.2 (electronic transmissions), 13.4.1.2.1 (exception -- men's basketball), 13.4.1.2.2 (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); NCAA Proposal No. 2011-99; official interpretation (3/14/07, Item No. 2) and official interpretation (7/11/07, Item No. 1)]

Staff Interpretation - December 5, 2012**Two-Year College Discontinued/Nonsponsored Sport Exception - Multiple Two-Year Colleges**

The academic and membership affairs staff confirmed that the discontinued/nonsponsored sport exception is applicable to a situation in which a student-athlete has attended multiple two-year colleges that either dropped the student-athlete's sport from their intercollegiate programs or never sponsored the sport on the intercollegiate level while the student-athlete was in attendance at the institutions.

Staff Interpretation - December 5, 2012**Two-Year College Discontinued/Nonsponsored Sport Exception Not Applicable if No Credits Earned**

The academic and membership affairs staff confirmed that the discontinued/nonsponsored sport exception to the two-year college transfer residence requirement does not apply in a situation in which the student-athlete did not satisfactorily complete any transferable degree credits at the two-year college.

Official Interpretation - December 7, 2012**Nonqualifier Participating on an Outside Team During Academic Year Vacation Periods**

The committee confirmed that a nonqualifier is not permitted to practice or compete on an outside team, including a national team, during the academic year of residence, which includes practice or competition during an institution's term-time official vacation periods (e.g., mid-term break, Labor Day weekend) and during the academic year between terms when classes are not in session (e.g., winter break).

Staff Interpretation - December 7, 2012**Academic Certification of a Student-Athlete Participating in a Bona Fide International Exchange Program**

The academic and membership affairs staff determined that a student who satisfies the bona fide international exchange exception and has attended a foreign collegiate institution for less than one full academic year is not required to receive an academic certification from the NCAA Eligibility Center.

Staff Interpretation - December 12, 2012**Coach Accompanying a Prospective Student-Athlete During Travel To and From an Official Visit**

The academic and membership affairs staff confirmed that only those coaches who are counted by the institution within the numerical limitations on full-time coaches who may contact or evaluate prospective student-athletes off campus are permitted to accompany a prospective student-athlete [and his or her parents or legal guardian(s)] to and from his or her home to campus on an official visit, regardless of whether such a visit occurs during a permissible contact period; further, that it is permissible for such coaches to transport the prospective student-athlete in an institutional vehicle or the coach's automobile.

Staff Interpretation - December 20, 2012**Graduate Assistant Coach Receiving a Meal With Prospective Student-Athletes on Official Visits**

The academic and membership affairs staff confirmed that a graduate assistant coach and an undergraduate student assistant coach may receive a meal with a prospective student-athlete during the prospective student-athlete's official visit, within a 30-mile radius of the institution's campus.

Staff Interpretation - December 20, 2012**Donations to Groups that Involve or Benefit Prospective Student-Athletes**

The academic and membership affairs staff confirmed that in sports other than men's basketball, an institution (or an institution's coach/staff member or representative of its athletics interests) may contribute to a bona fide youth organization that includes prospective student-athletes and nonprospective student-athletes (e.g., YMCA, YWCA, Boys and Girls Clubs), provided the assistance is not earmarked for a particular prospective student-athlete, is not earmarked for the purpose of contributing to a boys' basketball program, and is offered in conjunction with the organization's regular fund-raising activities.

Rules Working Group Makes Final Recommendation for First Phase - Continued...

If adopted by the Board next month, the most interesting changes will come in recruiting. Two proposals that illustrate the type of changes that could take place are Proposal Nos. 13-2 and 13-3. Proposal No. 13-2, which establishes July 1 after the sophomore year as a uniform recruiting date, continued to receive support from the working group, despite some issues raised in the membership's feedback. The group believed having the date earlier in most sports would support student-athlete success by allowing prospects more time to develop relationships and gain information to help them make the best college choice possible. The proposal also fulfills the group's goal of simplifying the rulebook by creating a uniform date for all sports.

In 2012, men's basketball coaches were allowed to contact recruits beginning June 15 after the sophomore year. If adopted, Proposal No. 13-2 would, beginning in 2014, move that date back approximately two weeks. The July 1 date was chosen with input from Student-Athlete Advisory Committee vice chairs Maddie Salamone (lacrosse student-athlete from Duke) and Curtis Schickner (former baseball student-athlete from University of Maryland-Baltimore County), who pointed out that many high schools don't finish final exams until late June. Allowing recruiting to begin June 15, they said, could potentially have a negative academic impact on prospects studying for final exams in that period.

"The rules group believes that the uniform recruiting date will create significant ease of administration on campus, make the rules more understandable and allow for better recruiting decisions from both the coach and prospective student-athlete," said Clemson President Jim Barker, working group chair. "If the presidents on the Board agree with us, Division I will review this proposal – and every proposal that is adopted through this process – in two years' time."

Proposal No. 13-3, which removes restrictions governing modes and numerical limitations on recruiting communication, also continued to be supported by the working group. The feedback on this proposal indicated broad support from the membership. If Proposal Nos. 13-2 and 13-3 are adopted by the Board, then coaches in all sports will be allowed to begin recruiting the July 1 after the prospect's sophomore year using all modes of communication, including text messaging.

In response to feedback from the membership and other entities in the Division I governance structure, the working group withdrew its support from Proposal Nos. 13-5-B and 13-6.

Proposal No. 13-5-B, which would have prohibited schools from sending any recruiting materials to prospects beyond general correspondence, was rejected in favor of Proposal No. 13-5-A. In contrast to Proposal No. 13-5-B, Proposal No. 13-5-A would eliminate restrictions on recruiting materials.

Schickner and Salamone supported the shift from Proposal No. 13-5-B to 13-5-A, sharing that their fellow student-athletes told them that recruiting decisions aren't made based on materials sent through the mail. As for Proposal No. 13-6, feedback from the membership, including the Leadership Council, indicated there was not broad support for this proposal.

The proposal would have removed restrictions on general advertising and promotional materials designed to solicit the enrollment of prospects, such as advertising in high school game programs, on billboards and on banners at high school venues. Some who provided feedback believed adopting the proposal would lead to an arms race in this area.

All of the awards, benefits and expenses proposals the working group supported in September continued to receive the group's support. And, of the eight proposals in this area, only Proposal No. 16-5 was modified. Previously, Proposal No. 16-5 would have replaced references to a student-athlete's "spouse," "parents," "family member" or "children" with "relatives or individuals of a comparable relationship" throughout the awards, benefits and expenses legislation.

The version of the proposal the working group is recommending to the Board does not change the legislation that permits an institution to provide an eligible student-athlete's spouse and children the cost of actual and necessary expenses to accompany him or her to a licensed postseason football game, NCAA football championship or round of any NCAA championship in which the student-athlete is a participant. All other Bylaw 16 references to a student-athlete's "spouse," "parents," "family member" or "children" would be replaced with "family member," and a definition of family member would be added as well.

The proposal's definition of "family member" is close to that used by the federal government's Office of Personnel Management, and would allow more people to qualify for benefits previously reserved only for blood or legal relations. It also would allow schools additional discretion to make decisions about what benefits they will provide. Agents and individuals who meet the definition of "individual associated with a prospect" are not included in the definition of a "family member."

Some working group members expressed reservations about the proposal, but the prevailing sentiment was that the revised language addresses concerns about a lack of clarity in the original proposal and that not changing who is permitted to receive expenses to attend championships addresses issues raised by the membership.

In addition to finalizing the 26 proposals for Board approval, the group agreed to recommend an effective date of Aug. 1, 2013 for all the proposals.

The group also began devising a new approach to the legislative process in Division I. Members agreed that the new process must include an initial vetting of all proposals to ensure they adhere to the strictures established by the working group in its review of the rules: Is it enforceable? Is it consequential and national in significance? Does it support student-athlete success?

Finally, the group began to review concepts and survey results that it will consider when developing proposals in the second phase of its work, including financial aid and playing and practice season rules, as well as additional concepts in topic areas covered in the first phase.

The Rules Working Group recommended the Board adopt the following proposals in January:

- 2-1, which establishes the commitments that guide the underlying operating bylaws. This includes a commitment to fair competition, which “acknowledges that variability will exist among members in advantages, including facilities, geographic location and resources and that such variability should not be justification for future legislation.”
- 11-2, which would eliminate the rules defining recruiting coordination functions that must be performed only by a head or assistant coach.
- 11-3-B, which would prohibit the live scouting of future opponents except in limited circumstances.
- 11-4, which would remove limits on the number of coaches who can recruit off-campus at any one time, the so-called “baton rule.”
- 12-1, which would establish a uniform definition of actual and necessary expenses.
- 12-2, which would allow the calculation of actual and necessary expenses to be based on the total over a calendar year instead of an event-by-event basis. The working group recommended the calculation change for both prospective and enrolled student-athletes.
- 12-3, which would allow a student-athlete to receive \$300 more than actual and necessary expenses, provided the expenses come from an otherwise permissible source.
- 12-4, which would permit individuals to receive actual and necessary competition-related expenses from outside sponsors, so long as the person is not an agent, booster, or representative of a professional sports organization.
- 12-5, which would allow student-athletes in sports other than tennis to receive up to actual and necessary competition-related expenses based on performance from an amateur team or event sponsor.
- 12-6, which would allow student-athletes and prospects to receive actual and necessary expenses for training, coaching, health insurance, etc. from a governmental entity.
- 13-1, which will allow schools to treat prospects like student-athletes for purposes of applying recruiting regulations once a National Letter of Intent or signed offer of admission or financial aid is received.
- 13-2, which will allow off-campus contact with recruits beginning the first day of junior year in high school and communication with recruits on or after July 1 after the completion of the recruit’s sophomore year in high school.
- 13-3, which would eliminate restrictions on methods and modes of communication
- 13-4, which would eliminate the requirement that institutions provide materials such as the banned-drug list and Academic Progress Rate data to recruits.
- 13-5-A, which would eliminate restrictions on sending printed recruiting materials to recruits.
- 13-7, which would eliminate restrictions on publicity once a prospective student-athlete has signed a National Letter of Intent or written offer of financial aid or admission.
- 13-8, which would deregulate camps and clinics employment rules related to both recruits and current student-athletes. Senior football prospects would be allowed to participate in camps and clinics.
- 14-1, which eliminates academic regulations that are covered elsewhere and directly supported by institutional academic policy.
- 16-1, which would allow institutions, conferences or the NCAA national office to provide an award to student-athletes any time after initial full-time enrollment.
- 16-2, which would allow conferences, an institution, the US Olympic Committee, a national governing body or the awarding agency to provide actual and necessary expenses for a student-athlete to receive a non-institutional award or recognition for athletics or academic accomplishments. Expenses could also be provided for parents/legal guardians, a spouse or other relatives as well.
- 16-3, which would allow institutions, conferences or the NCAA to pay for other academic support, career counseling or personal development services that support the success of the student-athlete.
- 16-4, which would allow institutions, conferences or the NCAA to pay for medical and related expenses for a student-athlete.
- 16-5, which, except for Bylaw 16.6.1.1, would change all Bylaw 16 references to a student-athlete’s spouse, parents, family members or children to “family member,” establish a specific definition of “family member,” and permit specified benefits to such individuals
- 16-6, which would allow institutions to provide reasonable entertainment in conjunction with competition or practice.
- 16-7, which would allow schools to provide actual and necessary expenses to student-athletes representing the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition) as well as in noncompetitive events like goodwill tours and media appearances.
- 16-8, which would allow student-athletes to receive actual and necessary expenses and “reasonable benefits” associated with a national team practice and competition. The proposal would also allow institutions to pay for any number of national team tryouts and championship events.

January 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	31		

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	31		

All live evaluations during the academic year shall be limited regularly scheduled high/prep school and two-year college contests/tournaments, practices and regular scholastic activities involving other student-athletes enrolled only at that institution.

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	31		

Women's Basketball staff members shall not exceed 100 recruiting person days. A recruiting person day is defined as one coach engaged in an off-campus recruiting activity of a WBB prospect on one day; two coaches engaged on the same day shall use two recruiting days.

Women's 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	31		

Contact Period: In those states that play the high school volleyball season in the winter, contacts and evaluations shall be permissible January 1 through the Friday prior to the Presidents Weekend Tournament.

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	31		

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	31		

Dead Period: Dates are based on the American Baseball Coaches Association Convention (January 3-6, 2013), registration and convention dates.

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	31		

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	31		

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



Quiet Period



Contact Period



Evaluation Period



Dead Period