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COMPLIANCE MONTHLY

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Educational Column: Recruiting and Eligibility-- Four-Year Prospective Student-Athletes-- Permission to Contact and Transfer Release-- Response to Request & Hearing Opportunity

NCAA Division I institutions should note that NCAA Bylaws 13.1.1.3 and 14.5.5.2.10 specify that an institution shall grant or deny a request to contact and/or permit the use of the one-time transfer exception within seven business days of receipt of the request. The legislation also specifies that if the request is denied, the institution shall conduct the required hearing and provide written results of the hearing within 15 business days of receipt of the student-athlete's written request and that the student-athlete shall be provided the opportunity to appear in-person or via telephone and actively participate in the hearing. Finally, the legislation specifies that if the institution fails to respond to the student-athlete's written request or fails to conduct the hearing or provide written results within the specified time period, permission to contact or the transfer release shall be granted by default and the institution shall provide the written permission or release to the student-athlete.

The following questions and answers are intended to assist the Division I membership with the application of this new legislation.

Question No. 1: Does e-mail constitute a written request?

Answer: Yes. E-mail is considered a written request. Each institution's policies and procedures may specify whether other forms of communication (e.g., text message) constitute a written request for permission to contact, use of the one-time transfer exception, or an appeal hearing.

Question No. 2: May an institution's response to the request for permission to contact or for a release in conjunction with the one-time transfer exception be conditioned on the student-athlete fulfilling specific obligations (e.g., academically eligible at end of term, return of apparel and equipment)?

Answer: No. The legislation specifies that a student-athlete's request must be approved or denied within seven business days of receipt of the request. Further, the legislation specifies that if the institution delays a response to the request or indicates that permission will be granted at a later date, the institution shall inform the student-athlete in writing that he or she, on request, shall be provided a hearing. Institutions should note that even if the release in conjunction with the one-time transfer exception is granted, the student-athlete still must meet the other elements of the exception (e.g., progress toward degree, eligible had he or she remained) at the time of transfer.

Question No. 3: May an institution conduct an appeal hearing beyond the 15-day period if requested by the student-athlete?

Answer: No. The legislation specifies that the hearing shall be conducted within 15 business days of receiving the student-athletes written request for a hearing. The legislation requires that the student-athlete be provided the opportunity to actively participate (e.g., in person, via telephone) in the hearing. However, the student-athlete may choose to participate by providing written information only.

Question No. 4: What is the process to provide written permission to the student-athlete and other institutions when permission to contact or use the one-time transfer exception is granted by default?

Answer: The legislation does not specify a specific process. Each institution shall develop its own protocol for providing written permission to a student-athlete and other institutions when permission to contact or use the one-time transfer exception is granted by default.

RECRUITING CALENDAR

Cross Country/ Track & Field
Sept 1 - Sept 30 ~ Contact Period

Men's Basketball
Sept 1 - Sept 8 ~ Quiet Period
Sept 9- Sept 30 ~ Contact Period

Women's Basketball
Sept 1 - Sept 15 ~ Quiet Period
Sept 16 - Sept 30 ~ Contact Period

Baseball
Sept 1 - Sept 9 ~ Quiet Period
Sept 10 - Sept 30 ~ Contact Period

Softball
Sept 1- Sept 30 ~ Contact Period

Women's Volleyball
Sept 1- Sept 30 ~ Contact Period

Men's Lacrosse
Sept 1— Sept 30 ~ Contact Period*
*No Evaluations

Women's Lacrosse
Sept 1 - Sept 30~ Contact Period

Football, Championship Subdivision
Sept 1- Sept 30 ~ Quiet Period*
*42 Evaluation days during September, October, and November

CAA UPDATE:

The forms section of the Compliance Corner found at www.caasports.com has been updated. We welcome your ideas for new forms or tips on updating the compliance corner section of the website.

Email us at
mmorgan@caasports.com

EDUCATIONAL COLUMN—August 20, 2010—Continued

Question No. 5: Would conference regulations regarding transfers (e.g., intra-conference transfer rules) still apply if an institution does not respond to a student-athlete's request for permission to contact and/or use of the one-time transfer exception within the specified time period?

Answer: Yes. Although permission to contact or a release must be provided in such circumstances, conference rules continue to apply.

Question No. 6: If permission to contact or a release to use the one-time transfer is denied, does the legislation specify a time period by which the student-athlete must request a hearing?

Answer: No. Institutions may establish policies and procedures that may require a student-athlete to request a hearing within a reasonable time period of receipt of a denial of a request for permission to contact or to receive a release to use the one-time transfer exception.

Question No. 7: To whom may a student-athlete submit a written request in order to subject the institution to the response deadline?

Answer: The institution may establish reasonable procedures and inform student-athletes to whom a written request for permission to contact or for a release to use the one-time transfer exception must be submitted. For example, because permission to contact another institution about transferring must be issued by the first institution's athletics director (or an athletics administrator designated by the athletics director), it is reasonable that a written request for permission to contact must be submitted to the athletics director or his or her designee.

[References: NCAA Division I Bylaws 13.1.1.3 (four-year college prospective student-athletes), 13.1.1.3.1 (hearing opportunity), 14.5.5.2.10 (one-time transfer exception, 14.5.5.2.10.1 (hearing opportunity)]

Q&A Playing-Season Week

Question: If an institution declares its Playing-Season week as Sunday through Saturday and its first date of practice is scheduled on Wednesday, is it permissible for the institution to use the preceding Sunday, Monday or Tuesday of that week in satisfying the day-off requirements?

Answer: Yes, it is permissible for an institution to provide its student-athletes with a day off on a day during the week that is outside the institution's declared playing season in order to satisfy the day off requirement, provided no countable athletics activities (e.g., weight-training and conditioning activities) occur during that specific day.

[Reference: November 26, 1996 Official Interpretation]

CHANGES TO THE NCAA DRUG TESTING PROGRAM

Executive Committee approves drug testing changes

Aug 16, 2010 9:16:10 AM

By Gary Brown
The NCAA News

The NCAA Executive Committee on Thursday approved changes to the Association's drug-testing procedures that allocate resources more efficiently to higher-risk sports and student-athletes without compromising the overall effectiveness and integrity of the program.

The changes result from the Executive Committee asking the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports (the governance group that oversees the drug-testing program) to recommend changes in the drug-testing plan that would increase deterrence without increasing costs.

The primary changes for the year-round testing program include the following:

- The number of repeat testing sites will increase for the year-round testing program. Repeat testing will not include a specific predetermined number of samples to be collected to allow for more repeat testing sites.
- Institutions and student-athletes in repeat testing situations for the year-round testing program may receive no notice before testing. The "no-notice" approach will also be used in the summer testing program.
- Repeat testing may target higher-risk sports and student-athletes (for example, highly ranked student-athletes, redshirts or injured student-athletes).
- Ephedrine will be eliminated from the year-round and summer testing panels.
- The championships testing program may target higher-risk championship events at which to test for anabolic steroids. Conversely, testing at lower-risk championship events may be reduced.
- In the summer testing program, selection focus will shift to include not only an institutional orientation (a number of student-athletes from a randomly selected institution) but also an individual orientation (for example, collegiate athletes playing in a summer baseball league).

The competitive-safeguards committee indicated that in the past, beyond year-round testing in football and baseball, the testing program has treated all sports relatively equally in that all were tested for the same substance and all student-athletes were selected randomly without consideration to relative risk.

Research related to the program over time, however, showed a wide variance of risk of drug use by sport.

Many elements of the current plan will not change. The National Center for Drug Free Sport will still administer the program, and World Anti-Doping Agency certified laboratories will continue to be used to process samples.

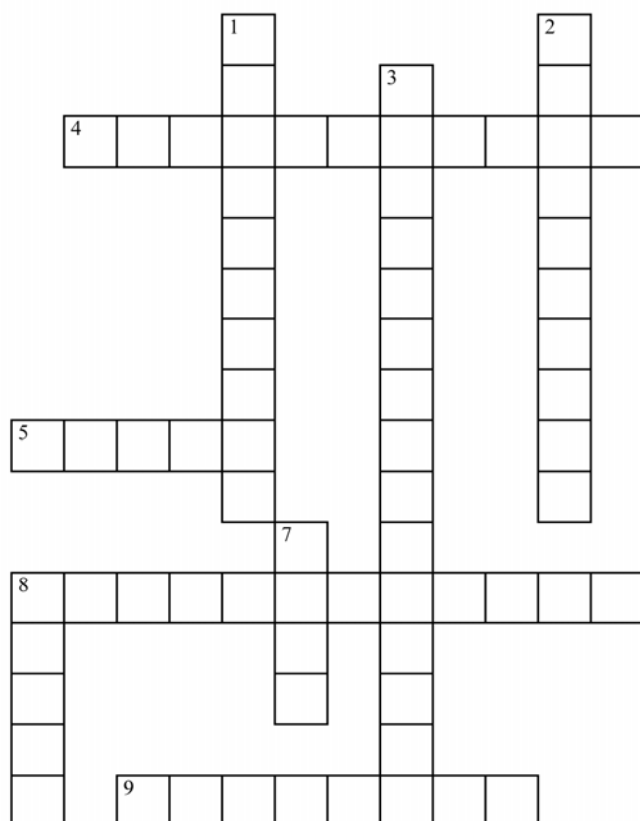
Other elements that remain intact:

- All Division I institutions will be tested.
- All Division II institutions that sponsor football will be tested.
- At least 50 percent of the Division II institutions that do not sponsor football will be tested.
- Football and baseball student-athletes will always be tested.

September 2010

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22 VCU Blood Challenge	23 UNCW Blood Chal- lenge	24	25
26	27	28	29	30		

Article 13 Recruiting



Across

- 4 This form of recruiting material can only be given to a PSA during official and unofficial visits.
 5 Maximum # of complimentary admissions that can be provided to a PSA for a home contest on an official visit.
 8 This form of recruiting material may be given to a PSA at any time.
 9 Any student who has started classes for the ninth grade.

Down

- 1 Maximum # of recruiting-person days for women's basketball staff members during the academic year contact and evaluation periods.
 2 Any off-campus activity designed to assess the academic qualifications or athletic ability of a PSA.
 3 The facility in which athletic competition is actually conducted.
 6 Maximum # of official visits that an institution's basketball program can provide to PSAs on an annual basis.
 7 Maximum # of official visits a PSA can take.
 8 Period when it is permissible to make in-person recruiting contacts only on the institution's campus.

Down: 1. one hundred 2. evaluation 3. competition site 6. twelve 7. five 8. quiet

Across: 4. game program 5. three 8. questionnaire 9. prospect

ANSWERS