

Compliance Corner

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- RECENT INTERPS

Make sure to watch the compliance education video this month!

Recent Interpretations

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.

2-4 Transfer 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.

Special (HELPFUL!) Reminder:

The NCAA Division I Board of Directors recently adopted a proposal that, in sports other than football, an institution is not required to count an evaluation of a particular student-athlete that occurs on the same day as a permissible contact with that prospective student-athlete toward the limit on recruiting opportunities.

ELECTRONIC TRANSMISSIONS: Social Networking and Microblogs

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.

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 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 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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ASK BEFORE YOU ACT!!!!

ELECTRONIC TRANSMISSIONS cont.

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 beginning September 1 at the beginning of the prospective student-athlete's junior year in high school. In men's basketball, 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.

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, 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. 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.