

# Compliance Corner

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## BREAKING NEWS: FOLLOW US ON TWITTER!!

**Follow IUPUI Athletics Compliance on Twitter @IUPUICompliance, and please encourage your student-athletes to do so as well.**

While there is no formal IUPUI staff policy regarding social media, there is an expectation that all those associated with IUPUI Athletics positively represent the Jaguars in every interaction we have with the public. Last spring, the Committee on Infractions heard a case involving the University of UNC-Chapel Hill, where the Enforcement staff alleged failure to monitor based on a presumed requirement that compliance staffs monitor social media. The Committee struck the charge down, imposing no such requirement (or even recommendation) that athletics departments monitor social media unless it's reasonable to conclude that the social media platform holds clues to a potential rules violation.

Compliance officers across the country continue to debate the issue. Some university counsel discourage the practice of following student-athletes on social media platforms. For example, if a student-athlete posts something that may alert a reasonable person to be concerned for the student's wellbeing, and a compliance officer is "following" the student on Twitter, is the university liable for a harm that comes to the student immediately following the post? Also, some states are considering legislation forbidding educational institutions from requiring student passwords, requiring students to "friend" a staff member, or otherwise requiring students provide access to social media accounts. Lastly, compliance officers are rightfully concerned that if an institution has a policy of "following" or "friending" students, any NCAA violations discovered on a social media platform may result in a failure to monitor charge.

On the flip side, any information posted online is public. The NCAA can and does use information posted on social media to investigate allegations of NCAA rules violations. To complicate things further, there's no way that NCAA rules are able to keep up with technology. *What's the best advice?* Use privacy settings and common sense. Only use clearly permissible methods to communicate with prospects. While direct, private Facebook messages are likely safe— what is playing Words with Friends? (See the back of this newsletter for a note on Instagram.)

*The IUPUI Compliance office created a Twitter account to communicate information. Our general policy is NOT to follow student-athletes. Will we? If necessary to investigate rules violations. It's a great way to learn information, and a quick, effective way to share. Please follow us, and encourage your student-athletes to do the same.*

# RECRUITING INTERPS FROM THE NCAA

## **Coach Traveling with Prospective Student-Athlete's Parents to Campus on an Official Visit**

The academic and membership affairs staff confirmed that if a prospective student-athlete flies to an institution for an official visit and his or her parents or legal guardians drive to the institution's campus to accompany the prospective student-athlete on the official visit, it is permissible for a member institution's coach to ride with the prospective student-athlete's parents or legal guardians from their home to the institution and back to their home. In such circumstances, the 48-hour period for the official visit is initiated when the prospective student-athlete's parents or legal guardians begin transporting the coach to campus. Any dialogue in excess of an exchange of a greeting with the prospective student-athlete's parents or legal guardians prior to the trip to campus is a countable contact. Therefore, such contact may only occur during a permissible contact period (recruiting period in men's basketball). At the conclusion of the 48-hour period, the coach shall immediately terminate contact with the prospective student-athlete and his or her parents or legal guardians. (October 15, 2012)

## **Photographs as Attachments to General Correspondence and Electronic Transmissions**

NCAA Division I institutions should note an institution may send a photograph to a prospective student-athlete as an attachment to general correspondence (printed on plain white paper with black ink) or electronic transmissions, provided the information in the photograph was not altered or staged for a recruiting purpose. The following questions and answers are designed to assist the Division I membership with the application of legislation related to photographs as attachments.

**Question:** May a coaching staff member send a photograph via text message without the photo being considered an attachment? **Answer:** No.

**Question:** May a coaching staff member send a photograph via email without the photo being considered an attachment? **Answer:** No.

**Question:** Are photographs used as institutional letterhead subject to the same restrictions as other photographs used as attachments? **Answer:** No. However, if the photos are used in any other manner, those other uses remain subject to the restrictions on photographs as attachments. For example, a photo of an institution's competition facility used in institutional letterhead is not subject to the restrictions on photographs as attachments. However, if a coach at the institution wants to send the photo used in the institutional letterhead to a prospective student-athlete as an attachment to either general correspondence or an electronic transmission, then the photo being sent to the prospective student-athlete cannot be altered or staged for a recruiting purpose.

**Question:** May a men's basketball coaching staff member send a photo of a team practice to a men's basketball student-athlete as an attachment to a text message? **Answer:** Yes, provided the content was not altered or staged for a recruiting purpose.

**Question:** May a football coach send a photo of the institution's pep rally to a prospective student-athlete as an attachment to a direct message on twitter? **Answer:** Yes, provided the content was not altered or staged for a recruiting purpose.

**Question:** May a basketball coach take a photo of a room not available to the general public (e.g., institution's trophy room, team meeting room, locker room, etc.) and send it to a prospective student-athlete as an attachment to a text message. **Answer:** Yes, provided the content was not altered or staged for a recruiting purpose.

**Question:** May a coach take a photo, use software to add content to the photograph and send it to a prospective student-athlete as an attachment it to an email or direct social media message? **Answer:** No, a photograph that has been altered or staged for a recruiting purpose cannot be sent to a prospective student-athlete. However, standard photo editing (e.g., cropping, red-eye reduction, filters, color correction, etc.) is permissible.

**Question:** May a soccer coach arrange for a photo of the university's president, famous alumni and mascot to be taken and sent to a prospective student-athlete as an attachment to an email? **Answer:** No, the content of the photograph may not be staged for the purpose of being sent to a prospective student-athlete.

# PLAYING SEASON INTERPS FROM THE NCAA

## Conditioning Activities Outside of the Playing Season -- Contact, Equipment, Expenses and Publicity (I)

NCAA Division I institutions should note conditioning activities outside of the playing season may not include contact-related drills or activities. The following list provides some examples of permissible conditioning drills and other activities which may be conducted outside of the playing season:

Simulation of game activities, provided no offensive or defensive alignments are set up and no equipment related to the sport is used; Weight training (e.g., free weights, weight machines, kettlebells, medicine balls); Running/sprints; Agility/plyometric drills; Military crawls; Obstacle courses; Tug-of-war (e.g., rope, tire); Resistance sprints (e.g., parachute, harness, sled, other individuals); Sledgehammer training; Battling ropes; and Wheelbarrow races.

Conversely, the following list provides some examples of conditioning drills and other activities which cannot be conducted outside of the playing season: Wrestling (e.g., Greco-Roman, freestyle, grappling); Mixed-martial arts; Martial arts (with contact); Boxing (with contact); Blocking/tackling/checking drills (e.g., use of football sleds, hockey dummies, walls, or other individuals to develop blocking, tackling, checking or other contact techniques); Offensive or defensive alignments.

The rationale for limitations on conditioning activities outside the playing season is based on student-athlete well-being and injury prevention. Specifically, contact-related conditioning activities outside of the playing season increase the risk of injury. Further, the prohibition against the use of equipment related to a specific sport places a reasonable cap on the practice activity of student-athletes outside of the declared playing season, but also allows student-athletes the flexibility to use equipment to develop general strength and endurance.

**Question:** Is it permissible to conduct conditioning activities outside of the playing season that simulate offensive or defensive alignments by replacing sport-specific equipment with equipment that is not specific to the sport? **Answer:** No. It is not permissible to replace equipment specific to one sport with equipment specific to another sport or nonathletic equipment if the conditioning activity involves the simulation of offensive or defensive alignments (e.g., using a rolled-up towel, Frisbee or tennis ball to conduct receiving drills in football).

**Question:** Is it permissible to conduct conditioning activities outside of the playing season using equipment that is specific to a different sport, provided there is no simulation of offensive or defensive alignments? **Answer:** Yes. It is permissible to replace equipment specific to one sport with equipment specific to another sport, provided the conditioning activity does not involve the simulation of offensive or defensive alignments (e.g., using tennis balls to conduct agility drills for a sport other than tennis).

**Question:** Is it permissible to conduct noncontact boxing or martial arts drills/activities (e.g., speed bag, heavy bag) as a required conditioning activity outside of the playing season? **Answer:** Yes.

**Question:** Is it permissible for a student-athlete to use equipment related to a specific sport (e.g., blocking sled in football), if the student-athlete does not use the equipment to develop technique? **Answer:** No.

**Question:** Is it permissible for an institution to provide expenses to a student-athlete to participate in a ropes course for required conditioning activities outside of the playing season? **Answer:** Yes. An institution may pay a fee related to the conduct of required conditioning activities (e.g., fee for use of and instruction related to a ropes course) outside of the playing season; however, it is not permissible to provide expenses (e.g., transportation, lodging, meals) to student-athletes in conjunction with required conditioning activities outside of the playing season.

**Question:** In sports other than men's basketball, is a prospective student-athlete who has signed a National Letter of Intent and/or who is enrolled in the institution's summer term permitted to participate in required conditioning activities outside of the playing season? **Answer:** No.

**Question:** In baseball and softball, is it permissible for a student-athlete to run around the bases for conditioning activities outside of the playing season? **Answer:** Yes, provided no situational running occurs (e.g., simulation of stealing bases).



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**ASK BEFORE YOU ACT!!!!**

## What about Instagram?!?

After an early October educational column addressing photographs as recruiting tools, bloggers pounced on an opportunity to make fun of the NCAA attempting to keep up with its membership. Peanuts but no peanut butter, grapes but no grape jelly—and now no Instagram?!? What's next?!? Don't worry— the NCAA soon issued a statement downplaying the hoopla: "There is no NCAA ban of Instagram," the association said. "Schools just can't alter the content of photos—and to be clear, we do not consider Instagram's filters as content alteration—and then e-mail them directly to recruits."

Put simply— don't edit the photo to the point of personalization. A filter— fine. An IUPUI jersey, that's crossed the line. For more information, see the Chronicle of Higher Education here: <http://chronicle.com/blogs/ticker/the-ncaas-latest-priority-instagram/50576>

## Playing Season Interp, cont.

**Question:** Do the limitations on conditioning activities outside the playing season apply to a student-athlete's participation in voluntary conditioning activities conducted by a strength and conditioning coach? **Answer:** Yes.

**Question:** Do the limitations on conditioning activities outside the playing season apply to a student-athlete's participation in voluntary conditioning activities that are monitored, but not conducted, by a strength and conditioning coach? **Answer:** No. Voluntary conditioning activities outside the playing season that are monitored, but not conducted, by a strength and conditioning coach are not subject to the same limitations as conducted conditioning activities because a student-athlete determines how the voluntary conditioning activity is to be conducted.

**Question:** Do the limitations apply to student-athlete discretionary time? **Answer:** No. The limitations do not apply to student-athlete discretionary time, as the student-athlete may participate in athletics activities at his or her discretion.

**Question:** Is it permissible to post videos of required conditioning activities outside of the playing season on public websites (e.g., YouTube), athletics department websites or social media pages, or on coaches' personal social media pages?  
**Answer:** Yes.

**Question:** Is it permissible to post videos of voluntary athletically related activities on a website or social media page?  
**Answer:** No.