Division I Recruiting:

New Legislation and Fundraising
Advanced Application

Presented by
Maureen Harty and Jen Roe

Session Objectives

Discuss the recently adopted recruiting legislation:
- Understand the changes; and
- Review related interpretations.

Discuss recruiting legislation related to fundraising:
- Understand the application of the rules; and
- Review several case studies.

New Legislation
Proposal No. 2013-32 - Contacts and Evaluations – Attendance and Contact at All-Star Contests (FBS and FCS)

- Coaches may not attend all-star contests;
- No contact with a PSA from the time he arrives in locale of contest until he returns home.

Effective Immediately

Proposal No. 2013-33 – Meals on Official Visit (FBS and FCS)

- In football it is permissible to provide meals for up to four family members accompanying a prospective student-athlete on an official visit.

Effective Immediately

Related Staff Interpretation

In-Person Contact with Football Prospective Student-Athlete Participating in All-Star Contest After Commitment

It is not permissible for an institution to make an in-person, on- or off-campus contact with a PSA even after the prospective student-athlete has signed a National Letter of Intent or the institution's written offer of admission and/or financial aid or the institution has received the prospective student-athlete’s financial deposit in response to its offer of admission.

[Reference: 12/12/13, Item No. b]
Prospective Student-Athlete’s Prospect-Aged Sibling Receiving a Meal While Accompanying the Prospective Student-Athlete on an Official Visit

In football, it is permissible for an institution to provide meals during an official visit to the sibling of a PSA, who is also prospect-aged or is being recruited by the institution, without constituting an official visit for the PSA’s sibling provided no recruitment of the sibling occurs during the visit.

[Reference: 12/5/13, Item No. b]

Proposal No. 2013-34 - December Dead Period Through AFCA Convention (FBS)

- Establishes a dead period from the Monday of the week that includes the initial date of the midyear junior college transfer National Letter of Intent signing period through the Wednesday of the week of AFCA convention.

Effective Immediately

In-Person Contact with Prospective Student-Athlete During Football Bowl Subdivision December or January Dead Period After Commitment

In FBS, no in-person, on- or off-campus contact with a PSA during the December or January dead period, even after the PSA has signed the institution’s written offer of admission and/or financial aid or the institution has received the PSA’s financial deposit in response to its offer of admission.

It is permissible for the institution to make such contact with a PSA who has for initial full-time enrollment.

[Reference: 12/12/13, Item No. a]
Proposal No. 2013-35 - June/July Dead Period (FBS)

- Establish a 14-day dead period that begins on the last Monday in June unless July 1 falls on a Monday; if July 1 falls on a Monday, the 14-day dead period begins on July 1.
- Summer 2014 - Monday, June 30.

Effective Immediately

Proposal No. 2013-25 - A Unlimited Telephone Calls and Deregulated Electronic Correspondence – Men’s Ice Hockey

- Off campus contact - June 15 of sophomore year;
- Unlimited calls - January 1 of sophomore year; and
- Any form of electronic correspondence - January 1 of sophomore year.

Effective Immediately

Proposal No. 2013-26 - No Limits on Communication – Sports Other Than Basketball, Cross Country/Track and Field, Football and Swimming and Diving

- Unlimited calls - September 1 of junior year; and
- Any form of electronic correspondence.

Effective August 1, 2014
Proposal No. 2013-27 - Recruiting Materials and Electronic Correspondence

- Printed recruiting materials:
  - No restrictions on the design or content of general correspondence and attachments;
  - May not exceed 8 ½ by 11 inches when opened; and
  - Envelope may not exceed 9 x 12 inches.

Effective August 1, 2014

Q&A Re: Correspondence

- Permissible general correspondence or attachments to general correspondence:
  - Business cards;
  - Unbound pages of game programs and media guides; and
  - Pre-enrollment information.

- The legislation regarding video or audio material that may be provided to PSA has not changed.

2013-14 NCAA Division I Legislative Proposals Question and Answer Document

Q&A Re: Correspondence

- Impermissible general correspondence or attachments to general correspondence:
  - Bound media guides;
  - Posters;
  - Magnets;
  - Wall graphics;
  - Digital-media storage device;
  - Greeting cards that play a fight song or recorded message; and
  - Other similar items.

2013-14 NCAA Division I Legislative Proposals Question and Answer Document
Q&A Re: Correspondence

- Did not change the ability to send educational material provided by the NCAA, nonathletics institutional publications, questionnaires and camp or clinic information at any time.

2013-14 NCAA Division I Legislative Proposals
Question and Answer Document

### Telephone Calls

**Sport(s)** | **First Permissible Date to Call a PSA** | **Frequency of calls**
--- | --- | ---
MBB | June 15 of sophomore year. | Unlimited.
WBB | September 1 of junior year. | Unlimited except during July.
FB | April 15- May 31 of junior year. | One call.
 | September 1 of senior year. | One call per week, unlimited during contact period.
MH | January 1 of sophomore year. | Unlimited.
WH | September 1 at the beginning of the junior year. | Unlimited.
 | July 7 through July 31 after the sophomore year. | One call to the resident of a foreign country.
MXC, WXC, MTF, WTF | July 1 after the junior year. | Unlimited.
MSW, WSW | July 1 after the junior year. | One call per week, unlimited during contact period.
OTHER SPORTS | September 1 at the beginning of the junior year. | Unlimited.

### Recruiting Materials

**Sport(s)** | **First Permissible Date to send PSA** | **Permissible forms of Electronic Correspondence**
--- | --- | ---
MBB | June 15 at the conclusion of the sophomore year. | All forms of private electronic correspondence including email, Instant Messenger, facsimiles and text messages.
WBB | September 1 of the junior year. | Limited to emails and facsimiles.
FB | September 1 of the junior year. | Limited to emails and facsimiles.
MH | January 1 of the sophomore year. | All forms of private electronic correspondence including email, Instant Messenger, facsimiles and text messages.
MXC, WXC, MTF, WTF | September 1 of the junior year. | Limited to emails and facsimiles.
MSW, WSW | September 1 of the junior year. | Limited to emails and facsimiles.
OTHER SPORTS | September 1 of the junior year. | All forms of private electronic correspondence including email, Instant Messenger, facsimiles and text messages.
**Off Campus Contact**

**Current Rule**

<table>
<thead>
<tr>
<th>Sport(s)</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>MBB</td>
<td>Opening day of PS4a junior year in high school.</td>
</tr>
<tr>
<td>WBB</td>
<td>September 1 at the beginning of the junior year.</td>
</tr>
<tr>
<td>FB</td>
<td>July 1 after the junior year in high school.</td>
</tr>
<tr>
<td>MIH</td>
<td>June 15 after the sophomore year in high school.</td>
</tr>
<tr>
<td>WIF</td>
<td>July 7 after the junior year in high school.</td>
</tr>
<tr>
<td>WGY</td>
<td>July 15 after the junior year in high school.</td>
</tr>
<tr>
<td>OTHER SPORTS</td>
<td>July 1 after the junior year in high school.</td>
</tr>
</tbody>
</table>

Two factors to determine which bylaw applies – source of benefit, and recipient.

Source + Recipient = Bylaw.

<table>
<thead>
<tr>
<th>Source</th>
<th>Recipient</th>
<th>Bylaw</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noninstitutional entity</td>
<td>Prospective student-athlete or student-athlete</td>
<td>12 (to be covered in a separate session)</td>
</tr>
<tr>
<td>or individual</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institution or booster</td>
<td>Prospective student-athlete</td>
<td>13.2</td>
</tr>
<tr>
<td>Institution</td>
<td>High school, prep school or two-year college coach</td>
<td>13.8</td>
</tr>
<tr>
<td>Institution or booster</td>
<td>High school/prospect-age</td>
<td>13.15</td>
</tr>
<tr>
<td>Institution or booster</td>
<td>Student-athlete</td>
<td>16 (to be covered in a separate session)</td>
</tr>
</tbody>
</table>

**Where to Start?**

- Two factors to determine which bylaw applies – source of benefit, and recipient.
- Source + Recipient = Bylaw.
An institution's staff member or booster may not, directly or indirectly, make arrangements for or give or offer to give any financial aid or other benefits to a PSA or his or her relatives or friends, other than expressly permitted by NCAA regulations.

Bylaw 13.2.1 – General Regulation

Case Study No. 1

One of your institution's boosters owns a restaurant.
During the summer prior to a tennis PSA's verbal commitment to your institution, the booster introduced the PSA to his hiring manager for a day labor position at the restaurant.
Is this permissible?

Case Study No. 1

Bylaw 13.2.3.2 - Employment Prior to Senior Year-Athletic Award Winners

- Can employ PSAs in any department outside of athletics provided:
  - Arranged through normal institutional procedures and without intervention from the coaching staff, and;
  - Compensated for work performed and going rated.
Case Study No. 1

- Bylaw 13.2.3.3 - Employment After Completion of Senior Year
  - May arrange for employment or employ any PSA provided:
    - The employment does not begin prior to the completion of the PSA's senior year in high school.

Case Study No. 1

- The employment of a PSA (regardless of athletic award winner status), by a booster would not be considered an improper recruiting inducement, provided:
  - The institution does not arrange the employment;
  - The opportunity for employment is available on an equal basis to all applicants who qualify for the position; and
  - The prospect is paid only for work performed and at a rate commensurate with the going rate in that locale for similar services.

Staff Interpretation [Reference: 8/18/04, Item No. 1a]

Case Study No. 1

- No, the employment arrangements do not meet Bylaws 13.2.3.2 or 13.2.3.3. Therefore, this would be considered an offer and inducement.
Precallege Expenses

- An institution or a representative of its athletics interests shall not offer, provide or arrange financial assistance, directly or indirectly, to pay (in whole or in part) the costs of the PSA's educational or other expenses for any period prior to his or her enrollment or so the PSA can obtain a postgraduate education.

Bylaw 13.15.1 - Prohibited Expenses

Precallege Expenses

- An institution may not provide funding, directly or through paid advertisements, to benefit a high school athletics program.

Bylaw 13.15.1.2 - Fundraising for High School Athletic Programs

Donations to Nonprofit Men’s Basketball

- In men's basketball, an institution or a staff member shall not provide a donation to a nonprofit foundation that expends funds for the benefit of a nonscholastic team or teams, PSAs or individuals associated with PSAs, regardless of whether the foundation provides funding to or services for PSAs and individuals who are not PSAs.

Bylaw 13.15.1.10 - Donation to Nonprofit Foundation – Men's Basketball
Precollege Expenses

- In sports other than men's basketball, it is permissible to contribute to bona fide youth organizations that includes PSAs and Non-PSAs provided:
  - The assistance is not earmarked for a particular PSA;
  - It is not earmarked for the purpose of contributing to a boy’s basketball program; and
  - Is offered in conjunction with the organization's regular fundraising activities.

Staff Interpretation [Reference: 12/20/12, Item No. a]

Case Study No. 2

- Your institution has been asked to donate men’s volleyball tickets for an auction in which the proceeds go to a trust fund set up to defray a local community member's medical costs.
- He has two PSA aged daughters.
- Can your institution donate the tickets?

Yes, provided all the proceeds go directly to the parent and go directly towards defraying the parent's medical costs.

Bylaws 12.5.1.1 – Institutional, Charitable, Education or Nonprofit Promotions
13.15.1 – Prohibited Expenses
Case Study No. 3

- Your institution's assistant football coach has been asked to participate in a seven-on-seven charity football contest to raise funds for his former high school, can he participate?
- Yes.
- Coach must act independently of the institution.
- Any funds raised from the event are distributed through channels established by the high school.
- Funds are not earmarked for a specific PSA.

Case Study No. 4

- Your institution's women's soccer coach would like to donate funds to her daughter's high school soccer team, can she?
Case Study No. 4
- Yes.
- Coach must act independently of the institution.
- May not donate any institutional issued tickets, equipment or attire.

Bylaw 13.15.1.2 - Fundraising for High School Athletics Program

Case Study No. 5
- A local civic organization has asked your athletics department to host its "Scholarship Lunch".
- Proceeds from the luncheon go to a general scholarship fund for local high school students.
- Can the athletics department donate the use of the facility?

No, the athletics department cannot donate the use of its facility per Bylaw 13.15.1.
Case Study No. 5

- Can athletics department staff and SAs attend the event?

- Can the institution pay any costs associated with attendance at the event?

Yes, in sports other than men's basketball, coaches and administrators may attend the fundraiser provided:

- The staff members play no active role in fundraising activities; the attendance of the staff members at the event could not be publicized in advance;
- No contact with PSAs or parents of PSAs would be permitted outside the permissible contact period; and conversations between staff members and any high school coaching staff members, parents, PSAs and other individuals could not include recruiting information or contain a recruiting presentation.

Official Interpretation [Reference: 10/19/12, Item No. 4]

Case Study No. 5

- No, the institution cannot pay any expenses since the primary purpose of the event is to raise scholarship funds for PSAs per Bylaw 13.15.1.
Case Study No. 6

- A nonprofit organization which raises funds for spouses and children of soldiers killed or disabled in service has asked your institution to be involved in its fundraising event.
- Purpose of this fundraiser is to raise money for scholarships for the spouses and children of the soldiers.
- Can your institution donate funds or memorabilia to this event?

Yes, provided:
- The organization also supports other causes that do not involve PSAs;
- The institution is not involved in the identification or selection of the recipients of the benefits (e.g., scholarship); and
- Funds raised from the institution's donation go to causes other than for providing benefits to PSAs.

Case Study No. 7

- A local junior college is hosting a golf fundraiser and have asked your institution's men's basketball assistant coaches to participate at no cost.
- Your coaches will not participate in any fundraising activities, just play in the event.
- Their attendance will not be publicized.
- Can they attend?
Case Study No. 7

- Yes, they can attend provided the junior college does not derive a financial benefit from the coaches or their participation in the event.

Case Study No. 8

- A corporation that provides health care classes to elementary school students and sex education and health care classes to 7th-12th grade students has asked your institution's men's basketball staff for a donation for an auction.
- The organization has no ties to nonscholastic sports or to any individuals associated with prospects (IAWP).
- Can the men's basketball staff fulfill the donation request?

Case Study No. 8

- Yes, Bylaw 13.15.1.10 is not intended to prohibit men's basketball programs from providing donations to nonathletically related entities that consist of prospects and nonprospects, provided the entity does not provide funds to or expend funds for the benefit of a nonscholastic basketball team or teams, a particular prospect or prospects or an IAWP.