NCAA Division III Bylaw 12/16
Fundamental Introduction

Agenda

Bylaw 12:

- Preferential Treatment (Bylaw 12.1.1) Versus Extra-Benefit (Bylaw 16.02.3).
- Promotional Activities.
  - Institutional, Charitable, Educational or Nonprofit Promotions (Bylaw 12.5.1.1).
- Bylaw 12 Update.
  - Legislative Changes.

Agenda (cont.)

Bylaw 16:

- Expenses Provided by the Institution for Practice and Competition (Bylaw 16.8).
- Benefits, Gifts and Services (Bylaw 16.11).
- Bylaw 16 Update.
  - Legislative Changes.
Session Outcomes

- Understand fundamental NCAA Division III Bylaws 12 and 16 legislation.
- Identify areas of concern and potential problems within Bylaws 12 and 16.
- Apply relevant legislation and interpretations using case studies.
- Share thoughts and best practices for working through interpretive issues relevant to Bylaws 12 and 16.

Am I in 12 or 16?

Scenario 1

- Hot Shot Swimmer is currently attending Aquamarine College. The swim coach has discovered:
  - His assistant coach has "loaned" the student-athlete a car and his gas card.
  - The entire team has been receiving free breakfast on the weekends from a local restaurant, H2O Inn, that has donated catering services to the college.
  - A rumor that Hot Shot Swimmer and another swimmer from his home town were paid lifeguards over the summer while actually traveling around the country to see Phish, with tickets provided by the director of the Way Away From Here community pool who likes to help out the local athletes.

Bylaw 12 or 16?
Bylaw 12 or 16?

The Big Question:
Where is the benefit coming from?

• Institution or representative of athletics interest:
  • Need to determine if Bylaw 16 extra benefit (or Bylaw 13 offer and inducement if prospective student-athlete).

• Everyone else:
  • Bylaw 12 preferential treatment or other amateurism concern?

Scenario 1 Review

Bylaw 12 or 16?

– Assistant coach "loaning" a student-athlete a car and gas card.
– Free breakfast for swim team members on the weekends from a local restaurant, H2O Inn, that has donated catering services to the college.
– Two swimmers being paid as life guards over the summer while actually traveling around the country to see Phish. Job and tickets provided by the director of the Way Away From Here community pool, in the SAs hometown, who likes to help out the local athletes.

Division III Bylaw 12 Amateurism
Scenario 1 Redo and Scenario 2

- Hot Shot Swimmer and another swimmer from his home town were paid lifeguards over the summer while actually traveling around the country to see Phish, with tickets provided by the director of the Way Away From Here community pool who likes to help out the local athletes.

- Sub4 Runner from Fleet-of-Foot Polytechnic Institute competes in two half-marathons over the summer. According to your coach, he placed in the top 3 at each event and received the following:
  - Super Fun Happy Spectacular Place Half: A cruise and $5,000 from the sponsor of the event.
  - World Half: $5,000 from the NGB; $20,000, a gold watch and 10 pairs of sneakers from the sponsor of the event.

What are the potential issues?

Preferential Treatment

- Impermissible to receive preferential treatment, benefits, or services because of the individual’s athletics reputation or skill, or pay-back potential as a professional athlete, unless such treatment, benefits or services are specifically permitted under NCAA legislation.

Bylaw 12.1.1

Amateur Status: Yes/No

- Pre-enrollment
  - Permissible
  - Not permissible

Bylaws 12.1.3.1 (a-q) and 12.1.3.2 (a-h)

- Post Initial enrollment
  - Permissible
  - Not permissible

Bylaws 12.1.5.1 (a-j) and 12.1.5.2 (a-o)

- Elite Level

Bylaw 12.1.6 (a-h)
Scenario 1 Redo and Scenario 2 Review

1) Is it OK to get paid for a local fish to see Phish?

2) Student-athlete doing really well at some summer races:
   • Super Fun Happy Spectacular Place Half: A cruise and $5,000 from the sponsor of the event.
   • World Half: $5,000 from the NGB; $20,000, a gold watch and 10 pairs of sneakers from the sponsor of the event.
     – Did he accept too much?

Scenario 3

• The coach of the women’s volleyball team at Velocity University has a couple of questions about some activities being floated around by her athletes:
  – Dressing up and running in two groups in a local 5K that supports World Peace Initiatives, Inc.
  – Handing out women’s volleyball season ticket fliers at the local Big Cup of Joe and Sweets Shoppe.
    • Plan A: Hand them out to everyone that comes in. No advertisement by BCJ that they will be there.
    • Plan B: Hand them out as they assist with delivering their order. BCJ wants to put on their website time that each of the student-athletes will be there.

Potential issues?

Promotional Activities

• Is it permissible?
  – Basic Questions:
    • How are SAs involved?
    • For whom?
    • Where?

Bylaws 12.5.1.1, 12.5.1.1.1 and 12.5.1.4
Promotional Activities

- What about the use of SAs name or picture for:
  - NCAA Championships, events, activities or programs?
  - Conference championships?
  - Player trading cards?
  - Modeling and other nonathletically related promotional activities?
  - Camps and clinics?

  There’s a bylaw for that!
  Bylaws 12.5.1.1.2, 12.5.1.1.3, 12.5.1.3, 12.5.1.7 and 12.5.1.10

- When can (and must) SA take steps to avoid eligibility impact post use?
  - No knowledge or permission.
  - Commercial advertisements pre-enrollment.

  Bylaws 12.5.1.4.2 and 12.5.1.4.3

Scenario 3 Review

- Issues with dressing up and running in two groups in a local 5K that supports World Peace Initiatives, Inc.?
- Issues with handing out women’s volleyball season ticket fliers at local business?
  - Option A (Everyone that comes in gets one. No advertisement by business that they will be there)
  - Option B (SAs only provide to those that order. Business wants to put time each of the student-athletes will be there on business website.)

Bylaw 12 Legislative Changes

  - Bylaw 12.1.6 previously allowed for certain expenses to be provided from the USOC or a national governing body.
  - This proposal extends that to also allow governmental entities to provide those same expenses.
Division III Bylaw 16
Awards and Benefits

Bylaw 16.8 – Expenses Provided By the Institution for Practice and Competition

Practice – Your institution may provide SA expenses for practice if it is...

• Associated with an away-from-home contest;
• Conducted at a site located in your institution's state; or
• Not more 100 miles from campus, if outside the state.

Bylaw 16.8.1.1
Educational Column July 16, 2012

Bylaw 16.8 – Expenses Provided By the Institution for Practice and Competition

Practice Sites on Road Trips –

• Must take place either...
  – At the competition site;
  – On a direct route between your campus and the first competition site; or
  – On a direct route between two consecutive competition sites.

Bylaw 16.8.1.1
Educational Column July 16, 2012
Bylaw 16.8 – Expenses Provided By the Institution for Practice and Competition

On- or Off-Campus Practice Sites –

• Your institution may transport student-athletes from a central on-campus site (e.g., locker room) to an on- or off-campus practice site.

Bylaw 16.8.1.1.4

Bylaw 16.8 – Expenses Provided By the Institution for Practice and Competition

Competition – Your institution may provide actual and necessary expenses to an eligible SA if...

• SA does not depart campus more than 48 hours prior to competition; and
• SA returns to campus not later than 36 hours after end of competition.

Competition includes regular-season and post-season contests.

Bylaw 16.8.1.2

Bylaw 16.8 – Expenses Provided By the Institution for Practice and Competition

Exceptions –

• Departure and return restrictions do not apply for the following travel...

Bylaw 16.8.1.2.1.1
Bylaw 16.8.1.2.1.1 (Exceptions).

- Travel for regular-season competition during official vacation period during academic year.
- Travel for NCAA championships, NGB championships in emerging sports or post-season football games.
- Travel for National Football Foundation Hall of Fame benefit game or American Football Coaches Retirement Trust benefit game.
- Travel for regular-season competition during summer-vacation period.
- Travel for foreign tour.
- Travel for the U.S. Gymnastics Federation (USGF) collegiate championships.
Bylaw 16.8 – Expenses Provided By the Institution for Practice and Competition

Meal-Allowance Limitation –

- Must be identical for all student-athletes on same team;
- May not exceed amount available to staff members on away-from-campus trips; and
- May not be provided for a particular meal if the student-athlete receives that meal (or its equivalent) from another source.

Bylaw 16.8.1.2.3

Bylaw 16.8 – Expenses Provided By the Institution for Practice and Competition

Meal Provided By Representative of Athletics Interests

- Booster may pay for or provide a meal to a student-athlete or team outside locale of your institution as long as...
  - The meal is in conjunction with, or en route to or from, an away-from-home contest.

Bylaw 16.8.1.2.4
Bylaw 16.11.1.5.1

Bylaw 16.8 – Expenses Provided By the Institution for Practice and Competition

Travel to Regular-Season Contests during Vacation Period. (Bylaws 16.8.1.4) -

- Your Institution may provide team transportation for a student-athlete to travel from...
OS2  maybe flip one of the arrows so they are coming from the contest back to campus
Otey, Sarah, 4/18/2014
Bylaw 16.8 – Expenses Provided By the Institution for Practice and Competition
Travel to NCAA Championships and NGB Championships in Emerging Sports During Vacation Period. (Bylaw 16.8.1.5) -

• Your institution may provide team transportation for a student-athlete to travel from…

Bylaw 16.8 – Expenses Provided By the Institution for Practice and Competition
Exception – Student-Athlete Does Not Use Team Transportation -

• If a SA goes home during the vacation period, your institution may provide (in lieu of team transportation) one of the following round-trips:

Bylaw 16.8.1.5.1 – (a)
Bylaw 16.8 – Expenses Provided By the Institution for Practice and Competition

Bylaw 16.8 – Expenses Provided By the Institution for Practice and Competition

Bylaw 16.11 – Benefits, Gifts and Services

Promotional Activity Prize –

• SA may accept a prize as part of a promotional activity conducted by your institution or held on your institution’s campus, as long as the SA was selected through a random drawing open to the general public or student body.

  – Use of athletics ability to win prize does not affect SA’s eligibility.

Bylaw 16.11.1.4
Bylaw 16.11.1.4.1
Bylaw 16.11 – Benefits, Gifts and Services

Occasional Meals –
• Your staff or boosters may provide a meal to SAs if it is:
  – Within the locale of the institution; and
  – Restricted to infrequent and special occasions.

  Staff and boosters may provide transportation to SAs to attend the meal.

Bylaw 16.11.1.5

Bylaw 16.11 – Benefits, Gifts and Services

Occasional Meals Provided by the Relative of a SA –
• A SA or a team may receive an occasional meal provide by the relative of a SA at any location.

Reasonable Refreshments –
• Your institution may provide SAs with reasonable refreshments for:
  – SA educational and business meetings; and
  – On occasional bases for celebratory events.

Bylaws 16.11.1.6 and 16.11.1.11

Bylaw 16.11 – Benefits, Gifts and Services

Miscellaneous Benefits –
• Your institution may provide or arrange the following benefits for a SA:
  – Return ticket following a foreign tour;
  – Participation in receptions/activities associated with championships, tournaments, or all-star events hosted by and conducted on your campus;
  – Emergency telephone calls (approved by AD); and
  – Reasonable tokens of support and transportation in the event of serious injury, illness or death of relative;
  – Transportation to attend funeral of any relative.

Bylaw 16.11.1.14
Bylaw 16 – Legislative Changes


- Bylaw 16.11.1.13 previously allowed fundraisers for SAs and their families in extreme circumstances.
  - Required that the funds be disbursed through or paid directly to a third party.
- This proposal allows the funds to be given directly to the beneficiaries, with receipt kept on file with institution.

Bylaw 16.11.1.13

Bylaw 16 – Legislative Changes


- Bylaw 16.8.1.3 previously allowed an institution to pay for a maximum of two national team tryout competition events.
- Proposal allows an institution to pay for an unlimited number of national team tryout competition events.

Bylaw 16 – Legislative Changes


- Bylaw 16.7 was previously prescriptive about when an institution could permissibly provide team entertainment.
- Proposal deregulates much of Bylaw 16.7 to allow an institution flexibility to provide entertainment in conjunction with practice or competition.
- Bylaw 16.8.1.1 was not impacted by this proposal.
Questions?