NCAA Division III Bylaw 13
Recruiting
Fundamental Introduction

Agenda
• Publicity (NCAA Division III Bylaw 13.10).
• Social media/electronic transmissions (Bylaw 13.02.11).
• Tryouts (Bylaw 13.11).
• Sports camps and clinics (Bylaw 13.12).

Session Outcomes
• Understand fundamental application of Bylaw 13 legislation.
• Identify areas of concern and potential problems within Bylaw 13.
• Apply relevant legislation and interpretations using case studies.
• Share thoughts and best practices for working through interpretive issues relevant to Bylaw 13.
Bylaw 13.10 - Publicity

Publicity

Comments **before** acceptance:

• An institution may comment publicly only to the extent of confirming recruitment of a prospective student-athlete (PSA).

Bylaw 13.10.2

Publicity

Comments **after** acceptance:

• An institution may publicize a PSA's commitment to attend the institution after receipt of paid acceptance of written offer of admission or financial aid.
• Publicity may be released to media outlets at institution's discretion.
  • Includes: Department of athletics website and social media.

Bylaw 13.10.7
Bylaw 13.02.11 - Electronic Transmissions

Electronic Transmissions

- Any electronic transmission that is **private and direct** may be sent to a PSA (including parents/legal guardians).

  - Examples: Email, text message, instant messenger and private messaging function through social media website.
  - No restrictions on timing.

Examples of direct communications.

- Communicating via the "wall" on Facebook.
- Tagging a PSA on status updates on the "wall" on Facebook.
- Using a PSA's twitter handle (e.g., @PSA) in tweets.
Electronic Transmissions – Exception to Private and Direct

- Electronic transmissions after receipt of financial deposit:
  - No limits on electronic transmissions (i.e., may be public).
    - On or after May 1 of PSA's senior year in high school; and
    - Institution has received financial deposit from PSA.
  - Examples: Facebook wall and using twitter handle "@PSA."

Case Studies – Publicity and Electronic Transmissions

Case Study

After receiving Elle Phonte's paid acceptance of written offer of admission, Wildlife University posted on its department of athletics Facebook page:

The Trumpets are excited to announce that Elle Phonte has committed and will be a member of the women's soccer team for the 2014-15 incoming class.

Permissible?

Yes, assuming Elle Phonte was not "tagged" in the post.
Case Study

Instead of the general department of athletics Web page, what if this was posted on the women's soccer teams' Facebook page which is maintained by the coach?

The Trumpets are excited to announce that Elle Phonte has committed and will be a member of the women's soccer team for the 2014-15 incoming class.

Permissible?
This would still be permissible.

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Case Study

After receiving Elle Phonte's paid acceptance of written offer of admission, Wildlife University tweets from its department of athletics twitter account:

The Trumpets are excited to announce that Elle Phonte has committed for the 2014-15 incoming class! #trumpets #trumpetsoccer.

Permissible?
Yes, this is not considered a direct communication because the PSA's twitter handle was not used.

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Case Study

After receiving Elle Phonte's paid acceptance of written offer of admission, Wildlife University tweets from its department of athletics twitter account:

The Trumpets are excited to announce that @ellephonte has committed for the 2014-15 incoming class! #trumpets #trumpetsoccer.

Permissible?
Typically impermissible because this would be considered a direct communication using the PSA's twitter handle; however, may be permissible depending on timing of the tweet (May 1 of PSA's senior year).

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Publicity and Electronic Transmissions by Institutional Staff Outside of Athletics

The publicity and electronic transmissions legislation does not typically apply to institutional staff outside of athletics (e.g., admissions staff).

Bylaw 13.01.1

Announcement of Attendance - Institutional Staff Outside of Athletics

- Institutional staff outside of athletics may issue an announcement of all prospective students who will attend the institution, regardless of whether the paid acceptance of an institution's written offer of admission and/or financial aid has been received, provided:
  - Prospective students identified in the announcement are not identified as PSAs; and
  - Department of athletics is not involved in arranging the publicity.

May 14, 2003 Official Interpretation
July 22, 2013 Educational Column

Electronic Transmissions - Institutional Staff Outside of Athletics

- Electronic transmission legislation does not apply to electronic correspondence between institutional staff members and PSAs provided such communications do not occur at the direction of the department of athletics.
  - Includes public and direct communications via social media websites (e.g., Facebook, twitter, etc.).

July 22, 2013 Educational Column
Electronic Transmissions - Institutional Staff Outside of Athletics

- May an institutional staff member outside of athletics initiate or respond to a public electronic correspondence (e.g., tweet, wall post) from a PSA if there is a mention of athletics in the correspondence?
  - Yes, provided the staff member is not acting on behalf of the department of athletics and the staff member is acting as he or she would do for any PSA.

Example:

- @ellephonte tweets:
  - So excited to be a Trumpeter and join the soccer team! #trumpets #trumpetsoccer.

- @WildlifeU re-tweets:
  - So glad to have you! RT @ellephonte So excited to be a Trumpeter and join the soccer team! #trumpets #trumpetsoccer.

Bylaw 13.10 – Publicity and Bylaw 13.9 – Letter of Intent Prohibition
Case Study

- Wildlife University's hockey coach attends a signing day event at Chimpan Zee High School where recruited PSA is signing Wildlife University's offer of acceptance.
- A local newspaper is in attendance and a photograph of the PSA is published in the paper.
- The coach's attendance is not publicized.

Permissible?

Case Study

- Impermissible. Why?
  - An institutional staff member may not be present at the site of a PSA's signing or any other prearranged site when a PSA accepts an offer made by the institution and the media is present.

Publicity and Letter of Intent Prohibition

- Division III does not participate in the National Letter of Intent program, so how can a Division III PSA take part in these signing day events?
  - PSA may sign institution's regular acceptance offer letter for all students.
  - If no regular acceptance offer letter, PSA may sign a blank piece of paper.
  - May an institution "create" an athletics offer letter for the PSA to sign?
    - No, this would be impermissible.
Tryouts

Prohibited physical activities involving PSAs:

• Traditional tryout.
  • Coach may not observe or conduct physical workouts or other recreational activities designed to test the athletics abilities of a PSA.

Bylaw 13.11 - Tryouts

Tryouts

Prohibited physical activities involving PSAs:

• Permissible observation of recreational activities.
  • Not a tryout if coach observes a recreational activity in the following circumstances:
    o Documented job responsibilities include facility monitoring for safety and security; AND
    o Observation occurs while monitoring facility.

Bylaw 13.11.2.1
Educational Column June 17, 2011
NCAA Division III Proposal No. 2010-3

Bylaw 13.11.2.1.1
Educational Column June 17, 2011
Official Interpretation February 4, 2012
Tryouts

Prohibited physical activities involving PSAs:

• Tryout events:
  - Institution/conference may not host, sponsor or conduct...
  - ...a tryout camp, clinic, group workout or combine...
  - ...devoted to agility, flexibility, speed and strength tests...
  - ...of a PSA.

Bylaw 13.11.2.2
Educational Column June 17, 2001
Official Interpretation November 29, 2006

Tryouts

Prohibited physical activities involving PSAs:

• Tryout events:
  - Institution's staff member may only attend a tryout event if it:
    - Is sponsored by an outside organization;
    - Occurs off the institution's campus; and
    - Is open to all institutions.

Bylaw 13.11.2.2
Educational Column June 17, 2001
Official Interpretation November 29, 2006

Tryouts

Prohibited physical activities involving PSAs:

• Competition against PSAs:
  - Varsity intercollegiate team may not compete against a high school or prep school team.

Bylaw 13.11.2.5
Tryouts
Permissible physical activities involving PSAs:

• Any activity not specifically prohibited in Bylaw 13.11.2 is...PERMISSIBLE!

But...WHY?

• In 2010 tryout legislation was deregulated because most of the previous tryout exceptions were a result of pre-federated legislation.

• The 2010 deregulation was intended to...
   Simplify the list of tryout exceptions;
   Emphasize three types of impermissible tryout activities; and
   Give more autonomy to institutions in operating their events.

Proposal No. 2010-3
Educational Column June 17, 2011

Tryouts
Permissible physical activities involving PSAs:

• Some examples of permissible activities include, but are not limited to:
   Athletics events or activities involving PSAs;
   Sports camps and clinics;
   Private lessons;
   Sports club teams; and
   High school all-star games.

Bylaw 13.11.3
Educational Column June 17, 2011
Official Interpretation February 25, 2013

Case Study

• Calvin Swine is the men's soccer coach at Boss Hogg College (Division III).

• Coach Swine would like to sponsor a seven-on-seven soccer showcase for high school men's soccer PSAs on campus this summer. The showcase would be open for college coaches to evaluate participants.

• Below is Coach Swine's anticipated showcase schedule:
   Day 1: Timed 40-yard dash, timed squats, dribbling tests and passing tests.
   Day 2: Round-robin tournament for high school boys soccer teams.

Permissible?
Case Study
Impermissible. Why?

Coach Swine's seven-on-seven showcase would be considered a tryout event. Specifically, part of his showcase would be devoted to testing the agility, flexibility, speed and strength of PSAs.

Bylaw 13.11.2.2
Educational Column June 17, 2011

Case Study
Permissible?

What if an outside company rented the facilities at Boss Hogg College and conducted the same event? No institutional staff would be involved with the showcase?

Case Study
Impermissible. Why?

Boss Hogg College may not host a tryout event, even if it is sponsored and/or conducted by a third-party operator.

Bylaw 13.11.2.2
Educational Column January 6, 2007
Bylaw 13.12 – Sports Camps/Clinics

Sports Camps/Clinics

Institution's sports camp and clinic:

• Any camp or clinic that is owned or operated by an institution or an employee of the institution's department of athletics.

• Institution's camp/clinic can be on or off campus.

Format of camps/clinics:

• Must include instruction or practice programming;
• May include competition (but not exclusively);
• Must:
  • Place special emphasis on a sport(s) and provide specialized instruction or practice;
  • Include activities designed to improve overall skills and general knowledge in the sport(s); or
  • Offer a diversified experience without emphasis on instruction, practice or competition in any particular sport.

Bylaw 13.12.1.1

Staff Interpretation July 24, 1991
Staff Interpretation February 10, 2008
Educational Column June 17, 2011
Sports Camps/Clinics

Attendance restriction:

- Institution's camp/clinic must be open to any and all entrants.
  - May be limited only by number and age.
    - May also be limited by grade level or gender or both.

Bylaw 13.12.1.2
Staff Interpretation May 24, 2006

Sports Camps/Clinics

Advertisements:

- In recruiting publications – see Bylaw 13.4.
  - Note, such restrictions do not apply in nonrecruiting publications (e.g., game program).

- May use the name or picture of any student-athlete (SA) to publicize or promote an institutional camp/clinic.

Bylaws 12.5.1.7, 13.4, 13.4.2.1.3, 13.12.1.3

Sports Camps/Clinics

PSAs/no free or reduced admission privileges:

- Neither an institution, its staff, nor its boosters may give free or reduced admission privileges to any individual who has started grade nine.

Bylaw 13.12.1.4
Staff Interpretation August 27, 2009
Staff Interpretation October 29, 2003
Sports Camps/Clinics

Recruiting activities:

• Department of athletics staff members may not recruit during an institutional camp/clinic.

• Nonathletics institutional staff members (e.g., admissions counselors) may present and provide general institutional information to camp participants.

Bylaw 13.12.1.5

Case Study

• Flearoy is a senior high school football PSA.
• Flearoy plans to attend a linemen's clinic at Feline Fine College (Division III) this summer.
• Flearoy is also considering college options and would like to meet with coaches and other staff members to learn more about what Feline Fine has to offer.

Permissible?
What are the limitations?

Case Study

• While Flearoy attends the clinic, the athletics staff at Feline Fine College may not engage in recruiting activities.

• However, nonathletics staff may provide general institutional information to Flearoy. For example, nonathletics institutional staff could provide camp participants a tour of campus, make a general presentation, or answer general institutional questions.

• Further, it is permissible for Flearoy to arrange an unofficial visit immediately prior to or following the clinic to meet with athletics staff.
Sports Camps/Clinics

PSA employment at camp/clinic:

• Institution may employ a PSA at its camp/clinic as long as all compensation is for work actually performed and at a commensurate rate for similar services in the area.

Self-employment:
• PSA may conduct his/her own camp/clinic.

Bylaw 13.12.2.1
Official Interpretation July 27, 2001
Staff Interpretation August 6, 1993
Educational Column June 17, 2001
Educational Column December 3, 2008

Sports Camps/Clinics

SA employment at camp/clinic:

• SA must meet the following requirements to be employed at any camp/clinic:
  • Must perform duties of a general supervisory character;
  • Must be compensated at a commensurate rate for counselors of like teaching ability and experience; and
  • May not receive compensation for exclusively lecturing or demonstrating.

Self-employment:
• SA with remaining eligibility may not conduct his or her own camp/clinic.

Bylaws 13.12.2.2 and 13.12.2.3.1
Staff Interpretation April 5, 1996

Sports Camps/Clinics

Employment in own institution's camp/clinic:

• An institution (or its athletics employees) may employ its SAs as counselors as long as the SAs do not participate in organized practice activities outside the playing and practice season.

High school, prep school or two-year college coaches:

• An institution (or its athletics employees) may employ a high school, prep school, or two-year college coach.

Bylaws 13.12.2.2.2 and 13.12.2.3
Sports Camps/Clinics

Camp/clinic providing recruiting or scouting service:

• No athletics staff may be employed (salaried or voluntary) by a camp/clinic established, sponsored or conducted by an individual or organization that is considered a recruiting or scouting service.

Bylaws 13.12.2.4.1
Official Interpretation October 26, 2011
Staff Interpretation August 5, 1988

Sports Camps/Clinics

Privately owned camp:

• Athletics staff may serve in any capacity (e.g., guest lecturer, consultant) in a privately owned camp/clinic/coaching school where PSAs are employed, as long as:
  – Camp/clinic is open to the general public; and
  – Camp/clinic does not give free or reduced admission privileges to PSA-aged individuals (i.e., started grade nine).

Bylaws 13.12.4

Case Study
Case Study

- Coach Scamper is the head men's/women's golf coach at Rodentia University (Division III).
- She would like to offer skill development lessons for individuals and small groups.
- The lessons would be available for all ages and skill levels.
- Participants would tell Coach Scamper what skills they would like to develop.
- Coach Scamper would charge the participants on an hourly basis, and the cost would vary based on the number of participants.

Would this be a private lesson or a camp/clinic?

Case Study

This would be a private lesson, even if more than one participant receives the lesson.

Private lessons are geared primarily toward one-on-one and small group instruction, whereas camps/clinics include more broad-based instruction and programming for large groups.

As such, Coach Scamper and the institution must follow Bylaws 13.11.3.3 and 11.3.2 for guidance on private lessons.

Questions?