PRINCIPLE OF INSTITUTIONAL CONTROL

"Institutional control" of athletics is a fundamental requirement of National Collegiate Athletic Association (NCAA) membership. Specifically, the NCAA Constitution holds each member institution responsible for controlling its intercollegiate athletics program in compliance with NCAA rules and regulations. San Jose State University (SJSU) is responsible for ensuring that members of the faculty and staff, coaches, student-athletes, alumni, donors, boosters and friends comply with all applicable NCAA, associated Conferences and SJSU rules and regulations.

The information within is intended to provide you with a basic understanding of NCAA rules relative to your position as a booster of SJSU Athletics; we need your help in complying with these rules. Because of the complexity of NCAA rules, this document does not include all applicable situations and should not be relied upon exclusively. If you have any specific situations or questions regarding "prospective" or "enrolled" student-athletes, please direct your inquiry to the SJSU Compliance Office.

ARE YOU A BOOSTER?

You are considered a representative of SJSU's athletics interests, more commonly known as a booster, if you:

- Have ever made any type of financial or in-kind contribution to the athletics department, to a specific sport program, or to an athletics booster organization, including purchasing season tickets to athletics events.
- Are or have been a member of any organization or agency promoting SJSU athletics.
- Have ever assisted in any manner in the recruitment of prospective student-athletes.
- Have ever provided benefits to enrolled student-athletes or their families.
- Have otherwise promoted the institution's athletics program.

[Bylaw 13.02.14]

DEFINITIONS YOU SHOULD KNOW

Student-Athlete – A student-athlete is a student whose enrollment was solicited by a member of the athletics staff or other representative of athletics interests with a view toward the student's ultimate participation in the intercollegiate athletics program. Any other student becomes a student-athlete only when the student reports for an intercollegiate squad that is under the jurisdiction of the athletics department. [Bylaw 13.02.6]

Prospective Student-Athlete (prospect) – A prospect is an individual who has started classes for the 9th grade, regardless of his/her athletics ability. In addition, a student who has not started classes for the 9th grade becomes a prospect if an institution provides such an individual (or his/her relative or friends) any financial assistance or other benefits that the institution does not provide to prospective students generally. An individual remains a prospect even after he or she has signed a National Letter of Intent (NLI) or accepts an offer of financial aid to attend SJSU until one of the following occurs:

a) He/she reports for the first day of classes for a regular term (fall or spring) of any four-year collegiate institution; or
b) Begins official practice immediately prior to the start of classes (pre-season in FB, M/WSO, M/WCC & VB at SJSU); or
  c) Attends classes and receives athletics aid during the summer prior to initial full-time enrollment.

[Bylaw 13.02.12]

Junior College Prospects – The same recruiting rules that apply to high school prospects also apply to junior college prospects.
Four-Year College Prospects – An athletics staff member may not have contact with a student of another four-year college, directly or indirectly, without first obtaining written permission from the first institution's athletics director, regardless of who makes the initial contact. The first institution is not required to grant, and may deny, such permission. The recruiting rules that apply to high school prospects also apply to four-year college prospects, if permission is granted to have contact. [Bylaw 13.1.1.3]

Recruiting – Any solicitation of a prospect or the prospect's family by a University staff member or by a representative of the University's athletics interests for the purpose of securing the prospect's enrollment at the University and/or participation in the athletics program. [Bylaw 13.02.13]

Contact – Any face-to-face encounter between a prospect or the prospect's parent or legal guardian and an institutional staff or athletics representative during which any dialogue occurs in excess of an exchange of a greeting. [Bylaw 13.02.4]

Evaluation – Any off-campus activity designed to assess the academic qualifications or athletics ability of a prospect, including any visit to a prospect's educational institution (during which no contact occurs) or the observation of a prospect participating in any practice or competition at any site. [Bylaw 13.02.7]

BASIC RULES ABOUT ENROLLED STUDENT-ATHLETES

What are Extra Benefits?

- NCAA legislation expressly prohibits University supporters from providing "extra benefits" to enrolled student-athletes. An extra benefit is any special arrangement to provide a student-athlete or his/her family a benefit not authorized by NCAA legislation. In general, you may not provide anything or make special arrangements for student-athletes that are not available to the general student population. [Bylaw 16.02.3]

- Examples of Prohibited "Extra Benefits" Include, but are Not Limited to:
  - Providing cash or loans in any amount.
  - Signing or co-signing for a loan or guarantee of bond.
  - The use of an automobile or other personal property (i.e., boats, summer homes, stereos, etc.).
  - Gifts of any kind, including birthday cards, flowers, holiday gifts and gifts of clothing or equipment.
  - Providing loans to relatives or friends of student-athletes.
  - Any tangible items, including merchandise.
  - Free or reduced-cost services, housing, rentals, or purchases of any type.
  - Gift of cash or like items.
  - Providing special discounts for goods and services (e.g., car repairs, legal services, haircuts, meals at local restaurants, etc.).
  - Purchasing complimentary admissions from a student-athlete.
  - Providing typing services or other costs associated with school projects or reports.

- Permissible Benefits

  - Occasional Meals: You MAY provide enrolled student-athletes with an occasional home meal, provided the meal takes place at your home and not at a local restaurant establishment. A booster may provide reasonable local transportation to student-athletes to attend the meal only if the meal is at the home of the booster providing the transportation. The meal may be catered and must be restricted to infrequent or special occasions. All occasional meals provided to student-athletes must be approved by the Compliance Office via an Occasional Meal Approval Form BEFORE the meal takes place. [Bylaw 16.11.1.5]
o **Professional Sports Tickets:** You MAY provide SJSU tickets to a professional sports contest to be used for entertainment of student-athletes involved in an AWAY-from-home athletics contest. [Bylaw 16.7.1.1]

**Student-Athlete Appearances and Promotions**

- NCAA rules prohibit the use of an enrolled student-athlete's name or picture to directly or indirectly advertise, recommend, or promote the sale or use of a commercial product or service of any kind. Doing so will render the student-athlete ineligible for competition. All charitable, educational, and nonprofit promotional activities involving student-athletes must be approved by the Compliance Office via a Promotional Activities Request Form BEFORE the activity takes place. [Bylaw 12.5.2.1]

- NCAA rules prohibit student-athletes from receiving any sort of honorarium for a speaking engagement or appearance. Student-athletes may ONLY receive actual and necessary expenses when speaking to educational or charitable groups. The Compliance Office must approve all speaking engagements via a Promotional Activities Request Form BEFORE the activity takes place. [Bylaw 12.5.1.1]

- NCAA rules prohibit boosters from donating items (i.e., poster, ball, etc.) signed by a SJSU coach, student-athlete, or staff member in an auction, raffle or in any type of fundraising activity to raise money for a high school. [Bylaw 13.15.1.2.1]

**Employment of Enrolled Student-Athletes**

- You may employ a student-athlete but please first check with the Compliance Office or the student-athlete’s coach. Within certain guidelines, athletics department staff members are permitted to arrange employment for student-athletes. The Compliance Office must approve such employment via a Student-Athlete Employment Form, as written records are required to verify all student-athlete employment.

- Earnings from a student-athlete's on- or off-campus employment that occurs at any time is exempt and is not counted in determining financial aid limitations, provided:
  a) The student-athlete's compensation does not include any remuneration for value or utility that the student-athlete may have for the employer because of the publicity, reputation, fame or personal following that he or she has obtained because of athletics ability;
  b) The student-athlete is compensated only for work actually performed; and
  c) The student-athlete is compensated at a rate commensurate with the going rate in that locality for similar services.
  [Bylaw 15.2.7]

- Any employment benefits (e.g., transportation to/from job, health insurance, bonuses) provided to the student-athlete must be provided to all other employees performing similar services for the employer. [Bylaw 16.02.3]

**Prohibited “Sponsor Families”**

- A member institution shall not permit individuals outside the institution to serve as "sponsors" or "families" for student-athletes who are enrolled in the institution unless such a sponsorship program exists to provide the same benefits and support services to all students at the institution. [Bylaw 16.11.1.1]
BASIC RULES ABOUT PROSPECTIVE STUDENT ATHLETES (PROSPECTS)

Boosters are prohibited from the following actions involving prospects:

- Contacting a prospect's coach, principal, or counselor in an effort to evaluate a prospect's athletics ability. [Bylaw 13.1.2.4(c)]

- Visiting the prospect's institution to pick up film or transcripts pertaining to the evaluation of the prospect's academic eligibility or athletic ability. [Bylaw 13.1.2.4(d)]

- Contacting a prospect, his/her family, or legal guardians on or off the SJSU campus. [Bylaw 13.1.2.1]

- Contacting a prospect, his/her family or legal guardians by telephone, by letter, or by electronic communication (i.e., e-mail or fax). [Bylaws 13.1.2.4(a) & 13.1.3.5.1]

- Making special arrangements for entertainment for recruiting purposes.

- Paying in whole or in part a prospect's registration fees associated with the institution's sports camps. [Bylaw 13.12.1.5.]

- Directly or indirectly becoming involved in making arrangements for a prospect, the prospect's relatives, or friends to receive money, financial aid, or other equivalent inducements. [Bylaw 13.2.1]

Boosters are permitted to take part in the following actions involving prospects:

- Informing SJSU coaches of talented prospects by contacting SJSU coaches and/or sending them newspaper clippings with the names of particular prospects.

- Attending a junior or senior high school, or junior college athletics event, but if you do so, you must avoid contact and conversations with prospects and their relatives. [Bylaw 13.1.2.4(b)]

- An unavoidable incidental contact made with a prospect by an athletics representative is permitted, provided:
  a) the contact is not prearranged by the athletics representative or athletics department staff member;
  b) the contact does not take place on the grounds of the prospect's educational institution or at practice or competition sites involving the prospect or his/her team;
  c) the contact is not made for the purpose of recruitment of the prospect, and
  d) the contact involves only normal civility. [Bylaw 13.1.2.2(g)]

- If you have an "established" relationship with a prospect, his/her parents, or relatives, you may continue normal contacts with the understanding that such contacts are NOT made for recruiting purposes and are not arranged by members of the institution's coaching staff. A relationship is "established" if:
  o The relationship predates the individual's status as a prospective student-athlete;
  o The relationship predates the athlete's status achieved as a result of his/her athletics ability or reputation;
  o The relationship did not develop as a result of the athlete's participation in athletics or his/her notoriety related thereto.
  o The pattern of benefits provided to the athlete (or the athlete's parents) prior to the athlete attaining notoriety as a skilled athlete are similar in nature to those provided after attaining such stature. [Official, 6/6/00]
What If A Prospect Initiates Contact With Me?

- If a prospect initiates contact with you either in person, by telephone or by mail, you are obligated to refer all questions regarding SJSU and its athletics programs to the athletics department staff. You should also inform the prospect that NCAA rules prohibit recruiting contacts with anyone other than the athletic department staff. [Bylaw 13.1.2.4 (a)]

Employment of Prospects – An athletics department staff member may help arrange for summer employment of a prospect with an athletics representative provided:

- The employment does not begin prior to the completion of the prospect's senior year in high school. [Bylaw 13.2.3.3]

- In the case of a two-year college prospect, the employment of the prospect may not begin prior to the time in which the prospect has officially withdrawn from the two-year college or has completed the requirements for graduation at the two-year college. [Bylaw 13.2.3.3.1]

- Any compensation paid to the prospect by the employer must be for work actually performed and at a rate commensurate with the going rate in the locality for services of like character. The Compliance Office must approve such employment via a Student-Athlete Employment Form, as written records are required to verify all student-athlete employment [Bylaw 12.4.1]

- Any employment benefits (e.g., transportation to/from job, health insurance, bonuses) provided to the prospect must be provided to all other employees performing similar services for the employer. [Bylaws 13.2.1 & 13.2.3.4]

Prohibited Benefits and Inducements for Prospects – Please DO NOT provide any of the following inducements or benefits to prospects, their families, or their high school, prep school or junior college coaches:

- Cash or loans.
- The promise of employment after college graduation.
- Special discounts or payment arrangements on loans.
- Employment of relatives, friends, or legal guardians of prospects.
- Involvement in arranging for free or reduced charges for professional or personal services, purchases, or charges.
- Use of an automobile.
- Providing transportation to or from a summer job or to any other site.
- Signing or co-signing a note for a loan.
- A loan or gift of money or other tangible items (e.g., clothes, cars, jewelry, electronic/stereo equipment, etc.).
- Guarantees of bond.
- Purchase of items or services from a prospect or the prospect's family at inflated prices.
- Transportation for the prospect or his/her family to travel to the SJSU campus.
- The promise of financial aid for post-graduate education.
- Free or reduced-cost housing arrangements.
- Arrangements for payment of transportation costs incurred by relatives or friends of a prospective student-athlete.
  [Bylaw 13.2.1.1]

What about Coaches of Prospects?

- Please DO NOT entertain; provide tickets, gifts or other benefits to junior or senior high school, preparatory school, or junior college coaches at any time. The athletic department is permitted to provide high school, prep school, and junior college coaches a limited number of complimentary tickets to home athletics events, but boosters are not. [Bylaws 13.6.7.2 & 13.8]
POSSIBLE PENALTIES FOR IMPROPER ACTIONS

There are many penalties the NCAA may impose upon a student-athlete (prospective or enrolled), an institution, a coach or a representative of athletics interest. Some of those penalties include:

- Ceasing recruitment of a prospective student-athlete;
- Loss of eligibility of an enrolled student-athlete;
- Having to sit out of competition for a limited period of time (enrolled student-athletes);
- Forfeiture of competitions;
- Prohibiting a coach from recruiting off-campus for a period of time;
- Institutional fines;
- Suspension of a coach for one or more competitions;
- Reduction in the number of scholarships an institution may award in a sport(s);
- Reduction in the number of expense-paid recruiting visits that an institution may provide;
- Prohibiting a team from participating in postseason competition;
- Institutional probation, or
- Disassociation of relations with a representative of athletics interests.

THE BASIC RULE OF THUMB!

Always check with the Athletic Compliance Office before you make arrangements for any activity that involves a prospective student-athlete or an enrolled student-athlete, their families or their legal guardians. When it comes to intercollegiate athletics, the rule of thumb is . . .ASK BEFORE YOU ACT!

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