

Athletics Newsletter

University of Wyoming

May 2011

Division I continues to examine agent rules

By: Michelle Hosick
NCAA.org

After a litany of high-profile investigations in the summer and fall of 2010, Division I is focused on regulating how sports agents mix with elite student-athletes.

The Division I Amateurism Cabinet and the Division I Leadership Council have taken up the issue and could make possible legislative recommendations later this year, including changes in the definition of an agent.

Both groups began discussing the issue at length within the last year. While agent issues aren't new to the NCAA membership, the high-profile cases of the last year raised the bar on regulating them. Soon after taking the reins of the enforcement program last fall, in fact, new NCAA Vice President Julie Roe Lach heard from the membership that the interaction among agents and agent representatives and student-athletes was a primary concern.

Rachel Newman Baker, director of agents, gambling and amateurism at the NCAA, said her group has been focusing on the matter for more than a decade and developing relationships within the agent community over the last five years. Those relationships helped uncover impermissible benefits given to a number of football student-athletes in 2010.

"A lot of these cases came about as the result of source development and relationship building," Newman Baker said. "You've got to get people to trust you."

Those efforts have not gone unnoticed in the agent community. Jimmy Sexton, president of Sports Trust Advisors, an agency that represents more than 100 professional coaches and athletes

(including former college football stars Tim Tebow of Florida and Jason Witten of Tennessee), said the NCAA's AGA staff sometimes knows more about what's happening between agents (and their representatives) and student-athletes than he does. "Some of the issues over the last eight to 12 months have shown that they have a keen insight into what's happening," Sexton told the NCAA Division I Leadership Council earlier this year. "I learned some things that I was shocked were going on out there. Rachel and her staff do a superb job of looking at these matters."

Soon after the eligibility cases made news last summer and fall, the NCAA began meeting with the NFL and the NFL Players' Association to discuss what could be done to help clean up the environment and protect student-athletes. Currently, only the NFLPA has jurisdiction over agent activity, while the NCAA oversees student-athlete interaction with agents that can affect players' eligibility.

Changing a definition?

Many agents skirt restrictions on their activity with student-athletes by using third parties – often students at the same school as the student-athlete – to contact a potential client. The Amateurism Cabinet and Leadership Council are considering expanding the definition of agent in order to catch some of these third parties who don't fall under anyone's jurisdiction.

COMPLIANCE QUESTIONS OF THE MONTH

Question 1:

Can a coach require student-athletes to track and report the progress of their voluntary summer workouts?

Question 2:

A prospective student-athlete who will receive athletically related financial aid to attend an institution's summer term starts a core course before enrolling in the institution's summer term. The prospective student-athlete finishes the course after enrolling in the institution's summer term. May this core course be used to certify the prospective student-athlete's initial eligibility?

Inside this issue:

Ed Column & Interp	2
Compliance ABC's	2
Agent Rules (cont)	3
Answers	3
OAS Reminders	4
Faculty/Staff Corner	4
Word Puzzle	4
Events Calendar	5
Recruiting Calendar	6

Coaches Speaking at College Nights

Date Published: April 25, 2011

NCAA Division I institutions are reminded that in accordance with NCAA Division I Bylaw 13.02.4, any face-to-face encounter between a prospective student-athlete or the prospective student-athlete's parents, relatives or legal guardian(s), and an institutional staff member or athletics representative in excess of an exchange of a greeting is considered a contact. Further, pursuant to Bylaw 13.1.1.1, in person, off campus recruiting contact may only be made with contactable prospective student athletes [i.e., July 1 following junior year of high school (July 7 after the junior year in high school in women's ice hockey and July 15 after the junior year in high school in women's gymnastics), or the opening day of classes of his or her senior year in high school (as designated by the high school), whichever is earlier]. Therefore, institutional coaches may only have contact with prospects at activities conducted by admissions offices or other institutional entities (e.g., college night events) if the prospective student-athlete is defined as a contactable prospect. It should be noted that pursuant to Bylaw 13.02.5.1, for sports with legislated recruiting periods, contact may only be made with contactable prospective student-athletes during a specified contact period. Per Bylaw 13.1.2.2, it remains permissible for institutions' regular admissions program representatives to make off-campus recruiting contacts with prospects provided the contact is directed at all prospective students, including nonathletes.

Definition of a Recruiting or Scouting Service

Date Published: April 1, 2011

Interpretation:

The academic and membership affairs staff confirmed that a recruiting or scouting service includes any individual, organization, entity or segment of an entity that is primarily involved in providing information about prospective student-athletes. This definition includes, but is not limited to any service that provides information only to paid subscribers, any service that is only available to a select group of individuals (e.g., coaches), regardless of whether there is a charge associated with the service, and any service that provides information to the public free of charge; however, this definition does not include any individual, organization or entity or segment of an entity that provides information about prospective student-athletes incidental to its primary purpose and is generally available to the public (e.g. news media).

COMPLIANCE ABC'S

A - Amateurism

Only amateur student-athletes are eligible for participation in intercollegiate athletics. Student-athletes may lose their amateur status and eligibility by using their athletics skill for pay, competing on a professional team, entering into an oral or written agreement with an agent or professional team, or by promoting or endorsing a commercial product.

B – Boosters (Also known as Representatives of Athletics Interests.)

You are a booster if you are or have ever been a member of a booster organization that supports Cowboy Athletics; have made any financial contributions to any area of the university; have made any annual or lifetime membership commitment to a booster organization; are or have ever been involved with the recruitment of a prospect; have provided or are providing benefits to an enrolled student-athlete or their relatives or friends; provided or helped arrange employment for student-athletes; are the parent of a student-athlete; are or have ever been a season ticket holder; or have otherwise been involved in promoting Cowboy Athletics. Remember, once a booster, always a booster!

A broadened definition could include “any person (including a contract advisor, financial planner, marketing representative, runner or individual who is employed or associated with that person) who represents directly or indirectly any individual in the marketing of his or her athletics ability or reputation, or who seeks to represent or gain financially.”

While the cabinet generally supported a definition that could capture third parties not listed in the current definition, some believe the proposal is too broad and could mistakenly sweep up high school and even college coaches. Amateurism Cabinet members expressed concern about creating a definition that would inadvertently affect coaches who were trying to help their student-athletes.

Both Newman Baker and Roe Lach said that the financial gain a person received for representing a student-athlete would have to be significant enough to warrant attention from the enforcement staff, however.

Agent calendars

Another potential regulatory concept floated by the NFL/NFLPA/NCAA task force is the idea of agent contact calendars. The calendars would function similar to current recruiting calendars, which would provide specific rules about when football student-athletes could contact agents and what types of contact would be permissible. The calendars would be enforced by the NCAA enforcement staff, with ramifications falling on the student-athlete.

Some institutions have deployed a similar concept in recent years with mixed results.

The Leadership Council and Amateurism Cabinet have not especially supported the idea. Some members worry about the burden of enforcing the calendars, while others say it’s not appropriate to place any potential consequences on the student-athlete.

The agents that addressed the governance groups expressed skepticism, as well.

“I wish there *was* a way to have dead periods in our business, just from a personal standpoint,” Sexton told the Leadership Council. “I just don’t think that’s a reality in our business. A dead period is only when the crooks are contacting the players. The good guys aren’t – they’ll follow the rules.”

National Agent Registry

The governance bodies and the agents were intrigued by a possible National Agent Registry that would be created and maintained by the NCAA and available to all member institutions.

Currently, agents must register with an individual institution where they are trying to recruit a student-athlete, as well as with the NFL Players’ Association. Most states also have a registration process. A national registry operated by the NCAA would supplant the institution’s process and help compile agent information in one place.

For example, if a school in Florida had an issue with an agent, administrators in California might not be aware of it. If the registry were functioning, any school could look up an agent and see if other schools had an issue with that person.

The logistics, including what information to require from agents, how to make the information available to schools and the agents themselves and whether to charge a fee, would be figured out later. State registration would still be required.

“We envision it as something similar to our Legislative Services Database, where you have a secure password and log in to search by name and company,” Newman Baker said.

Cabinet and Council members liked the idea but wondered what would compel agents to register. They also cautioned that all institutions would have to “buy in” to the idea – and enforce it – or it wouldn’t work.

Both groups agreed with the agents in that education should be a top priority.

“The education process will stop some of the (violations) from happening,” said Mark Bartelstein of Priority Sports during the Amateurism Cabinet meeting. “There will still be people willing to do it (offer extra benefits) and people willing to take it. You won’t make it perfect, but it will help.”

The Leadership Council is expected to take the discussion forward and offer possible legislative recommendations this year.

ANSWERS TO COMPLIANCE QUESTIONS

Answer 1:

No. Outside an institution's playing season (including the summer), it is not permissible for the institution to require a student-athlete to report information related to his or her voluntary workout program or to provide any expenses (e.g., postage costs, cost of collect calls) for the purpose of reporting the progress of the voluntary workout program. *Bylaw 16.02.3; 17.02.1; 17.02.13*

Answer 2:

No. The core course may not be used because the prospective student-athlete did not complete the core course before receiving athletically related financial aid to attend the institution's summer term. *Bylaw 14.3.1.2.1; 14.3.1.2.1.1*

UW FACULTY/STAFF CORNER

SUMMER WORKOUTS

During the summer vacation period a student-athlete may not participate in any countable athletically related activities but are permitted to participate in voluntary workouts that are conducted by strength and conditioning coaches.

In order for any athletically related activity to be considered “voluntary,” all the following conditions must be met:

- The student-athlete must not be required to report back to a coach or other athletics department staff member (e.g., strength coach, trainer, manager) any information related to the activity. Athletics department staff members who observe the activity may not report that information back to the student-athlete’s coach.
- The student-athlete’s attendance and participation in the activity (or lack thereof) may not be recorded for the purposes of reporting such information to coaching staff members or other student-athletes.
- The activity must be initiated and requested solely by the student-athlete. Neither the institution nor any athletics department staff member may require the student-athlete to participate in the activity at any time. For students who have initiated a request to engage in voluntary activities, the institution or an athletics department staff member may assign specific times for student-athletes to use institutional facilities and inform the student-athletes of the time in advance.

Athletics department staff members may provide information to student-athletes related to opportunities for participating in voluntary activities (e.g., time when the strength and conditioning coach will be on duty in the weight room or on the track).

In certain sports, a coach may be present during voluntary individual workouts in the institution’s regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete uses equipment in that sport. The coach may provide safety or skill instruction but cannot conduct the individual’s workout.

COMPLIANCE CRYPTOGRAM

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
				18																22	7				

4 17 7 18

17

20 22 14

17 14 5

7 3 19 16 17 10 3 19 14

20 2 18 18

26 22 24 24 18 2 **!!**

RECRUITING CALENDAR MAY 2011

Sport	Contact/ Evaluation Period	Contact Period	Evaluation Period	Quiet Period	Dead Period
Men's Basketball				April 21 – July 5	May 19-28
Women's Basketball				Apr 20- July 5	
Football			Apr 15-May 31 (168 days)	Apr 15-May 31 (outside 168 days); June 1-July 31	
Men's Golf	Aug. 1-July 31				
Women's Golf	Aug. 1-July 31				
Women's Soccer	Aug. 1-July 31				
Women's Tennis	Aug. 1-July 31				
Swimming & Diving	Aug. 1-July 31				
Track & Field/Cross Country		Jan. 3-July 31			June 9-12
Volleyball		Jan 1-July 31		May 1-27	
Wrestling	Aug. 1-July 31				

Recruiting Period Definitions

Contact Period: Permissible to make in-person, off-campus, recruiting contacts and evaluations.

Evaluation Period: Permissible to be involved in off-campus activities designed to assess the academic qualifications and playing ability of prospects. NO in-person, off-campus contacts may be made during evaluation periods.

Quiet Period: Permissible to make in-person recruiting contacts ONLY on the UW campus.

Dead Period: NOT permissible to make in-person contacts or evaluations on- or off-campus or to permit official or unofficial visits.

HAVE QUESTIONS?

Please contact the Athletics Department staff for further information or for answers to NCAA related questions.

Matt Whisenant

Deputy Athletic Director

307-766-5551

Molly Moore

Sr. Assoc. AD Internal Ops/SWA

307-766-4092

Phil Wille

Assoc. AD Compliance/Academics

307-766-2391

Jessica Kumke

Compliance Assistant

307-766-4960