

Educational Column - 1 Educational Column

Title:

Recruiting -- Use of Recruiting Funds -- Recruiting or Scouting Services -- Criteria for Subscription (I)

Item Ref: 1

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Educational Column:

NCAA Division I Proposal No. 2009-56 was adopted in January 2010 with an immediate effective date. This legislation establishes additional criteria that must be satisfied in order for an institution to subscribe to a recruiting or scouting service involving prospective student-athletes. Pursuant to this legislation, an institution may subscribe to a recruiting or scouting service involving prospective student-athletes, provided the institution does not purchase more than one annual subscription to a particular service, and the service:

1. Is made available to all institutions desiring to subscribe and at the same fee rate for all subscribers;
2. Publicly identifies all applicable rates;
3. Disseminates information (e.g., reports, profiles) about prospective student-athletes at least four times per calendar year;
4. Publicly identifies the geographical scope of the service (e.g., local, regional, national) and reflects broad-based coverage of the geographical area in the information it disseminates;
5. Provides individual analysis beyond demographic information or rankings for each prospective student-athlete in the information it disseminates;
6. Provides access to samples or previews of the information it disseminates prior to purchase of a subscription; and
7. Provides video that is restricted to regularly scheduled (regular season) high school, preparatory school or two-year college contests and for which the institution made no prior arrangements for recording. (Note: This provision is applicable only if the subscription includes video services.)

The following questions and answers are designed to assist the Division I membership in applying this legislation.

Question No. 1: Who is responsible for ensuring that a particular service is in compliance with the legislation?

Answer: Each institution is responsible for ensuring each service for which it maintains a subscription is in compliance with the legislation.

Question No. 2: Is it permissible for an institution to subscribe to more than one recruiting or scouting service?

Answer: Yes. Provided each service meets the legislated criteria, and the institution maintains only one subscription to each service.

Question No. 3: If a service separates its information by gender, may an institution maintain separate subscriptions for each gender?

Answer: Yes, provided the service requires a separate registration fee for access to information for each gender.

Question No. 4: If a service provides information on prospective student-athletes for multiple sports, can an institution maintain more than one subscription to that service?

Answer: No, an institution may not maintain more than one subscription to the same service unless there is a separate registration fee for access to prospective student-athletes and reports in different sports.

Question No. 5: If a service does not meet the legislated criteria, is an institution required to cancel that subscription?

Answer: An institution must cancel a service that is no longer permissible at its earliest opportunity. Any remaining terms/years on a multiyear subscription purchased prior to January 16, 2010, must be cancelled if the recruiting service is not in compliance with the legislation as of the date payment is due for renewing a single-year subscription. If a subscription to a service that does not meet the legislated criteria was purchased on or after January 16, 2010, an institution is required to cancel the subscription immediately and would be in violation of the legislation.

Question No. 6: May an institution subscribe to a service that offers a discounted subscription?

Answer: Yes, as long as the service offers the discount to all institutions desiring to subscribe, the service is considered to be offered at the same fee rate for all subscribers. However, if a discount requires registration/payment with a separate organization, then an institution is prohibited from subscribing to that service because the discounted subscription rate may not be available to all subscribers.

For example, would the following pricing structure satisfy the requirement that the service is made available to all institutions desiring to subscribe and at the same fee rate for all subscribers?

- a. Base price (single program): \$300;
- b. Renewal discount: \$25;
- c. International Tennis Association (ITA) member discount: \$25; and
- d. Multiuser discount (both men and women): \$50.

The renewal discount is permissible, specifically because it is available to any institution that continues a subscription beyond one year. The discount for ITA members and multiuser discount is not because all institutions may not qualify for the discounts.

Question No. 7: May an institution subscribe to a service that provides access to nonscholastic video if the service does not shoot, produce or edit the video, and access to the video is free and available to the general public?

Answer: Yes, if the service is only providing a link to video that is otherwise free and available to the general public.

Question No. 8: What is the minimum analysis that may be provided in order to comply with the requirement that the service provides analysis in the information it disseminates beyond demographic information or rankings of prospective student-athletes?

Answer: The information disseminated must include an analysis of each prospect included in the information. A general statement about the college level at which the player may be best suited and a ranking is not sufficient; there must be individual analysis on each prospective student-athlete's skills.

During its April 2010 meeting, the NCAA Division I Legislative Council clarified that individual analysis beyond demographic information or rankings for each prospective student-athlete for whom information is disseminated, must be provided by a recruiting or scouting service in order for an institution to subscribe to such a service.

Question No. 9: Does the provision of event packets at athletics contests or tournaments subject the event to the legislated requirements for recruiting and scouting services?

Answer: Event packets with statistical information regarding prospective student-athletes participating in a specific contest or tournament is not subject to the application of the recruiting or scouting services legislation for institutional coaches in attendance at the event. However, for those institutional coaches not in attendance at such an event, purchasing such information would be subject to the recruiting and scouting services legislation.

[References: NCAA Division I Bylaw 13.14.3 (recruiting or scouting services) and staff interpretation (4/29/09, Item No. a)]

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References

Legislative References			Other
Div.	Number	Title	References Educational Columns: <u>1</u>
I	13.14.3	Recruiting or Scouting Services.	Educational Columns: 0
			Proposals: 0