

## Educational Column - 1 Educational Column

### Title:

Recruiting — Electronic Transmissions — Microblogs (I)

### Item Ref: 1

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NCAA Division I member institutions should note that it is permissible for an institution's Web site or an athletics department staff member's personal Web site (or personal page on any site) to include information related to the institution's athletics program, subject to the restrictions applicable to an institution's athletics Web site. Accordingly, a coach may post general informational content not created for a recruiting purpose such as game scores, team updates, facility updates or generic updates regarding the coaching staff and/or team to the extent they do not mention a specific prospect. These formats may include Web site posts, online personal journals such as blogs and microblogs, which are a form of blogging resulting in a stream of short blog posts that are generally limited by a total number of characters. A current example of a microblog is Twitter.

#### Microblogs and Publicity

Institutions should note that in accordance with NCAA Bylaw 13.10.2, before the signing of a prospective student-athlete to a National Letter of Intent or an institution's written offer of admission and/or financial aid, a member institution may comment publicly only to the extent of confirming its recruitment of the prospective student-athlete. The institution may not comment generally about the prospective student-athlete's ability or the contribution that the prospective student-athlete might make to the institution's team. Further, the institution is precluded from commenting in any manner as to the likelihood that the prospective student-athlete will sign with that institution.

Therefore, while it is permissible for an institutional staff member to publicly microblog (e.g., Twitter "tweets") about generic information, institutions are reminded they are not permitted to publicize the recruitment of a particular prospective student-athlete in a manner inconsistent with the legislation. For example, it is not permissible for an institution to post names of prospective student-athletes being recruited on a microblog unless it is in response to an inquiry by the media in order to confirm recruitment of a prospective student-athlete. Further, communication with or about a prospective student-athlete in the public's view (e.g., Twitter "@replies" or "mentions") is contrary to the publicity legislation and also constitutes an impermissible form of electronic communication with a prospective student-athlete.

In addition, institutions may not publicize (or arrange for the publicity of) a prospective student-athlete's visit to campus. Further, institutions may photograph a prospective student-athlete during a campus visit but may not use the photograph until the prospective student-athlete has signed a National Letter of Intent or the institution's written offer of admission and/or financial aid and the prospective student-athlete's name or photograph is not used in any promotional items that involve the purchase or receipt of commercial advertising (e.g., season-ticket advertisement in newspapers or on a billboard). Therefore, it is not permissible for an institutional staff member to post a photograph of a prospective student-athlete taken during an institutional camp, for example, to the staff member's microblog, personal Web site or institutional Web site prior to the prospective student-athlete's signing of a National Letter of Intent or the institution's written offer of admission and/or financial aid.

#### Microblogs and Electronically Transmitted Correspondence

Institutions should note that pursuant to Bylaw 13.4.1.2 an institution may send electronically transmitted correspondence to a prospective student-athlete in sports other than men's basketball and ice hockey beginning September 1 at the beginning of the prospective student-athlete's junior year in high school. In men's basketball and ice hockey, an institution may send electronically transmitted correspondence to a prospective student-athlete beginning June 15 at the conclusion of a prospective student-athlete's sophomore year in high school.

Further, electronically transmitted correspondence that may be sent to a prospective student-athlete is limited to electronic mail (e-mail) and facsimiles until either after the calendar day on which a prospective student-athlete signs a National Letter of Intent (or the institution's written offer of admission and/or financial aid for an institution not using the National Letter of Intent in a particular sport or for a prospective student-athlete who is not eligible to sign a National Letter of Intent), or on or after May 1 of a prospective student-athlete's senior year in high school provided the institution has received the prospective student-athlete's tuition deposit in response to the institution's offer of admission. All other forms of electronically transmitted correspondence (e.g., Instant Messenger, text messaging) are prohibited.

Institutions should note that e-mail communication is not limited to traditional e-mail services provided by an institution, Web site or Internet service provider (e.g., Gmail, Yahoo! Mail). Permissible e-mail communication extends to communication through electronic services and applications comparable to traditional e-mail in which a message is sent directly to another individual. Accordingly, it is permissible for an athletics department staff member to send electronically transmitted correspondence to a prospective student-athlete using a service that permits a private message to be sent between only the sender and recipient in a manner comparable to traditional e-mail (e.g., Twitter "direct message"). However, as previously noted, all other electronically transmitted correspondence through other services or applications remain impermissible, including those that may be directed to a specific individual but are accessible to other users of the service or application (e.g., Twitter "@replies" or "mentions").

Additionally, institutional staff members may not use a service or software to convert e-mail into a text message (or other prohibited form of electronically transmitted correspondence) when received by a prospective student-athlete. Therefore, to the extent an athletics department staff member is aware that a prospective student-athlete is receiving a permissible form of electronic communication in an impermissible format (e.g., receiving e-mail as text messages) such electronic transmission is prohibited. However, if a coach is unaware of how a prospective student-athlete has elected to receive a particular form of communication, the coach is not responsible for sending an impermissible form of electronic correspondence. For example, if a coach is aware that a prospective student-athlete has elected to receive Twitter direct messages as text messages and the coach continues to engage in a direct message conversation as a means to circumvent the restrictions on text messages, the coach has committed a violation. However, if the coach is not aware that the prospective student-athlete has chosen to receive these direct messages as text messages, the coach has not acted contrary to the legislation.

[References: NCAA Bylaws 13.4.1.2 (electronic transmissions), 13.4.1.2.1 (exception — electronic transmissions after National Letter of Intent signing or other written commitment), 13.4.1.2.2 (exception — electronic transmissions after receipt of room or tuition deposit), 13.10.2 (comments before signing), 13.10.5 (prospective student-athlete's visit), and 13.10.8 (photograph of prospective student-athlete); official interpretation (3/14/07, Item No. 2) and official interpretation (7/11/07, Item No. 1)]

## References

Legislative References			Other
Div.	Number	Title	References Educational Columns: <u>2</u>
I	13.10.2	Comments Before Signing.	Educational Columns: 0
I	13.10.5	Prospective Student-Athlete's Visit.	Proposals: 0
I	13.10.8	Photograph of Prospective Student-Athlete.	
I	13.4.1.2	Electronic Transmissions.	
I	13.4.1.2.1	Exception — Electronic Transmissions After National Letter of Intent Signing or Other Written Commitment.	
I	13.4.1.2.2	Exception — Electronic Transmissions After Receipt of Room or Tuition Deposit.	