

Educational Column -- Issues Related to Telephone Calls (I)

Date Issued: Aug 05, 2008

Type: Ed. Column

Item Ref: 1

Interpretation:

NCAA Division I institutions should note that pursuant to NCAA Bylaw 13.1.3.1, telephone calls to prospective student-athletes are limited generally to one call per week. In accordance with Bylaw 13.1.3.1.6, once the limit on permissible calls has been reached, an institution is prohibited from initiating another call during that same time period, regardless of whether direct conversation occurs during the additional call. Therefore, once a coach has made the permissible number of calls to a prospective student-athlete during a particular time period, the coach is not permitted to leave a voice message or have direct communication with the prospective student-athlete regardless of the length of the message or conversation.

Further, institutions should note that in determining whether a telephone call is countable, the institution must consider the content of the call and not necessarily the duration of the call, as the legislation does not specify a duration at which a call is considered countable. For example, if a coach calls a prospective student-athlete and is told the prospective student-athlete is unavailable, the call is not countable provided the coach ends the conversation without discussion of recruitment. However, if a coach calls a prospective student-athlete and is told the prospective student-athlete is unavailable, but the coach leaves a message regarding the merits of the program, the call is countable as recruitment has occurred regardless of the length of the call.

Further, the use of automated or prerecorded voice messaging services by institutions is considered a countable call. Therefore, if a coach uses an automated or prerecorded voice messaging service to call prospective student-athletes and the voice messaging service leaves a message for a prospective student-athlete, the call is countable.

Additionally, when a telephone call is dropped (e.g., wireless service is lost), a second call initiated by the institution to the prospective student-athlete is presumed to be in violation of NCAA legislation. However, if an institution has contemporaneous documentation that the additional call was a continuation of the original call, the institution would not be required to self-report a violation. Institutions should assess whether the call was dropped inadvertently and/or for reasons beyond control of the institution and/or prospective student-athletes. For example, there is a difference between the prospective student-athlete ending the call because it was an inconvenient time and the coach's mobile phone dropping the call when driving through a tunnel. The institution has the burden of demonstrating that a second call that is a continuation of a dropped call should not be a violation by maintaining contemporaneous documentation.

Finally, Bylaw 13.02.14 specifies that videoconferencing and the use of videophones are considered telephone calls. Pursuant to Bylaw 13.1.3.2.2, if a prospective student-athlete initiates and pays the expenses of a telephone call (or videoconference), the call is not considered a countable telephone call. However, if an institution's coach conducts a videoconference with a

prospective student-athlete at the prospective student-athlete's high school and the prospective student-athlete uses the high school videoconference equipment at no cost, even if the prospective student-athlete initiates the call to the coach from the high school, the videoconference is considered a countable telephone call because the prospective student-athlete is not paying for the expense of the videoconference.

[References: NCAA Bylaws 13.02.14 (telephone calls), 13.1.3.1 (time period for telephone calls - general rule), 13.1.3.1.6 (application of telephone call limitations) and 13.1.3.2.2 (telephone calls initiated by prospective student-athlete at prospective student-athlete's expense); and a staff interpretation (2/6/91, Item Ref. f)]

Associated Bylaws

Sel	Bylaw	Title
<input type="checkbox"/>	13.02.14	Telephone Calls.
<input type="checkbox"/>	13.1.3.1	Time Period for Telephone Calls -- General Rule.
<input type="checkbox"/>	13.1.3.1.6	Application of Telephone Call Limitations.
<input type="checkbox"/>	13.1.3.2.2	Telephone Calls Initiated by Prospective Student-Athlete at His or Her Expense.

References Interpretations

Arch	Date	Type	Title
No	Feb 06, 1991	Staff Interpretation	Member institution's coach making telephone calls to a prospective student-athlete

Referenced By Interpretations

This interp is not referenced by other interps.

Associated Proposals

Proposals: 0