

2010 NCAA Proposal - adopted

2009-56

**RECRUITING -- USE OF RECRUITING FUNDS -- RECRUITING OR SCOUTING SERVICES --
CRITERIA FOR SUBSCRIPTION**

Status: Adopted - Final

Intent: To establish additional criteria that must be satisfied in order for an institution to subscribe to a recruiting or scouting service involving prospective student-athletes, as specified.

A. Bylaws: Amend 13.1.8, as follows:

13.1.8 Limitations on Number of Evaluations.

[13.1.8.1 through 13.1.8.19 unchanged.]

13.1.8.20 Off-Campus Observation of Recruiting or Scouting Service Video. Off-campus observation of a prospective student-athlete via video made available by a recruiting or scouting service is considered an evaluation activity and is subject to applicable evaluation regulations.

B. Bylaws: Amend 13.14.3, as follows:

13.14.3 Recruiting **or Scouting** Services.

13.14.3.1 Published Recruiting Services. An institution may subscribe to a *regularly published* **recruiting or scouting** service involving prospective student-athletes, provided ~~this~~ **the institution does not purchase more than one annual subscription to a particular service and the** service *is*:

(a) Is made available to all institutions desiring to subscribe and at the same fee rate for all subscribers;

(b) Publicly identifies all applicable rates;

(c) Disseminates information (e.g., reports, profiles) about prospective student-athletes at least four times per calendar year;

(d) 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;

(e) Provides analysis in the information it disseminates beyond demographic information or rankings of prospective student-athletes;

(f) Provides access to samples or previews of the information it disseminates prior to purchase of a subscription; and

(g) 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.)

~~13.14.3.2 Video Services. An institution is permitted to use a video service, provided only regularly scheduled (regular season) high school or two-year college contests are involved. The institution may not contract with the service in advance to have a particular contest recorded or provided, and the service must be available to all institutions at the same cost. Off-campus observation of a prospective student-athlete via video made available by a scouting service is considered an evaluation activity and is subject to applicable evaluation regulations.~~

[13.14.3.3 renumbered as 13.14.3.1, unchanged.]

Source: NCAA Division I Championships/Sports Management Cabinet (Men's Basketball Issues Committee)

Effective Date: Immediate

Proposal Category: Amendment

Topical Area: Recruiting

Rationale: Currently, recruiting or scouting services are only required to meet minimal requirements in order for institutions to subscribe to them. For example, a published recruiting or scouting service only needs to be regularly published and available at the same fee rate for all subscribers. There has been a proliferation of recruiting services, particularly in the sport of men's basketball, that do not provide information consistent with the original intent of the legislation. Many of the operators of the recruiting or scouting services are tied directly to teams or events involving highly skilled prospective student-athletes and concerns have been expressed that the service is being used as leverage in the recruiting process. In some instances, the service merely provides demographic information that is available from other sources or in other instances, no information that would assist in the evaluation of talent. The perception is that unless an institution subscribes particular services, it will be disadvantaged in attempts to recruit prospective student-athletes linked with the recruiting-service operators. This proposal acknowledges the overall value of recruiting services and protects the integrity of the recruiting process by reinforcing the intent of the original legislation.

Estimated Budget Impact: Potential cost savings by eliminating subscriptions to services that provide limited or insufficient information.

Impact on Student-Athlete's Time: None.

Position Statement(s):

Football Issues Committee The committee supports the proposal and agrees with the sponsor's rationale.

Recruiting and Athletics Personnel Issues Cabinet The cabinet supports the proposal and agrees with the sponsor's rationale. In addition, the cabinet supports the modification made by the Championships/Sports Management Cabinet to limit each institution to one subscription to each service on an annual basis. The cabinet noted that this would eliminate the current practice by some institutions of paying for multiple subscriptions to the same service in the same year.

Women's Basketball Issues Committee The committee supports the proposal and agrees with the sponsor's rationale. The committee noted that this legislation would assist in reinforcing the original intent of the legislation by requiring that recruiting or scouting services actually provide information that would assist in the evaluation of talent. The committee also noted that the legislation acknowledges the overall value of recruiting services and would protect the integrity of the recruiting process.

History

Jun 01, 2009: Submit; Submitted for consideration.

Jun 01, 2009: Men's Basketball Issues Committee, Recommends Approval

Jun 25, 2009: Championships/Sports Management Cabinet, Sponsored

Aug 21, 2009: Women's Basketball Issues Committee, Recommends Approval
Sep 02, 2009: Football Issues Committee, Recommends Approval
Sep 16, 2009: Championships/Sports Management Cabinet, Modified the Proposal; Modified to specify that an institution may not purchase more than one annual subscription to a particular recruiting or scouting service.
Sep 22, 2009: Recruiting and Athletics Personnel Issues Cabinet, Recommends Approval
Jan 13, 2010: Leg Council Init Review, Adopted; Pending Possible Board of Directors Review
Jan 16, 2010: Adopted, Override Period; No Action Taken by the Board of Directors
Jan 17, 2010: Adopted, Override Period; Start of Override Period
Mar 17, 2010: Adopted, Override Period; End of Override Period; (Number of Override Requests = 1)
Mar 17, 2010: Adopted; Adopted - Final

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

Date Issued: May 4, 2010

Date Published: May 4, 2010

Item Ref: 1

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. Intercollegiate 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)]

Notice about Educational Columns: Educational columns and hot topics are intended to assist the membership with the correct application of legislation and/or interpretations by providing clarifications, reminders and examples. They are based on legislation and official and staff interpretations applicable at the time of publication. Therefore, educational columns and hot topics are binding to the extent that the legislation and interpretations on which they are based remain applicable. Educational columns are posted on a regular basis to address a variety of issues and hot topics are posted as necessary in order to address timely issues.

13.14.3 Recruiting or Scouting Services.

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: (Adopted: 1/1/02, Revised: 1/16/10)

- (a) Is made available to all institutions desiring to subscribe and at the same fee rate for all subscribers;
- (b) Publicly identifies all applicable rates;
- (c) Disseminates information (e.g., reports, profiles) about prospective student-athletes at least four times per calendar year;
- (d) 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;
- (e) Provides individual analysis beyond demographic information or rankings for each prospective student-athlete in the information it disseminates; (*Revised: 4/13/10*)
- (f) Provides access to samples or previews of the information it disseminates before to purchase of a subscription; and
- (g) 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.)