



**BAYLOR UNIVERSITY**  
**PUBLIC INFRACTIONS DECISION**  
**December 21, 2016**

**I. INTRODUCTION**

The NCAA Division I Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division I membership and the public. The committee decides infractions cases involving member institutions and their staffs.<sup>1</sup> This case involved the football program at Baylor University.<sup>2</sup> Specifically, two assistant football coaches exceeded the limitations on evaluations and contacts of two prospective student-athletes in the spring of 2015 and another assistant football coach personally attended a contest in which a future opponent competed. The violations occurred because the coaches thought they had found "loopholes" that allowed them to count only evaluations of prospects they intended to watch, rather than those they actually watched, and to engage in brief, "fan-like" exchanges with the prospects. The panel concludes the violations regarding excessive evaluations and contacts is Level II. When the third assistant football coach personally observed part of a football contest involving a future opponent of the institution, he committed a Level III violation. This case was limited to those issues, and the panel did not consider any other information.

The actions contested by the institution and the two at-risk assistant coaches were clearly contacts pursuant to the plain language of NCAA Bylaw 13.02.4. Although the parties can dispute allegations, this is the type of case that could have moved quickly through the summary disposition process had the parties agreed on the violations.

The panel classifies this case as Level II – Mitigated for the institution and for the violations of one of the assistant football coaches involved in the Level II violations. The panel classifies the violations as Level II – Standard for the other assistant football coach involved in the Level II violations. The violations all occurred subsequent to October 30, 2012. The panel therefore considered penalties pursuant to current NCAA Bylaw 19 and determined that the institution's self-imposed penalties and corrective actions were sufficient. The panel adopts those penalties, which include recruiting restrictions for the football staff and game suspensions for the three coaches involved in the violations. The penalties are within the penalty guideline ranges.

---

<sup>1</sup> Infractions cases are decided by hearing panels comprised of NCAA Division I COI members. Decisions issued by hearing panels are made on behalf of the Committee on Infractions.

<sup>2</sup> A member of the Big XII Conference, Baylor University has an enrollment of approximately 15,000 students. It sponsors 10 women's and eight men's sports. The institution had previous infractions cases in 2012 (men's and women's basketball); 2005 (men's basketball); 2000 (men's tennis); 1995 (men's basketball); 1986 (men's basketball); and 1956 (sport not specified).

## **II. CASE HISTORY**

During June and August, 2015, the NCAA enforcement staff interviewed two prospective football student-athletes who eventually committed to attend the institution. The interviews dealt with the prospects' recruitment and interaction with college coaches. On August 26, 2015, the enforcement staff sent a written notice of inquiry to the institution. Throughout the fall of 2015, the enforcement staff and institution conducted interviews of numerous individuals, including a number of football coaches at the institution.

In the spring of 2016, the enforcement staff received a factual interpretation from the NCAA Academic and Membership Affairs (AMA) staff regarding contact legislation and met with institutional staff regarding potential allegations. On April 18, 2016, the enforcement staff sent a notice of allegations to the institution and assistant coaches 1 and 2. All three parties submitted responses to the allegations on July 25, 2016. On September 16, 2016, the enforcement staff submitted its written reply and statement of the case. A panel of the committee conducted a hearing on November 10, 2016.

## **III. FINDINGS OF FACT**

### *Assistant coaches 1 and 2 and their education regarding contacts and evaluations*

The conduct of two institutional assistant football coaches (assistant coaches 1 and 2, respectively) during the spring 2015 evaluation period is the main issue in this case. Assistant coach 1 joined the institution's football coaching staff in 2007 as receivers coach. He served in that capacity until 2015, when he became offensive coordinator. Assistant coach 1 has had recruiting responsibilities throughout his tenure at the institution. Assistant coach 2 coached high school football before joining the institution's football staff as a graduate assistant in 2010. After spending approximately three and one-half years in a quality control position, assistant coach 2 became receivers coach in January 2015. He went off-campus to recruit for the first time in spring 2015, often accompanied by assistant coach 1.

On a number of occasions, including April 19, 2013, May 7, 2013, and April 7, 2014, the institution's compliance staff reminded the football staff by email that attendance at a high school track and field meet counts as an evaluation for all participants whom members of the coaching staff observe compete. As part of an April 9, 2014, rules education presentation, the compliance staff also reminded the football coaches of the evaluation rules. The presentation included an admonition to the coaches that they have a responsibility to ensure they have no contact with prospective student-athletes during evaluation periods. During the meeting, another assistant football coach (assistant coach 3) asked whether the coaches could attend a track meet, turn their backs when prospects other than the one they wanted to evaluate was competing individually (for example, in the long jump), and thereby only be charged with an evaluation of one prospect. The compliance office stated this would be allowable.

Following the April 9, 2014, education session, the football coaches interpreted the evaluation rules among themselves to mean that evaluations involve only those prospects the staff *intended* to see, not all prospects they actually watched compete. Using this definition, the coaches determined that they could attend events to be "seen" by certain prospects and could log the event as an evaluation of someone else, whether or not they observed the prospect they were interested in compete. In his interview during the investigation, assistant coach 2 admitted that "we knew exactly what we were doing; [we were] trying to find a loophole in the rule." Assistant coach 1 stated in his interview that he thought he had found "a loophole in the NCAA as far as [a] way to be seen more [by prospects] in the spring."

The enforcement staff provided further recruiting rules education to the football staff. On April 14, 2015, the day before the spring evaluation period began, the enforcement staff made a presentation focused on spring recruiting rules to the football staff. The presentation included discussions about evaluations and contacts and the specific prohibition against talking to prospects in the spring. Later the same day, the compliance office emailed the football staff, thanking the staff members for attending and engaging in the rules presentation. The email warned the coaches not to "bump" prospects and included the language of Bylaw 13.02.4, which contains the definition of "contact."

*Assistant coach 1's and 2's activities during the spring 2015 evaluation period*

In April and May, 2015, during the spring evaluation period, assistant coaches 1 and 2 travelled to a number of high school campuses and track meets. They were particularly interested in two prospective student-athletes (prospects 1 and 2, respectively) who they had listed as "the two [best] receivers on our board." At the time, prospect 1 was a high school sophomore while prospect 2 was a junior. Both prospects were highly rated nationally as wide receivers. Because the assistant coaches already had the two prospects listed as the best at their positions, the coaches did not need to evaluate them in athletics competition. However, assistant coaches 1 and 2 were interested in being "seen" by the prospects so that prospects 1 and 2 would know that the institution wanted to recruit them. In his interview with the enforcement staff during the investigation, assistant coach 1 stated that the coaches attended the meets to show prospects 1 and 2 that the institution was interested in them.

On April 15, 2015, the day after the enforcement staff's recruiting presentation to the football staff, assistant coaches 1 and 2 attended a track meet in which prospect 1 competed. They watched prospect 1 and numerous other prospects compete but only logged the meet as an evaluation of a single prospect other than prospect 1. They did not speak with prospect 1.

The next day, assistant coaches 1 and 2 attended a track meet in which prospect 2 competed. The coaches had phone contact with prospect 2 earlier in the spring so they could determine a convenient time to see him. He suggested they attend the April 16 meet. As the coaches were driving to the meet, prospect 2 phoned them. In a short conversation, the coaches wished prospect

2 good luck, told him to "get after it" in the meet and mentioned that "we can't [interact with you at the meet], but you know why we're there." The coaches intended to "be seen" by prospect 2 but log the meet as an evaluation of another prospect.

Once they arrived at the meet, the coaches parked their truck near the long jump pit and sat on the tailgate to watch that event. The coaches and prospect 2 saw each other, walked toward each other and spoke for less than a minute, with the coaches explaining that they could not talk to him. After competing, prospect 2 walked to the truck, where assistant coach 1 spent less than a minute congratulating him on his performance and telling him that they would see him later that day. The two coaches then left the meet but returned later in the day, when prospect 2 was scheduled to compete in three track events. They initially sat in the bleachers before moving to the infield, where they watched the events. The coaches spoke to prospect 2 after he competed in the 4x100 relay, before and after the 100-meter dash and before and after the 200-meter dash. They encouraged prospect 2 to "go get 'em," wished him "good luck" and congratulated him with comments such as "looked strong," "good job" and "looked real good." As the coaches left the meet, they told prospect 2 goodbye. In total, the coaches spoke to prospect 2 anywhere from five to 20 minutes throughout the day. The coaches characterized their interactions as "fan-like communications with prospects." Even though the coaches watched prospect 2 compete in numerous events, they logged the meet as an evaluation of another prospect.

The coaches engaged in similar conduct on May 1, 2015, when they again observed prospect 2 compete in a track meet. The meet was held on the institution's campus. Assistant coaches 1 and 2 attended the meet to once again "be seen" by prospect 2 but to log an evaluation of another prospect.<sup>3</sup> The coaches sought out prospect 2 both before and after the meet and spoke to him for a few minutes each time. According to the coaches, their exchanges with prospect 2 were similar to those at the earlier meet, with the coaches briefly wishing him luck, congratulating him on his performance and telling him they would "hit [him] up later." The record contains a photograph of the post-meet encounter. The photograph shows the two coaches and prospect 2 standing together and looking in the same direction. Prospect 2 is shown standing between the two coaches, and all are within arm's length of each other. Assistant coach 2 stated that the encounter captured by the picture lasted no more than a minute.

On May 18, 2015, assistant coach 2 saw prospect 2 again when he travelled to prospect 2's high school and watched him participate in a spring football practice. Assistant coach 2 logged his trip as an evaluation of prospect 2. On May 26, assistant coach 2 returned to prospect 2's high school, this time accompanied by assistant coach 1. The two coaches watched prospect 2 participate in a spring football game and logged their trip as evaluation of him. On May 21, 2015, assistant coaches 1 and 2 visited prospect 1's high school. They logged the trip as an evaluation of prospect 1. The two assistant coaches also visited prospect 1's high school on May 27, conducted an evaluation of prospect 1, and logged the visit as such.

---

<sup>3</sup> Both assistant coaches 1 and 2 in fact, logged this meet as an evaluation of another prospect.

Prospect 1 verbally committed to attend the institution on June 24, 2015, shortly after the spring evaluation period ended. Prospect 2 verbally committed to attend the institution on November 20, 2015. For reasons unrelated to this case, neither prospect enrolled at the institution.

*Assistant coach 3's attendance at a game involving a future opponent*

On September 19, 2015, assistant coach 3 attended a football game as a spectator. One of the teams participating in that game was scheduled to play the institution later in the 2015 season. The institution's football team had a bye that week, so assistant coach 3 and his wife attended an out-of-state wedding on Friday, September 18, 2015. A football game occurred in the same community the following day between a team coached by a friend of assistant coach 3 and a team the institution was scheduled to play later that season. Assistant coach 3 and his wife accepted an invitation from assistant coach 3's friend to attend the game and stand on the sidelines. During the first half of the game, the compliance officer of the future opponent noticed assistant coach 3 on the sideline and informed him that it was impermissible for him to be in attendance. Assistant coach 3 phoned the institution's compliance officer (compliance officer), who confirmed that assistant coach 3 should not be in attendance. Following the conversation, assistant coach 3 left the game.

#### **IV. ANALYSIS**

The violations in this case occurred in the football program. The Level II violations occurred during six weeks of a spring evaluation period and involved two assistant football coaches in two areas: (1) Exceeding the number of permissible evaluations for two prospects; and (2) Making contact with a high school junior at competition sites during the evaluation period, when contacts are prohibited.

##### **A. IMPERMISSIBLE EVALUATIONS AND CONTACTS [NCAA Division I Manual Bylaws 13.02.4, 13.1.1.1, 13.1.6.2, 13.1.6.2.3, 13.1.7.4 and 13.1.7.14 (2014-15)]**

During the spring 2015 evaluation period, assistant coaches 1 and 2 conducted one impermissible evaluation of prospect 1 and two impermissible evaluations of prospect 2. Further, on two occasions during the spring 2015 evaluation period, assistant coaches 1 and 2 had impermissible contact with prospect 2. The institution, coaches and enforcement staff substantially agreed to the facts and that the impermissible evaluations occurred. The institution and coaches did not agree that impermissible contacts occurred. The parties disagreed as to the level of the violations. The enforcement staff alleged that the violations were Level II, while the institution and coaches believed them to be Level III. The panel concludes that the violations occurred and are Level II.

##### **1. NCAA legislation related to limits on evaluations and contacts.**

The applicable portions of the bylaws may be found at Appendix One.

**2. In April and May 2015, the institution's football coaching staff exceeded the number of permissible evaluations of two prospective student-athletes and made impermissible contact with one of the prospects.**

The violations center on two assistant football coaches making impermissible evaluations of, and having impermissible contact with, prospective student-athletes. Assistant coaches 1 and 2 conducted three evaluations of prospect 1 and four evaluations of prospect 2 during the spring 2015 evaluation period.<sup>4</sup> Because institutions are limited to two evaluations per prospect in the spring evaluation period, the assistant coaches violated Bylaw 13. Additionally, the two assistant coaches had contact with prospect 2 twice during the same time period. Because contacts during the spring, at competition sites and with high school juniors are prohibited, the assistant coaches further violated Bylaw 13.

Regarding evaluations, Bylaw 13.1.7.4 limits football institutional staff members to three prospect evaluations per year. Two of them may be used in the spring from April 15 through May 31. Bylaw 13.1.7.14 provides that an institutional coach attending an event in which multiple prospects participate uses an evaluation for all participants whom the coach observes engaging in practice or competition.<sup>5</sup> Bylaw 13 also governs recruiting contacts. Bylaw 13.02.4 defines "contact" as a face-to-face encounter in which dialogue in excess of a greeting occurs. This definition also includes "prearranged" encounters (including those in which an institutional staff member positions himself in a location where contact is possible), encounters on the grounds of a prospect's educational institution and encounters at competition sites, whether or not any conversation occurs. Bylaw 13.1.1.1 precludes any contact with prospects prior to the end of their junior year of high school, while Bylaws 13.1.6.2 and 13.1.6.2.3 prohibits contacts with prospects prior to and at the site of competitions in which the prospects are participating.

Assistant coaches 1 and 2 exceeded the number of permissible prospect evaluations in the spring of 2015. Even though they logged the April 15 meet as an evaluation of another prospect, they also watched prospect 1 compete. Therefore, when combined with the evaluations they conducted of prospect 1 on May 21 and May 27, 2015, assistant coaches 1 and 2 exceeded the number of permissible evaluations, in violation of Bylaw 13.1.7.4. The assistant coaches' conduct also violated Bylaw 13.1.7.4 when one or both of them observed prospect 2 compete in track meets on April 16 and May 1, 2015, and participate in spring football events on May 18 and May 26, 2015. The conduct violated the evaluation limit by two even though the coaches logged the April 16 track meet as an evaluation of a different prospect. All parties agreed that the excessive evaluations occurred.

On April 16 and May 1, 2015, assistant coaches 1 and 2 violated the contact bylaws in their interactions with prospect 2. When they parked near the long jump pit upon their arrival at the

---

<sup>4</sup> Assistant coach 1 was only present at three of the four evaluations of prospect 2.

<sup>5</sup> This rule is now found at Bylaw 13.1.7.12. The language has not changed.

April 16 competition site, they positioned themselves where contact was possible. Their subsequent conversations with prospect 2, however brief, constituted contacts. Similarly, when the coaches returned to the meet later in the day and stood in the infield during prospect 2's sprint events, they once again were in a position where contact was possible. Their conversations and interaction with student-athlete 2 before and following the sprint events constituted impermissible contact. Finally, when the coaches sought out student-athlete 2 at the May 1 meet and spoke to him, they once again engaged in impermissible contact.

At both meets, the assistant coaches positioned themselves in locations where contact with prospect 2 was possible, even likely. This is precisely a situation contemplated by the bylaw as "prearranged" and therefore a contact, regardless of the duration or substance of any conversation that may occur. Once positioned, the assistant coaches spoke with prospect 2 a number of different times throughout the April 16 meet and both before and after the May 1 meet. Their encounters with him were contacts pursuant to Bylaw 13.02.4. Because the two assistant coaches contacted prospect 2 outside of a permissible contact period, prior to July 1 following the completion of his junior year of high school and at competition sites when prospect 2 was competing, assistant coaches 1 and 2 violated Bylaws 13.1.1.1, 13.1.6.2 and 13.1.6.2.3.

The panel is disappointed that the compliance officer told the assistant coaches they could attend high school track meets and simply turn away at certain times so as to not be charged with evaluating some of the competing prospects. As shown by the facts of this case, his statement was, at best, ill-advised. When coaches are at track meets, they watch the competitors. It is unrealistic to think they will not. Further, it would be difficult, if not impossible, for an institution to monitor when, or if, a coach attending a track meet looks down or turns away from a certain event so as to preserve evaluations of certain prospects for later times. The panel reiterates that coaches attending high school track meets use an evaluation for every prospect they observe compete at the meets.

The panel is further disappointed that the coaching staff at the institution was more interested in finding "loopholes" to exploit than abiding by the rules regarding evaluations and contacts. The coaches' interpretation that they only used evaluations at track meets for those prospects they *intended* to see, rather than those they actually observed, was not based in logic or any rule of the Association. In their response to the notice of allegations, the assistant coaches characterized their interactions with prospect 2 at the meets as "fan-like" exhortations that did not exceed greetings. In making such assertions, the assistant coaches ignored the obvious: they are not fans. They are subject to rules relating to evaluations and contacts that do not apply to spectators. The assistant coaches' continual interactions, regardless of how brief, were contacts according to the plain language of Bylaw 13.02.4. The assistant coaches could have easily avoided these violations if their main focus had been on complying with the bylaws rather than finding ways around them.

The institution asserted that, if the panel concluded the assistant coaches engaged in impermissible contacts at the April 16 and May 1 track meets, the same events should not count as evaluations. The institution cited to present Bylaw 13.1.7.12, which provides in part that an "evaluation is not

counted for a particular prospective student-athlete if a contact is made with that same prospective student-athlete the same day." The institution is mistaken. In making the argument, the institution ignored the language of Bylaw 13.1.5.6, which states that, before a contact supersedes an evaluation made the same day, the contact must be permissible under the bylaws.<sup>6</sup> As these contacts were impermissible, the actions of the assistant coaches at the track meets constituted evaluations as well as contacts. Therefore, the assistant coaches' conduct violated NCAA legislation related to both evaluations and contacts.

The parties disagreed on the level of the violations. The institution and assistant coaches argued that they were Level III, while the enforcement staff asserted that they were Level II. The panel concludes the violations were Level II. Impermissible contacts are a serious matter to the membership and have been recognized as such by this committee. See, *University of Colorado* (2002) (concluding that a coach who, in an attempt to "be seen" by prospects, visited their high schools during non-contact periods and positioned himself in areas where the prospects were likely to be, engaged in contacts under the bylaw definition even though he told the prospects he could not talk to them. The face-to-face encounters were extremely advantageous to the institution); *University of Florida* (2015) (reiterating that, as concluded in *Colorado*, impermissible contacts confer advantages upon those who engage in them to the detriment of institutions abiding by the rules. Such contacts help build relationships that are critical to recruiting, thus the single impermissible contact in the case was a Level II violation).

Pursuant to Bylaw 19.1.2, the panel concludes that the violations in this case were Level II because they provided, or were intended to provide, more than a minimal recruiting or competitive advantage. Like the offending coaches in *Colorado* and *Florida*, assistant coaches 1 and 2 were trying to demonstrate their high regard for prospect 2 and establish a relationship with him. When its coaches had contact with prospect 2, engaged him in-person and spoke to him, all at times when NCAA rules precluded the assistant coaches from doing so, this institution gained more than a minimal advantage over institutions that were in compliance with NCAA recruiting legislation. Both prospects eventually committed to attend the institution.

## V. LEVEL III VIOLATION

**OFF-CAMPUS, IN-PERSON SCOUTING [NCAA Division I Bylaw 11.6.1 (2015-16)].** The parties agree that, on September 19, 2015, assistant coach 3 attended and personally observed part of a game in which a future opponent of the institution participated. As a result, the institution engaged in prohibited off-campus scouting.

---

<sup>6</sup> The panel finds it odd that the institution takes this position. Bylaw 13.1.5.6 is specifically referenced in Bylaw 13.1.7.12.



## **VI. PENALTIES**

For the reasons set forth in Sections III, IV and V of this decision, the panel concludes that this case involved Level II and III violations of NCAA legislation. Pursuant to Bylaw 19.9.1, the panel concludes that the Level II violations occurred subsequent to October 30, 2012. Therefore, the panel prescribes penalties pursuant to the current Bylaw 19 penalty guidelines. In considering the penalties under the new penalty structure, the panel reviewed the aggravating and mitigating factors and utilized the new penalty guidelines (Figure 19-1) to appropriately classify the case and violations.

The panel then determined the applicable penalty classification. Level II violations are significant breaches of conduct. The panel concludes that this case involved Level II violations consisting of impermissible contacts and evaluations. To determine the appropriate classification of this Level II case as mitigated, standard or aggravated, the panel considered aggravating and mitigating factors pursuant to Bylaws 19.9.3 and 19.9.4. When applying the penalty guidelines, the panel also assessed aggravating and mitigating factors by weight as well as number. The panel determined the following factors applied, resulting in the panel classifying this case as Level II – Mitigated for the institution. The institution's self-imposed penalties were within the penalty guidelines and appropriate for the violations that occurred in this case. The panel classifies assistant coach 1's conduct as Level II - Standard and assistant coach 2's conduct as Level II - Mitigated.

### **Aggravating Factors for the Institution**

19.9.3-(b): The institution has a history of Level I, Level II or major violations.

### **Mitigating Factors for the Institution**

19.9.4-(b): Prompt acknowledgement and acceptance of responsibility and imposition of meaningful corrective measures and/or penalties;

19.9.4-(c): Affirmative steps to expedite final resolution of the matter; and

19.9.4-(d): Established history of self-reporting Level III or secondary violations.

The institution proposed that it was entitled to mitigating factor 19.9.4-(f), exemplary cooperation. The institution met its obligation under the bylaws to fully cooperate in the investigation, but did not engage in a level of cooperation in excess of legislated expectations.

### **Aggravating Factors for Assistant Coach 1**

None.

### **Mitigating Factors for Assistant Coach 1**

None.

Assistant coach 1 proposed that he was entitled to mitigating factor Bylaw 19.9.4-(b), prompt acknowledgement of the violation, similar to assistant coach 2. However, assistant coach 2 admitted watching prospect 2 run immediately upon being asked. In contrast, assistant coach 1 denied numerous times during his first interview that he watched prospects 1 and 2 run in any events. He claimed that he actively avoided watching them compete and that he turned his back to the track while they competed, which was not true. He admitted only to seeing them at the meets. He also claimed no recall of whether he observed prospect 2 compete in the long jump on April 16, 2015. He corrected his inaccurate statements by the end of the lengthy interview, but he was not "prompt" in his acknowledgment of the violation. However, because he eventually was fully forthcoming in the interview, the panel pursuant to Bylaw 19.9.5.4 determines that the institution's disciplinary actions toward him were sufficient and does not prescribe a show-cause order for his violation.

### **Aggravating Factors for Assistant Coach 2**

None.

### **Mitigating Factors for Assistant Coach 2**

19.9.4-(b): Prompt acknowledgement of the violation and acceptance of responsibility.

All of the penalties prescribed in this case are independent of and supplemental to any action the Committee on Academics has taken or may take through its assessment of postseason ineligibility, historical penalties or other penalties. The institution's corrective actions are contained in the Appendix. The panel prescribes the following:

### **Core Penalties for Level II – Mitigated Violations (NCAA Bylaw 19.9.5)**

1. Financial penalty: The institution shall pay a \$5,000 fine.

### **Additional Penalties for Level II – Mitigated Violations (NCAA Bylaw 19.9.7)**

2. Public reprimand and censure.
3. The entire football coaching staff ceased recruiting prospect 2 for eight weeks. (Institution imposed)
4. The entire football coaching staff will cease recruiting at any track and field meets. (Institution imposed)

5. Assistant coaches 1 and 2 each served a one-game suspension on September 12, 2015. They were not permitted to participate in game-day activities or be at the team hotel during the day of the game and were not permitted to be present at McLane Stadium before, during or after the contest. Additionally, assistant coach 3 was suspended from the first half of the institution's contest on November 14, 2015. (Institution imposed)
  6. Assistant coaches 1 and 2 were prohibited from off-campus recruiting for 12 weeks during the fall 2015 evaluation period. (Institution imposed)
- 

The Committee on Infractions advises the institution that it should take every precaution to ensure that it observes the terms of the penalties. The committee will monitor the penalties during their effective periods. Any action by the institution contrary to the terms of any of the penalties or any additional violations may be considered grounds for extending the institution's probationary period, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Michael Adams  
Carol Cartwright  
Greg Christopher, chief hearing officer  
Bobby Cremins  
Alberto Gonzales  
Joe Novak  
Greg Sankey

**APPENDIX ONE**  
**Bylaw Citations**

**Division I 2014-15 Manual**

**13.02.4 Contact.** A contact is any face-to-face encounter between a prospective student-athlete or the prospective student-athlete's parents, relatives or legal guardians and an institutional staff member or athletics representative during which any dialogue occurs in excess of an exchange of a greeting. Any such face-to-face encounter that is prearranged (e.g., staff member positions himself or herself in a location where contact is possible) or that takes place on the grounds of the prospective student-athlete's educational institution or at the site of organized competition or practice involving the prospective student-athlete or the prospective student-athlete's high school, preparatory school, two-year college or all-star team shall be considered a contact, regardless of whether any conversation occurs. However, an institutional staff member or athletics representative who is approached by a prospective student-athlete or the prospective student-athlete's parents, relatives or legal guardians at any location shall not use a contact, provided the encounter was not prearranged and the staff member or athletics representative does not engage in any dialogue in excess of a greeting and takes appropriate steps to immediately terminate the encounter.

**13.1.1.1 Time Period for Off-Campus Contacts—General Rule.** Off-campus recruiting contacts shall not be made with an individual (or his or her relatives or legal guardians) before July 1 following the completion of his or her junior year in 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. U.S. service academy exceptions to this provision are set forth in Bylaw 13.16.1.

**13.1.6.2 Practice or Competition Site.** Recruiting contact may not be made with a prospective student-athlete prior to any athletics competition (including a noninstitutional, private camp or clinic, but not an institutional camp or clinic) in which the prospective student-athlete is a participant during the day or days of competition, even if the prospective student-athlete is on an official or unofficial visit. Contact includes the passing of notes or verbally relaying information to a prospective student-athlete by a third party on behalf of an institutional staff member and telephone calls. Such contact shall be governed by the following:

- (a) Contact shall not be made with the prospective student-athlete at any site prior to the contest on the day or days of competition;
- (b) Contact shall not be made with the prospective student-athlete from the time he or she reports on call (at the direction of his or her coach or comparable authority) and becomes involved in competition related activity (e.g., traveling to an away-from-home game) to the

end of the competition even if such competition-related activities are initiated prior to the day or days of competition;

(c) Contact shall not be made after the competition until the prospective student-athlete is released by the appropriate institutional authority and departs the dressing and meeting facility;

(d) Contact shall not be made with the prospective student-athlete involved in competition that requires participation on consecutive days (e.g., a tournament) until after his or her final contest is completed and he or she is released by the appropriate institutional authority and leaves the dressing and meeting facility. Contact shall not be made with a prospective student-athlete involved in a tournament that is not conducted on consecutive days until after his or her final contest is completed on a day before a break in the days of the tournament and he or she is released by the appropriate institutional authority and leaves the dressing and meeting facility;

(e) Contact with a prospective student-athlete who is on an extended road trip (e.g., traveling with a team from one contest or event to another), is permitted at the conclusion of a competition and prior to the commencement of travel to the next competition, provided he or she has been released by the appropriate institutional authority and departs the dressing and meeting facility; and

(f) Coaching staff members may not send electronic correspondence to a prospective student-athlete while he or she is on call for competition at the competition site (e.g., arena, stadium). Coaching staff members may send general correspondence (including electronic correspondence) to a prospective student-athlete while he or she is on call and not at the competition site or while the prospective student-athlete is at any location once he or she has been released by the appropriate authority, provided the general correspondence is sent directly to a prospective student-athlete (e.g., the front desk of the hotel, the prospective student-athlete's personal fax machine) and there is no additional party (e.g., camp employee, coach)

**13.1.6.2.3 Athletics Events Outside Contact Period—Football and Basketball.** In-person contact with a prospective student-athlete shall not be made on or off the institution's campus at the site of practice or competition for any athletics event in which the prospective student-athlete participates outside the permissible contact periods in football and basketball. When a prospective student-athlete in football or basketball participates in an athletics contest or event (including a noninstitutional, private camp or clinic, but not an institutional camp or clinic) on an institution's campus outside a contact period, it is not permissible for an authorized institutional staff member to have contact with the prospective student-athlete until the calendar day following his or her release from the contest or event. Further, if a prospective student-athlete is visiting an institution's campus immediately before or after participating in an athletics contest or event on the institution's campus, the prospective student-athlete must depart the locale of the institution the calendar day before or after the contest or event.

**13.1.7.4 Limitations on Number of Evaluations—Football. [FBS/FCS]** In football, institutional staff members shall be limited to three evaluations during the academic year during which the prospective student-athlete competes or practices on any team. Not more than one evaluation may be used during the fall evaluation period and not more than two evaluations may be used during

the April 15 through May 31 evaluation period. An authorized off-campus recruiter may use one evaluation to assess the prospective student-athlete's athletics ability and one evaluation to assess the prospective student-athlete's academic qualifications during the April 15 through May 31 evaluation period. If an institution's coaching staff member conducts both an athletics and an academic evaluation of a prospective student-athlete on the same day during the April 15 through May 31 evaluation period, the institution shall be charged with the use of an academic evaluation only and shall be permitted to conduct a second athletics evaluation of the prospective student-athlete on a separate day during the evaluation period.

**13.1.7.14 Evaluations in Individual Sports.** An institution's coach who is attending a practice or event in which prospective student-athletes from multiple institutions participate in drills (e.g., combine) or competition in an individual sport on a specific day shall use an evaluation only for those participants whom the coach observes engaging in practice or competition. The evaluation is not counted for a particular prospective student-athlete if a contact is made with that prospective student-athlete during the same day (see Bylaw 13.1.5.6).