

**ATTACHMENT B
(Bylaw 11)**

**National Collegiate Athletic Association
Working Group on the Collegiate Model – Rules**

**NCAA Bylaw 11 (Conduct and Employment of Athletics Personnel)
Concepts Discussion Document**

The purpose of this document is to solicit input from the NCAA Division I membership on concepts currently being considered by the NCAA Working Group on the Collegiate Model – Rules. This feedback will be used by the working group as it continues to finalize its recommendations for the NCAA Division I Board of Directors. Please forward any feedback and comments to rulesworkinggroup@ncaa.org.

Name: 1A FAR Board

Institution/Conference/Organization:

Title:

Date: April 13, 2012

Concept No. 1: Eliminate the regulations governing contractual agreements and compensation from sources outside an institution.

Rationale: The regulations governing contractual agreements between an institution and its athletics department staff members and the receipt of compensation from sources outside the institution are not of national significance. It should be each institution's responsibility to address these matters in accordance with its own policies and procedures.

Points to Consider:

1. Reduces administrative burden for compliance staff.
2. Athletics staff should be treated in the same manner as all institutional employees.
3. The significant increase in the number of athletics department staff members, especially part-time employees, makes the annual reporting process a significant undertaking.

Questions:

1. Do you support this concept? Why or why not?

Yes. Athletics employees should be treated in the same manner as all institutional employees. This makes the institution the responsible party, and conferences could impose regulations if they thought it appropriate. However, we recommend that the Working Group assure that the underlying obligation – to be in control of athletics and not let donors or third parties dictate – is clear that it would cover problems with coaches in this area even though no express contract language is required.

2. Are institutional policies, if implemented, enough to maintain institutional control? Why or why not?

Yes, and if this turns out not to be the case, conferences could impose regulations to combat any competitive advantages perceived to exist.

Concept No. 2: Eliminate the regulations defining recruiting coordination functions that must be performed by head or assistant coaches.

Rationale: The regulations defining recruiting coordination functions that must be performed only by a head or assistant coach are not of national significance and, in many instances, present enforcement challenges. Each institution should be responsible for establishing its own policies and procedures related to the recruitment of prospective student-athletes, including the roles and responsibilities of all athletics department staff members. The current rules requiring off-campus recruitment to be performed only by countable coaches would remain applicable.

Points to Consider:

1. Eliminating such regulations would reduce compliance monitoring; countless hours are spent defining "recruiting coordination" and "clerical tasks."
2. Elimination of the recruiting coordination function restrictions could result in a proliferation in the number of noncoaching staff members employed by institutions.
3. Administrative personnel decisions should be left to institutional discretion, not regulated by legislation.
4. May alleviate some of the administrative burden on coaches and permit them to focus more attention on traditional coaching duties and the needs of current student-athletes.
5. Valuable experience can be gained by individuals interested in pursuing a coaching career.
6. Potential increase in expenditures if institutions hire additional noncoaching administrative personnel.

Question:

- Do you support this concept? Why or why not?

Yes, but we have a concern that it would lead to increased staff size.

Concept No. 3: Eliminate the annual certification requirement applicable to coaches involved in off-campus recruiting.

Rationale: The annual certification requirement is not of national significance. Institutions and/or conferences, at their discretion, should be responsible for developing rules education materials/tests designed to ensure that coaches engaged in recruiting activities have a sufficient working knowledge of the recruiting rules.

Points to Consider:

1. Exam was instituted when many institutions did not have fully dedicated compliance departments in place.
2. Intent was to ensure athletics recruiters have sufficient understanding of NCAA recruiting rules before recruiting off campus.
3. Requires coaches to focus on rules and to interact with the compliance staff.
4. Passage rate at Division I for the last three years has been 97 percent.
5. Institutions could establish a more robust continuing education program with assistance from the NCAA national office?

Questions:

1. Do you support this concept? Why or why not?

The majority of the 1A FAR Board does not support this. We feel that the certification exam motivates the coaches to know the old rules and be aware of new rules. Having an exam focuses the coaches' attention much better than education without the exam. And, having the NCAA continue to be responsible for creating the annual exam actually relieves some burden from our compliance offices from having to develop an exam bank or new exam each year. An NCAA generated exam provides a uniform standard to be met by all coaches.

Some members of the Board did support this concept. One member commented that as far as he could tell, almost no one fails the exam and the coaches treat it as undergraduates do big tests, they cram right before the exam and then regurgitate at the exam. He was not convinced this is the best learning strategy and thought a good learning session each semester could easily reach the outcome of having coaches learn the recruiting rules.

2. Are there other more effective ways to conduct a certification program for coaches in order to ensure they are knowledgeable of the rules? Why or why not?

One specific suggestion is to have a semester-by-semester exam, which focuses on the operating recruiting bylaws. The waiting period for failed exams should be eliminated. Coaches should be afforded the opportunity take the exam as many times until a successful grade is received. However, each opportunity the coach fails the exam, there should be a 14 consecutive day no off-campus recruiting penalty. Each failed attempt will be an additional 14 consecutive day period and implemented as defined by the recruiting calendar.

Another suggestion is for the NCAA to develop an app that answers any recruiting question imaginable. However, once a year, a coach should have to take a test because many coaches would not use the app.

Concept No. 4: Eliminate the regulations governing scouting of opponents and permit live, in-person scouting or prohibit all live in-person scouting in all sports, while retaining the current exceptions in NCAA Bylaw 11.6.1 (basketball, football and women's volleyball prohibition) through Bylaw 11.6.4 (cost of exchanging video).

Rationale: The regulations governing scouting of opponents are not of national significance. Widespread availability of video would suggest minimal competitive advantage would be gained from in-person scouting and would be offset by the coach's diversion from other coaching responsibilities.

Points to Consider:

1. NCAA Division I Legislative Council did not support eliminating the scouting prohibition in its entirety, but instead preferred prohibiting live scouting in all sports, with exceptions for same site competition activities.
2. Intent of original legislation was cost savings. 3. Some sports may not have extensive videos for exchange.

Questions:

1. Do you support the concept of eliminating the regulations governing scouting of opponents in its entirety and allow institutions to decide when and whom to scout at its discretion? Why or why not?

Yes. As stated in the rationale, regulations governing scouting are not of national significance, and the widespread availability of video means that little competitive advantage is gained from in-person scouting.

2. Do you support modifying the rule to prohibit all live in-person scouting of opponents, while maintaining current exceptions (e.g., scouting future opponents participating in same site events)? Why or why not?

No, we prefer eliminating all regulations regarding scouting of opponents.

Concept No. 5: Eliminate coaching categories.

Rationale: The elimination of coaching categories is designed to simplify/deregulate the coaching limitations without compromising the principle of fair competition.

Points to Consider:

1. This change would maintain a specific number of countable coaches in each sport.
2. Undergraduate/graduate student coaches in all sports who meet certain academic-based criteria and strength and conditioning coaches [in sports other than Football Bowl Subdivision (FBS) football] would be exempt from limitations.
3. Eliminates the volunteer coach category.
4. Institutions should keep on file a list of countable coaches, but such a requirement would not be a national regulation. A conference, at its discretion, may request the list.
5. The issues related to noncoaching staff members in the sports of football and basketball continue to be discussed.

Questions:

1. Do you support this concept? Why or why not?

Yes.

2. Do you support excluding graduate assistant coaches as countable coaches in all sports, provided the graduate student is enrolled full time, in good academic standing and has no previous collegiate or professional coaching experience? Why or why not?

Yes. These positions provide educational and career advancing opportunities, particularly for former student-athletes.

- Does excluding all graduate assistant coaches as countable coaches equitably offset the four current graduate assistants permitted in FBS football? Should additional countable coaches be permitted in FBS?

Excluding graduate assistant coaches as countable coaches does equitably offset the four current graduate assistants in FBS football. Many FARs are of the view that no additional countable coaches should be permitted in FBS. However, a number of FARs favor deregulating this area altogether and to leave such decisions up to the institutions. One member of the 1A FAR Board commented, "I disagree with limiting the number of countable coaches. On the academic side, we believe that the smaller the teacher/student ratio the better the education. So why do we exalt competitive interests over SA interests here?"

3. Do you support the elimination of the volunteer coaching category? Why or why not?

No, it is in the interest of student-athletes to have more coaches available.

4. If the volunteer coaching category is eliminated, would you support sports that currently include a volunteer coach being permitted to employ one additional countable coach to offset the elimination? Why or why not?

The 1A FAR Board is split on this. Some FARs do not want any additional countable coaches because it would lead to more spending, while other FARs favor no limits on the number of countable coaches.

5. Should sports with multiple volunteer coaches be permitted to hire more than one additional countable coach? Why or why not?

The Board is split on this for the same reason as in 4 above.

6. Do you support establishing numbers of noncoaching staff members who may be involved in supporting football or basketball programs in any capacity? If not, please specify other, more effective ways (e.g., bench limitations) to control issues related to the proliferation of noncoaching staff members in football and basketball.

The Board is also split on this. Some FARs want limits as a way of controlling spending. However, other FARs do not believe in setting limits. They think managing the limits is too hard on compliance, and that there are other, better ways to get at numbers, for example setting limits on the staff who can be on the sidelines during games or traveling with the team.

7. Do you support establishing specific criteria for determining a countable coach as set forth in revised Bylaw 11.3.1 (control of employment and salaries)? Why or why not? [Note: This would eliminate current legislation related to temporary consultants and noncoaching staff members.]

The FARs that favor a limit on the number of countable coaches support this, but acknowledge that it will require monitoring by compliance staff.

- Is there concern that the recommended criteria will result in an increase in noncoaching staff members? Why or why not?

The FARs that favor a limit on the number of countable coaches have a concern that the recommended criteria will result in an increase in noncoaching staff members in basketball and football, and therefore recommend limitations on the numbers of noncoaching staff members who may be involved in these sports in any capacity.

8. Do you support maintaining the current number of strength and conditioning coaches in FBS (5)? Why or why not?

No. If limits in the number of strength and conditioning coaches compromises the safety of student-athletes in any way, then they are not acceptable. Additionally, the Bylaw will preclude educational internship opportunities for students. The criteria for employing a strength and conditioning coach should include an appropriate national sports performance certification.

Concept No. 6: Create additional regulations to prohibit the employment of coaches who remain employed in coaching prospective student-athletes who participate on nonscholastic teams/clubs.

Rationale: Limits opportunities for third party involvement in institutional athletics programs as well as eliminates unenforceable rules that require institutions to attempt to monitor recruiting conversations and conduct that occurs in the course of secondary employment.

Points to Consider:

1. The Legislative Council discussed potential resistance by coaches from being employed at local nonscholastic sports clubs (under current restrictions) while employed at a Division I institution.
2. Part-time coaches in nonrevenue sports have used the local sports club exception to supplement income.

Question:

- Do you support establishing a regulation that would prohibit an institution from employing coaches who remain employed in coaching prospective student-athletes who participate on nonscholastic teams/clubs? Why or why not?

Yes, but only in the sports of men's basketball and women's basketball and football. We do not see it as a problem in other sports, and such a regulation would limit the extra income some nonrevenue sport coaches need. One Board member preferred that the regulations apply to all sports.

Concept No. 7: Create additional regulations prohibiting the employment of individuals associated with prospective student-athletes in noncoaching categories in all sports.

Rationale: The proposal is designed to limit opportunities for third party involvement in the recruiting process. The current rule is applicable only in men's basketball, but it is likely that this trend has extended to other sports or will do so in the near future.

Points to Consider:

1. In men's basketball, the hiring abuses were more prevalent in noncoaching staff positions and, oftentimes, new positions are created on the staff for individuals associated with a prospective student-athlete.
2. May be difficult to apply in some sports due to the pool of potential employees.

Questions:

1. Do you support additional regulations prohibiting the employment of individuals associated with prospective student-athletes in noncoaching categories in all sports? Why or why not?

Yes.

2. Do you support additional regulations prohibiting the employment of individuals associated with prospective student-athletes in noncoaching categories in only certain sports? Why or why not?

Yes.

Concept No. 8: Eliminate the restrictions governing the number of off-campus recruiters at any one time (the baton rule).

Rationale: The rule was initially adopted as a cost containment measure, but there is no data, anecdotally or otherwise, that would suggest the rule has furthered its objective. Each institution should be responsible for establishing its own policies and procedures related to the off-campus recruitment of prospective student-athletes by authorized countable coaching staff members.

Points to Consider:

1. Not of national significance.
2. Presents enforcement challenges.
3. Would reduce unnecessary compliance monitoring.

Question:

- Do you support the concept of eliminating the restrictions governing the number of off-campus recruiters at any one time? Why or why not?

Yes. The number of off-campus recruiters at any one time should at the institution's discretion.