



Regional Rules

Transfers, Tampering and Trends



Regional Rules

One Time Transfer Exception

Although the rule is new to some sports, the one-time transfer exception has been around for a while.

- Tampering, however, is not new.
 - What is new to the world of tampering is the transfer portal and new methods of communicating with student-athletes.
 - This presentation will discuss trends in the tampering space and what to do if one of your student-athletes has been tampered with.



Bylaw 14.5.5.2.10 One-Time Transfer Exception

- (a) The student has not transferred previously from one four-year institution unless, in the previous transfer, the student-athlete received an exception per Bylaw 14.5.5.2.6 (discontinued/nonsponsored sport exception);
- (b) At the time of transfer to the certifying institution (see Bylaw 14.5.2), the student would have been academically eligible had he or she remained at the institution from which the student transferred, except that he or she is not required to have fulfilled the necessary percentage-of-degree requirements at the previous institution; and
- (c) The head coach of the certifying institution and the student shall certify that no athletics staff member or other representative of the institution's athletics interest communicated or made contact with the student-athlete, or any individual associated with the student (e.g., family member, scholastic or nonscholastic coach, advisor), directly or indirectly, without first obtaining authorization through the notification of transfer process (see Bylaw 13.1.1.3).
- (d) The student must provide written notification of transfer to the institution by the following dates:
 - (1) Fall and winter sports: May 1.
 - (2) Spring sports: July 1.



Impermissible Contact vs. Tampering

- ✓ In order to evaluate and determine if tampering occurred, **reporting is key.**
- ✓ Pursuant to Bylaw 13.1.1.3, any communication with an enrolled student-athlete is impermissible. Although communication is impermissible, not every instance rises to the level of tampering.
- ✓ Every case is fact specific.



Impermissible Contact vs. Tampering

13.1.1.3 Four-Year College Prospective Student-Athletes. An athletics staff member or other representative of the institution's athletics interests shall not make contact with the student-athlete of another NCAA Division I institution, directly or indirectly, without first obtaining authorization through the notification of transfer process. Before making contact, directly or indirectly, with a student-athlete of an NCAA Division II or Division III institution, or an NAIA four-year collegiate institution, an athletics staff member or other representative of the institution's athletics interests shall comply with the rule of the applicable division or the NAIA rule for making contact with a student-athlete. **[See Bylaw 19.1.2-(f).]** (Revised: 1/10/91, 1/16/93, 1/11/94, 4/26/01, 4/29/04 effective 8/1/04, 4/29/10 effective 8/1/10, 10/30/14, 8/8/18 effective 10/15/18)



Impermissible Contact vs. Tampering

19.1.2 Significant Breach of Conduct (Level II Violation). A significant breach of conduct is one or more violations that provide or are intended to provide more than a minimal but less than a substantial or extensive recruiting, competitive or other advantage; include more than a minimal but less than a substantial or extensive impermissible benefit; or involve conduct that may compromise the integrity of the NCAA Collegiate Model as set forth in the constitution and bylaws. Among other examples, the following may constitute a significant breach of conduct: (Adopted: 10/30/12 effective 8/1/13, Revised: 8/8/18 effective 10/15/18)

(f) A violation of Bylaw 13.1.1.3 (Four-Year College Prospective Student-Athletes) as it relates to contact with a student-athlete



Tampering: Factors to Consider

✓ Results of the tampering.

- Did the student-athlete transfer?

✓ Were there inducements and/or benefits involved?

- Type and amount of benefits.
- Recipient of benefits.

✓ Pre-existing relationship

- Former coaches contacting former student-athletes.
- Previous relationship.

✓ Timing and sequence of events

- When did the student-athlete put their name in the transfer portal?
- When and how did initial contact with the student-athlete occur?
- Duration of time in the transfer portal?

✓ Was the tampering a part of another or additional violation(s)?

- Compounding violations (eligibility status).



Tampering: Factors to Consider

✓ Frequency of impermissible contact

- Duration.

✓ Method and/or Avenue of Contact

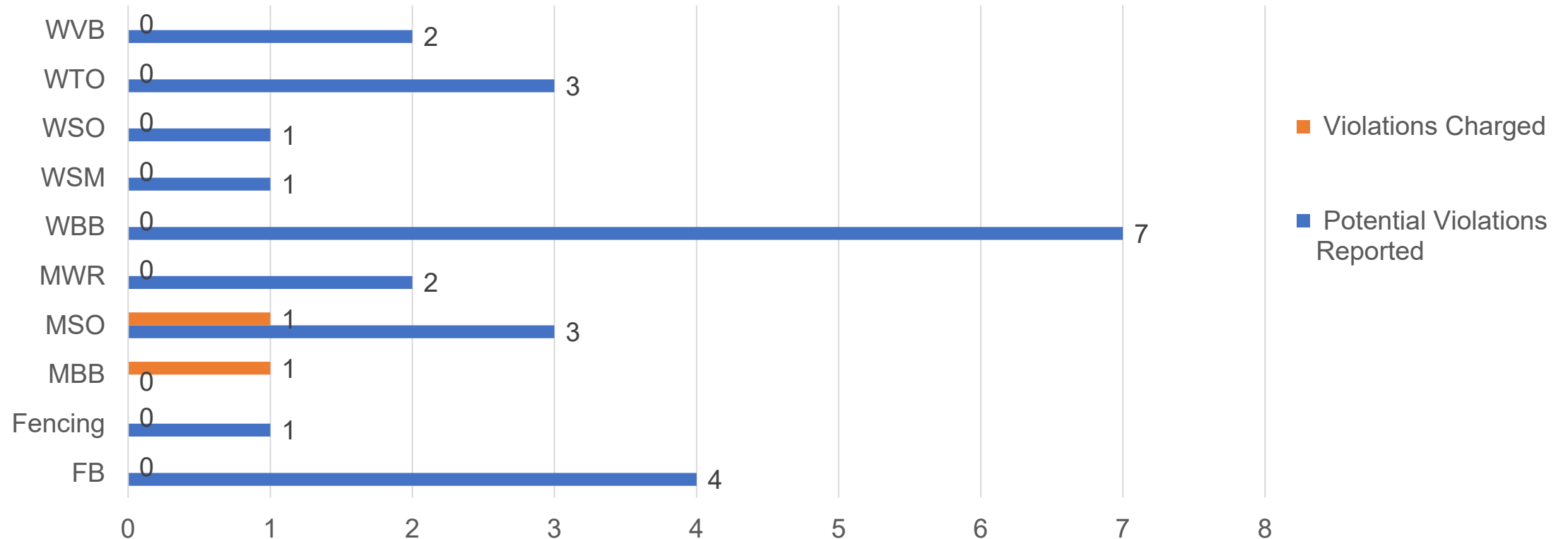
- Phone, text or social media.
- Communication apps (e.g., iMessage, Whats App, Telegram).
- In-person contact.

✓ Third party involvement

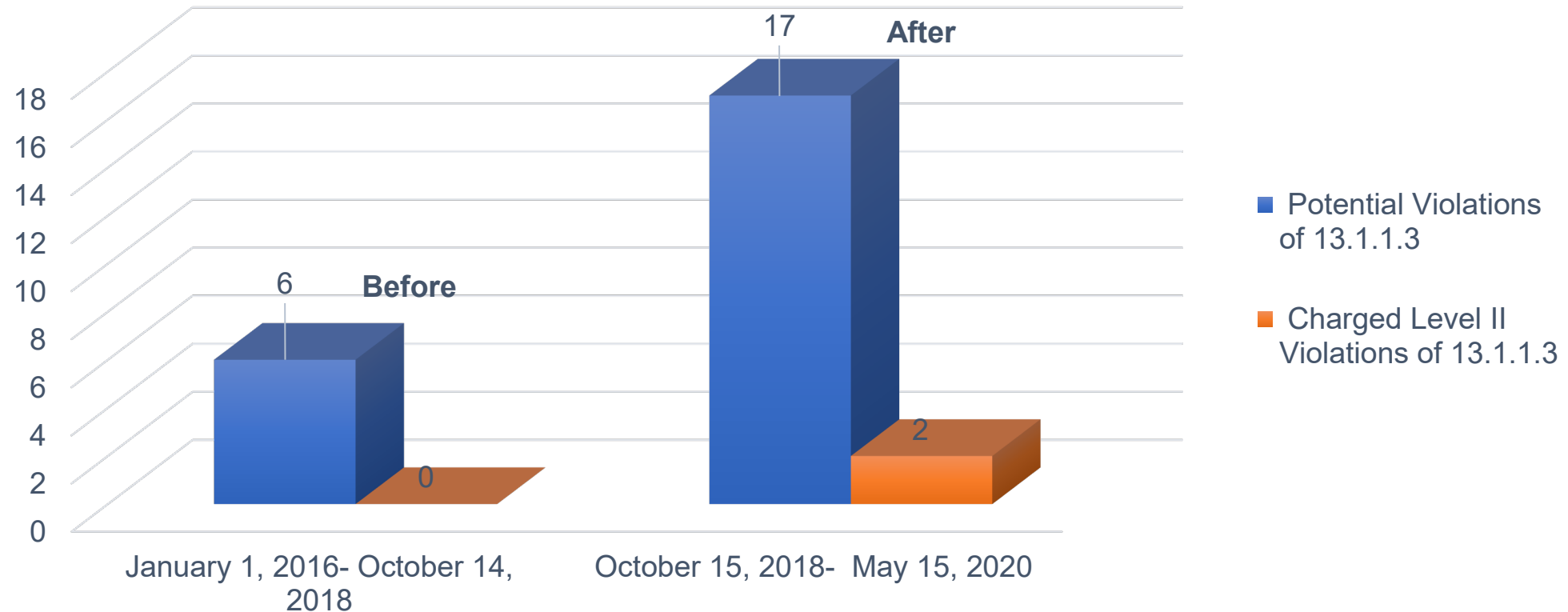
- At the direction of a NCAA coach or staff member.
- Club/nonscholastic coaches.
- Family members.
- Boosters, alumni, members of the community.



Potential and Charged Violations of Bylaw 13.1.1.3 by Sport - 2015-Current



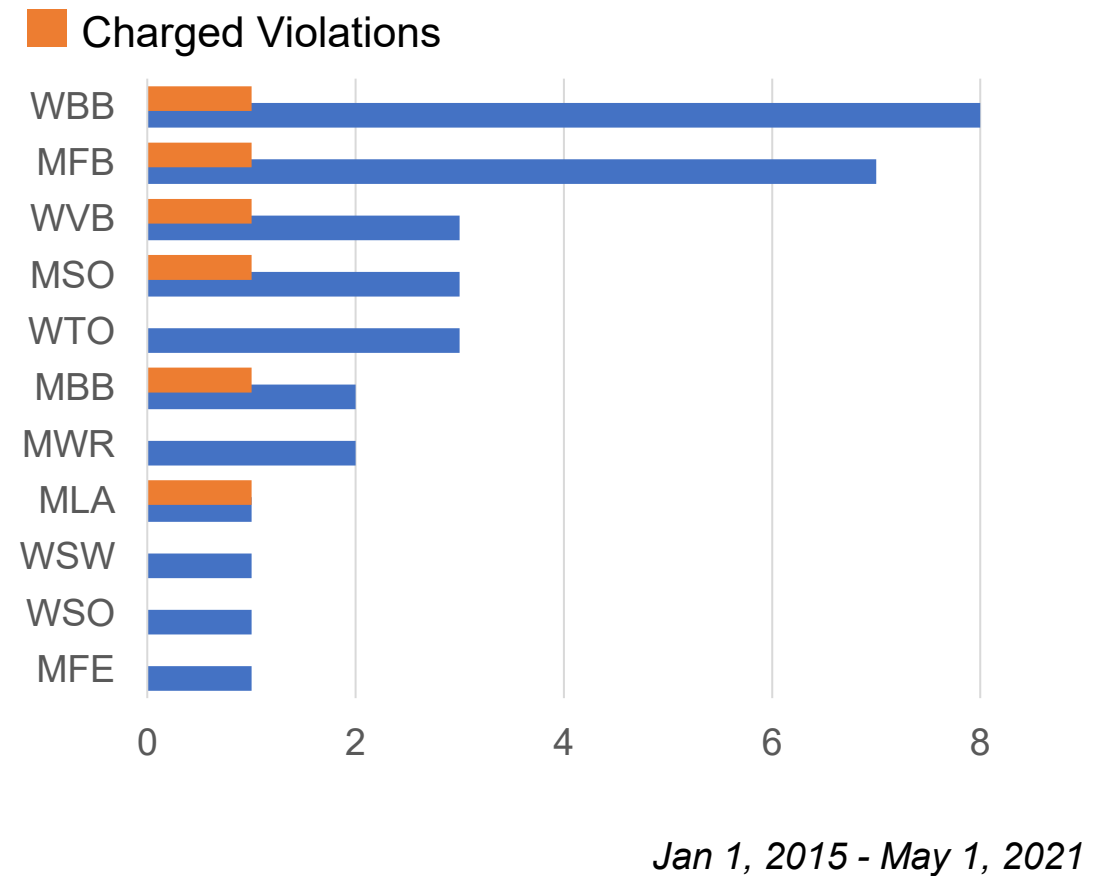
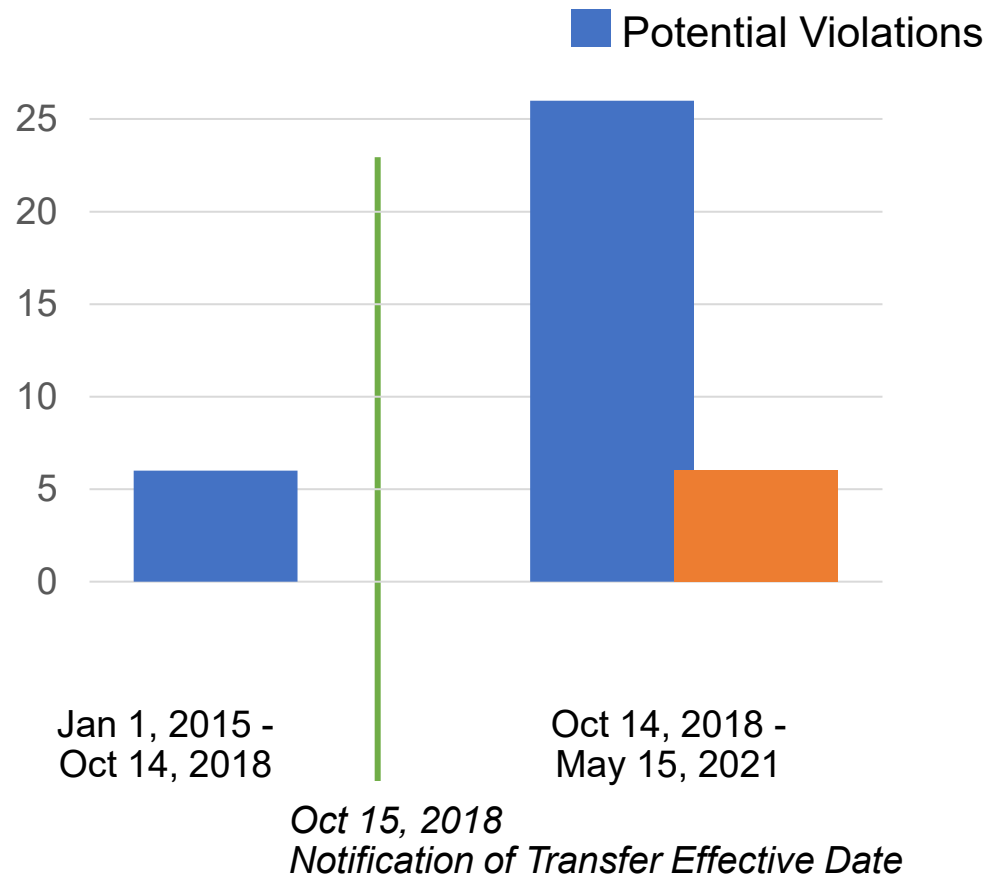
Potential and Charged Violations of Bylaw 13.1.1.3 Before and After Notification of Transfer Effective



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Potential and Charged Violations

Bylaw 13.1.1.3 – Transfer Tampering



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Recent Cases Involving Bylaw 13.1.1.3

- ✓ **St. Francis Brooklyn**, *December 2020*
- ✓ **University of Hartford**, *November 2020*
- ✓ **Charleston Southern University**, *October 2020*
- ✓ **UNC Greensboro**, *April 2020*
- ✓ **Seton Hall University**, *November 2019*



Recent Cases Involving Bylaw 13.1.1.3

Level III/secondary

From 2017 through 2021, approximately 295 cases processed as Level III/secondary:

- 2021: 31
- 2020: 75
- 2019: 72
- 2018: 61
- 2017: 56



The Importance of Reporting Tampering Violations

- ✓ Enforcement staff positioned to assess facts to determine appropriate level.
- ✓ No penalties can occur unless the enforcement staff knows.
- ✓ Appropriate penalties serving as a deterrent for future bad behavior.



The Importance of Reporting Tampering Violations

- ✓ Penalties for Level II tampering cases.
 - ✓ Case overview and associated penalties.
- ✓ Penalties for Level III tampering cases.
 - ✓ Spectrum from no further action up to suspension of involved staff member for one or more contests and significant recruiting restrictions regarding the involved prospective student-athlete.



Impermissible Contact

- Contacting an enrolled student-athlete at another institution is impermissible.
- Some coaches use “friendly conversation” to initiate contact with a student-athlete:
 - “Happy Birthday.”
 - “How is your Mom?”
 - “How is school?”
- The reason for the contact does not matter, it is still impermissible.



What to do if you suspect tampering

If you suspect tampering, here are useful pieces of information to collect to help the enforcement staff:

- Screenshots of social media/text messages.
- Knowledgeable questions from the student-athlete.
- Good documentation.
- Academic information.
- Ask about applications (whats app, signal, telegram) and when they were used.
- Timely reporting.



Ways impermissible contact is initiated

- Nonscholastic Coach
 - Student-athlete reaches out to nonscholastic coach who puts out “feelers” for the student-athlete.
 - If an NCAA coach is contacted by a nonscholastic coach, the NCAA coach must state that he/she cannot talk to either the nonscholastic coach or the student-athlete until he/she is in the NCAA transfer portal.
- High School Coach
 - Same as above.



Ways Impermissible Contact is Initiated

- Family
 - NCAA coaches reach out to family members of student-athletes to see if they are interested in transferring.
 - Sometimes, family members will also put out “feelers” to see if a school is interested.
- Family to Family
 - Family members of student-athletes from institution A will ask a parent of a student-athlete from institution B if that individual is interested in transferring.
 - Sometimes the exchange between family members is at the direction of an NCAA coach.



Ways Impermissible Contact is Initiated

- Trainers/handlers/agents
 - NCAA coaches reach out to trainers/handlers/agents to see if a student-athlete is interested in transferring.
 - Trainers/handlers/agents also reach out to NCAA coaches to see if they have a “spot” for a student-athlete.
- Student-Athletes
 - NCAA coaches reach out to a potential transfer via another student-athlete.
 - The contact is often through social media.



Ways Impermissible Contact is Initiated

- NCAA coaches
 - NCAA coaches hear a “rumor” that a student-athlete is interested in transferring.
 - NCAA coaches reach out directly to that student-athlete using a noninstitutional phone and/or self-destructing messaging apps.
- Noncoaching staff members
 - Noncoaching staff members who have involvement in recruiting also reach out to a student-athlete to see if he/she is interested in transferring.
 - They developed a relationship with that student-athlete during his or her initial recruitment.



Questions?



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Reminders

- Complete the session survey.
 - In Agenda tab, select this session.
 - Click the survey link and answer the three questions.
 - Click Submit at the bottom of the survey.
 - Done!
- Join the conversation on social media using the #compliancecamp hashtag.

