

Educational Column - 1 Educational Column

Title:

Foreign Tours (I)

Item Ref: 1

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Educational Column:

The following questions and answers are intended to assist the membership in applying NCAA Division I legislation as it relates to foreign tours.

Eligibility and Participation

Question No. 1: May a student-athlete participate in a foreign tour during the summer immediately after exhausting eligibility?

Answer No. 1: Yes, provided the student-athlete was eligible for intercollegiate competition during the previous academic year and has not professionalized himself/herself.

Question No. 2: May a continuing student-athlete who was not enrolled at the institution during the previous academic year participate on the institution's foreign tour during the following summer?

Answer No. 2: Yes, provided the student-athlete was eligible for intercollegiate athletics in his or her most recent academic year of enrollment at the certifying institution.

For example, a student-athlete who was on an official religious mission during the 2015-16 academic year may participate on the institution's foreign tour during summer 2016, provided he or she was eligible during his or her most recent academic year of enrollment at the institution.

Question No. 3: May a student-athlete participate in a foreign tour that occurs during the summer immediately following an academic year in which the student-athlete was ineligible during one term?

Answer No. 3: Yes. A student-athlete who is eligible for any term during the previous academic year at the certifying institution is eligible to compete in the institution's foreign tour taken during the summer immediately following the same academic year.

For example, if a student-athlete is eligible during the fall 2015 term at the certifying institution, but not eligible during the spring 2016 term, the student-athlete would be eligible to compete in the institution's foreign tour that occurs summer 2016.

Question No. 4: May a midyear transfer who is ineligible for competition at the certifying institution participate in the institution's foreign tour that occurs during the summer of the student-athlete's year in residence?

Answer No. 4: No. A midyear enrollee serving a year of residence is not eligible for the institution's foreign tour that occurs in the summer inasmuch as the student-athlete was neither eligible at the certifying institution during the previous academic year nor eligible for competition for the fall term following the foreign tour. This analysis would apply even if the student-athlete was ineligible due to a conference rule.

Question No. 5: May a student-athlete depart for an institution's foreign tour prior to all of the student-athlete's final grades posting for the summer term preceding the foreign tour?

Answer No. 5: Yes. It is not necessary that all of the student-athletes' grades be posted, provided the institution can certify that the student-athlete will be academically eligible for the fall term immediately following the summer foreign tour (e.g., meets all progress-toward-degree-requirements) based on the grades that are posted.

Question No. 6: May a student-athlete who is eligible during the fall term but not eligible during the spring term of the same academic year represent the institution in a foreign tour during the spring term?

Answer No. 6: No. Since the student-athlete is not eligible to represent the institution in any intercollegiate competition during the spring term, he or she is not eligible for a foreign tour that occurs during that term.

Question No. 7: How does the "prohibition prior to the championship segment" legislation apply to sports in which separate dates are specified for the first permissible date of practice and the first permissible date of competition for the championship segment?

Answer No. 7: An institution may not engage in a foreign tour during the following period: 30 days prior to the first date of practice or until the first date of competition or contest in the championship segment. This prohibition includes travel days. The intent of this legislation is to prohibit teams from gaining additional preseason practice time by scheduling a foreign tour prior to the championship segment.

Question No. 8: How does the "prohibition prior to the championship segment" legislation apply to sports in which the same date is specified for the first permissible date of practice and first permissible date of competition?

Answer No. 8: An institution may not engage in a foreign tour for a period of 30 days prior to the first day of the institution's declared playing and practice season.

Question No. 9: If an institution participates in an event that meets the legislation to be a qualifying regular season multiple-team event, would the team's participation in the event also count as its once-every-four years in-season foreign competition?

Answer No. 9: No. Further, participation in either a permissible qualifying regular season multiple team event or an in-season foreign competition does not preclude an institution from participating in an institutionally certified foreign tour once in four years, provided all other elements of the foreign tour legislation are met.

Question No. 10: In basketball, is a graduate transfer student-athlete required to satisfy the first prong of the basketball exception for foreign tour eligibility of incoming student-athletes by earning three hours of acceptable degree credit during the summer term prior to participating in a foreign tour and practice for the tour?

Answer No. 10: No. The graduate transfer student-athlete must only have graduated from the previous institution, have evidenced his or her commitment to applicant institution, have been accepted for enrollment in a graduate program at applicant institution, and have satisfied the second prong of the exception requiring the student-athlete to be eligible to represent the institution in intercollegiate athletics during the academic year following the tour.

The graduate transfer student-athlete may evidence his or her commitment to applicant institution by signing an institution's written offer of admission and/or financial aid or by submitting a financial aid deposit in response to the institution's offer of admission.

Question No. 11: May a transfer student-athlete in basketball participate in more than one institutional foreign tour?

Answer No. 11: A student-athlete may not participate in more than one foreign tour for a specific institution; however, the student-athlete is not precluded from participating in a foreign tour for a second institution as long as he or she meets all of the other applicable eligibility requirements for the tour.

Practices

Question No. 12: May a student-athlete, who is serving a year of residence or is otherwise ineligible to compete in the foreign tour, participate in practices associated with the foreign tour?

Answer No. 12: No, such a student-athlete is not eligible for practice associated with the foreign tour because he or she is not eligible to participate in the tour.

Question No. 13: May an ineligible student-athlete observe practice for the institution's foreign tour?

Answer No. 13: Yes, provided the practices are open to the general public and the student-athlete does not participate in any team activities.

Question No. 14: Are student-athletes participating in permissible practice activities prior to a foreign tour subject to countable athletically related activities limitations (i.e., four hours/day, 20 hours/ week, required day off)?

Answer No. 14: No. There are no daily or weekly hour limitations when student-athletes are participating during the 10 days of practice in preparation for competition in the foreign tour, provided the day occurs during an institutional vacation period.

Question No. 15: May an institution publicize practices associated with a foreign tour?

Answer No. 15: Yes.

Outside-Team Tours

Question No. 16: May a student-athlete serving a year of residence participate on an outside-team foreign tour if he or she is ineligible to compete on an institution's foreign tour?

Answer No. 16: Yes. A student-athlete serving a year of residence at an institution may participate in an outside team tour regardless of whether he or she meets the eligibility requirements to participate in an institution's foreign tour, provided the number of student-athletes participating on the outside team from the same member institution does not exceed the limitations set forth in the outside-team tours legislation. If the number of student-athletes participating on the outside team tour is more than the limitations in the outside-team tours legislation, the outside-team tour must be certified by the institution and the student-athletes must meet eligibility requirements as noted in the legislation.

Question No. 17: May an institution's coach be a coach of an outside team participating in a foreign tour that includes student-athletes from the institution's roster?

Answer No. 17: Yes.

Question No. 18: May an institution's noncoaching staff member with sport-specific responsibilities participate in an outside foreign tour as a noncoaching staff member for a team that includes current student-athletes from the institution?

Answer No. 18: Yes; however, the noncoaching staff member with sport-specific responsibilities may not participate in coaching activities and may not participate with or observing student-athletes in the staff member's sport who are engaged in nonorganized voluntary athletically related activities.

Expenses

Question No. 19: May an outside sponsor provide expenses to a student-athlete participating in an outside foreign tour?

Answer No. 19: Yes. An outside sponsor may provide actual and necessary expenses for a student-athlete to participate in outside competition, as long as the outside sponsor is not an agent, representative of the institution's athletics interests, or a professional sports organization.

Question No. 20: May an institution or booster be involved in fundraising for a student-athlete participating in an outside tour?

Answer No. 20: No. Neither an institution nor a booster may have any involvement in fundraising for a student-athlete or outside team foreign tour. In addition, neither may arrange for a student-athlete's financial sponsorship from an outside source because it would trigger extra benefit legislation. However, it is permissible for a representative of the institution's athletics interests to donate to an outside team, provided the representative acts independently of the institution, the funds are distributed through channels established by the organization conducting the fundraising activity and the funds are not earmarked directly for a specific student-athlete.

Question No. 21: For outside-team tours, may an outside sponsor provide a student-athlete expenses through fundraising activities that are made on behalf of or earmarked for the student-athlete?

Answer No. 21: Yes. An outside sponsor may provide a student-athlete, who is a member of a team or who participates in a sport as an individual, actual and necessary expenses for competition and practice held in preparation for that competition, provided the sponsor is not an agent or representative of an institution's athletics interests.

Question No. 22: May an institution provide a student-athlete expenses to return home or to a destination other than campus at the conclusion of a foreign tour?

Answer No. 22: Yes. An institution may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition, including travel expenses incidental to practice or competition. This provides member institutions flexibility when determining which travel expenses may be reasonably considered incidental to practice or competition, including expenses for student-athletes who do not travel with the team to or from competition during vacations periods (e.g., travel from the competition site to home prior to returning to campus) and travel to the institution for purposes of engaging in required practice activities after the student-athlete's initial arrival on campus for the academic year.

Question No. 23: May an institution provide entertainment to eligible student-athletes, who will be participating on the foreign tour while on campus for practices for the foreign tour and during the foreign tour?

Question No. 23: Yes. For purposes of entertainment in conjunction with practice in preparation for the foreign tour competition, the foreign tour is considered "in season." Therefore, it is permissible to provide entertainment to student-athletes prior to the foreign tour (while on-campus) and during the foreign tour.

Question No. 24: May a student-athlete be involved in institutional fundraising activities for the institution's foreign tour?

Answer No. 24: Yes. An institution or recognized entity of the institution, conference, or noninstitutional charitable, educational or nonprofit agency may use a student-athlete's name, picture of appearance to support its charitable or educational activities or to support activities considered incidental to the student-athlete's participation in intercollegiate athletics, provided the conditions for permissible promotional activities for institutional, charitable, education or nonprofit promotions legislation are met.

Question No. 25: May an institution pay to acquire copies of a student-athlete's birth certificate or visa, provided the birth certificates and visas are credentials required for travel in connection with a foreign tour?

Answer No. 25: Yes.

Question No. 26: May an institution purchase passports for incoming student-athletes who are required for travel with a foreign tour?

Answer No. 26: Yes; however, ideally the incoming or prospective-student athlete would pay for the passport, and once he or she triggers student-athlete status, the institution would reimburse the student-athlete. If the institution pays up front for the incoming student's passport, it risks a violation if the incoming student never enrolls or is deemed ineligible for the foreign tour.

Question No. 27: May an institution purchase passports for continuing student-athletes who are required for travel with a foreign tour?

Answer No. 27: Yes. An institution may purchase passports for its student-athletes who are required for travel in connection with a foreign tour, and student-athletes may retain ownership of such passports. The institution also may provide student-athletes with reasonable local transportation to obtain such passports.

[References: Bylaws 11.7.1.1 (countable coach), 11.7.3 (noncoaching staff member with sport-specific responsibilities), 12.02.1 (agent), 12.1.2.1.4.3 (expenses from an outside sponsor), 12.3.1.2 (benefits from prospective agents), 15.01.6.1 (student assistance funds), 16.02.3 (extra benefit), 16.5.2 (permissible -- housing and meals), 16.7 (entertainment in conjunction with practice or competition), 16.8.1 (permissible -- expenses for practice and competition), 16.8.1.2 (other competition), 16.9.1 (permissible travel expenses not related to practice or competition), 16.11.1.8 (student assistance funds), 17.1.7.1 (daily and weekly hour limitations -- playing season), 17.1.7.2.1.5.1 (basketball), 17.1.7.2.2 (skill instruction -- sports other than baseball and football), 17.1.7.3.6 (vacation periods and between terms), 17.3.5.1.1 (qualifying regular-season multiple-team event), 17.3.5.1.2 (in-season foreign competition), 17.3.8.3 (involvement of coaching staff), 17.29 (foreign tours), 17.29.1.2.2 (prohibition prior to championship segment), 17.29.1.3 (time lapse between tours), 17.29.1.4.1.1 (exception -- basketball), 17.29.1.4.1.1.1 (exception for practice prior to departure -- basketball), 17.29.1.5 (practice limitation), 17.29.1.10 (passports), 17.29.2 (outside-team tours), 17.31.4 (exceptions -- basketball), staff interpretation (12/12/2014, Item No. a), staff interpretation (8/22/2014, Item No. a), staff interpretation (5/15/2014, Item No. c), staff interpretation (2/28/2014, Item No. d), staff interpretation (9/27/2013, Item No. d), staff interpretation (1/28/2011, Item No. a), staff interpretation (8/11/1995, Item No. c)]

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.

References

Legislative References		
Div.	Number	Title
I	12.3.1.2	Representation for Future Negotiations.
I	17.31.4	Exceptions -- Basketball.
I	17.1.7.1	Daily and Weekly Hour Limitations -- Playing Season.
I	17.1.7.3.6	Vacation Periods and Between Terms.
I	17.29.2	Outside-Team Tours.
I	17.3.5.1.2	In-Season Foreign Competition.
I	17.29.1.5	Practice Limitation.
I	17.29	Foreign Tours.
I	16.11.1.8	Student Assistance Fund.
I	17.29.1.10	Passports.
I	17.3.8.3	Involvement of Coaching Staff.
I	17.1.7.2.2	Skill Instruction -- Sports Other Than Baseball and Football.
I	17.29.1.2.2	Prohibition Prior to Championship Segment.
I	17.29.1.4.1.1	Exception -- Basketball.
I	17.29.1.4.1.1.1	Exception for Practice Prior to Departure -- Basketball.
I	17.29.1.3	Time Lapse Between Tours.
I	17.3.5.1.1	Qualifying Regular-Season Multiple-Team Event.
I	12.02.1	Agent.
I	15.01.6.1	Student Assistance Fund.
I	16.8.1	Permissible.
I	16.9.1	Permissible Travel Expenses Not Related to Practice or Competition.
I	16.8.1.2	Other Competition.
I	12.1.2.1.4.3	Expenses from an Outside Sponsor.
I	16.7	Entertainment in Conjunction with Practice or Competition.
I	16.02.3	Extra Benefit.
I	17.1.7.2.1.5.1	Basketball.
I	11.7.3	Noncoaching Staff Member with Sport-Specific Responsibilities.
I	16.5.2	Permissible.

Other
References Educational Columns: 7
Educational Columns: 0
Proposals: 0