

Educational Column - 1 Educational Column

Title:

Electronic Transmissions, Social Media Platforms and Recruiting (II)

Item Ref: 1

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NCAA Division II member institutions are reminded that an athletics department staff member's personal website or social media profile [or personal page on any site (e.g., Twitter, tumblr, Facebook, Google+, Pinterest, Instagram, LinkedIn)] may include information related to the institution's athletics program, subject to the same restrictions applicable to an institution's athletics website. Accordingly, a personal site may contain information pertaining to the institution's athletics program (e.g., game scores, season updates, facility updates, information regarding the coaching staff or current or former student-athletes). However, it is not permissible to include information about or directed toward a specific prospective student-athlete. Institutions should note that the legislation governing publicity, correspondence and electronic transmissions is also applicable to an athletics department staff member's personal website. For example, a member institution or athletics department staff member may not comment publicly about a prospective student-athlete, other than to confirm recruitment, before the prospective student-athlete has signed a National Letter of Intent (NLI) or an institution's written offer of admission and/or financial aid. The institution is also precluded from commenting in any manner as to the likelihood that a prospective student-athlete will sign with that institution and may not publicize (or arrange for the publicity of) a prospective student-athlete's visit to campus, including any camp or clinic held on the institution's campus, before the prospective student-athlete has signed a NLI, the institution's written offer of admission and/or financial aid.

Finally, institutions should note there are no limits on the mode of electronically transmitted correspondence (e.g., email, facsimile, instant message, text message, SnapChat, etc.) that may be sent to a prospective student-athlete once an institution is permitted to send such correspondence, provided the correspondence is sent directly to the prospective student-athlete (or his or her parents or legal guardians) and is private between the sender and recipient. Once a prospective student-athlete signs a NLI or an institution's written offer of admission and/or financial aid, the institution may communicate publicly with that prospective student-athlete.

The following questions and answers are designed to assist the Division II membership with the application of the legislation governing use of social media.

Question No. 1: May a coach or other institutional staff member and a prospective student-athlete connect via social media (e.g., "friend" each other on Facebook, "follow" each other on Twitter) prior to the first permissible date to provide recruiting materials?

Answer: Yes, provided the only communication to the prospective student-athlete is an electronic notification automatically generated by the social media platform (e.g., the platform notifies a prospective student-athlete that he or she has received a friend request) and the coach or other institutional staff member does not include any additional language in either the request or the reply. Once connected, all limitations governing recruiting correspondence, electronic communication and publicity remain in effect until the prospective student-athlete has signed a NLI or the institution's written offer of admission and/or financial aid.

Question No. 2: May a coach or other athletics department staff members communicate publicly with or about a prospective student-athlete on a social media platform?

Answer: A coach or other athletics department staff member may not communicate publicly with a prospective student-athlete until the prospective student-athlete has signed a NLI or the institution's written offer of admission and/or financial aid. Prior to that time, public communication with or about a prospective student-athlete is contrary to the publicity legislation. Further, a coach or other athletics department staff member may not publicly reference the name, nickname or other personally identifiable information (e.g., address, Twitter handle) of a prospective student-athlete, other than to confirm recruitment of the prospective student-athlete, nor may a coach or athletics department staff member forward or republish identifiable information generated by a prospective student-athlete (e.g., "retweet").

Question No. 3: May a current student-athlete and a prospective student-athlete connect and communicate via a social media platform at any time and publicly communicate with or about a prospective student-athlete?

Answer: Yes, provided the communication does not occur at the direction of a coach or other athletics department staff member and the communication does not relate to the prospective student-athlete's recruitment (e.g., a student-athlete may not publicly comment on a prospective student-athlete's verbal commitment, a student-athlete may not post any information that would publicize a prospective student-athlete's visit to campus), including information that was initially generated by the prospective student-athlete (e.g., "retweet").

Question No. 4: Are there limits on the content of private electronic communications?

Answer: There are no restrictions on the content (e.g., animation, audio or video clips), but no cost can be associated with accessing any of the content.

Question No. 5: May a coach or other athletics department staff member connect and communicate publicly with a prospective student-athlete's coach or team via a social media platform?

Answer: Although it is permissible to connect and communicate with a prospective student-athlete's coach via private electronic communication at any time after the first permissible date for electronically transmitted correspondence to the prospective student-athlete, coaches and other athletics department staff members are not permitted to make any public comment that relates to a prospective student-athlete prior to the prospective student-athlete signing a NLI or an institution's written offer of admission and/or financial aid.

Question No. 6: May a coach send a generic good luck or congratulatory message which mentions a specific high school on social media (e.g., a tweet on Twitter or a Facebook wall post that states, "Good luck, City High School, during the 2013 soccer season!")?

Answer: Yes, as long as no specific prospective student-athlete is identified prior to the prospective student-athlete signing a NLI or an institution's written offer of admission and/or financial aid.

Question No. 7: If an athletics department staff member's son or daughter is a prospective student-athlete, is it permissible for the staff member to send a good luck or congratulatory message in which the son or daughter's high school or team is mentioned (e.g., "Congrats to my daughter, Suzie, and the Central High volleyball team on winning the conference tournament this weekend!")?

Answer: Yes; however, the staff member is not permitted to comment specifically on any other prospective student-athlete on the team unless the prospective student-athlete has signed a NLI or the institution's written offer of admission and/or financial aid.

Question No. 8: Is it permissible for the staff member to send a good luck or congratulatory message mentioning a high school coach's name (e.g., "Congrats, Coach Smith, on your 400th career victory! Proud of you, my friend.")?

Answer: Yes, as long as no specific prospective student-athlete is identified prior to the prospective student-athlete signing a NLI or an institution's written offer of admission and/or financial aid.

Question No. 9: May an athletics department staff member post a tweet commenting on a particular facility used by prospective student-athletes (e.g. "Great ballgame at Township High School. One of the best high school baseball fields in the country!")?

Answer: Yes, as long as no specific prospective student-athlete is identified prior to the prospective student-athlete signing a NLI or an institution's written offer of admission and/or financial aid.

Question No. 10: May an institutional staff member post an individual photograph of a prospective student-athlete taken during a camp or clinic on the institution's campus to the staff member's microblog, personal website, institutional website, social networking or other social media site?

Answer: Although it is permissible for a picture of a prospective student-athlete taken while visiting the institution's campus, including attendance at any camp or clinic held on the institution's campus, to be used in permissible publicity and promotional materials such as press releases, media guides or camp brochures, an individual or "staged" photograph of a prospective student-athlete cannot be posted to any of the above platforms prior to the prospective student-athlete signing a NLI, an institution's written offer of admission and/or financial aid or receipt of his or her financial deposit in response to the institution's offer of admission.

[References: NCAA Division II Bylaws 13.4.5 (electronic transmissions), 13.4.5.1 (electronic transmissions after national letter of intent signing or other written commitment), 13.10.2 (comments prior to signing), 13.10.4 (prospective student-athlete's visit), and 13.10.6 (photograph of prospective student-athlete); and staff interpretation (12/16/13, 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.

References

Legislative References			Other
Div.	Number	Title	References Educational Columns: <u>1</u>
II	13.10.2	Comments Prior to Signing.	Educational Columns: 0
II	13.10.6	Photograph of Prospective Student-Athlete.	Proposals: 0
II	13.4.5	Electronic Transmissions.	
II	13.4.5.1	Electronic Transmissions After National Letter of Intent Signing or Other Written Commitment.	