

COLORADO ATHLETICS COMPLIANCE

Monthly Compliance Meeting
November 13, 2008

PROTECT
YOUR  *TEAM*

This Month:

- Announcements from Jo
- Announcements from HAC
- Review of Employment Legislation
- Marketing and Promotions Legislation
- Obligation to Report NCAA/Big 12 Violations & How to Report A Violation
- Compliance Quote of the Month
- Big 12 Rules Quiz

Jo's Announcements

- NLI Signing Period: Ends 11/19. Please remember to forward original signed copies to the Compliance Office ASAP!
- Official Visits: Please be specific!
- Roster Meetings – Email today, 1st come, 1st served for timeslots.
- Updated FORMS!!
- Please remember- USE your Compliance Playbook

Announcements from the HAC



**COLORADO ATHLETICS
COMPLIANCE**

Employment

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Employment

12.4.1 Criteria Governing Compensation to Student-Athletes.

Compensation may be paid to a student-athlete:

- (a) Only for work actually performed; &
- (b) At a rate commensurate with the “going rate” in that locality for similar services.

12.4.1.1 Athletics Reputation.

Such compensation may not include any remuneration for value or utility that the student-athlete may have for the employer because of the publicity, reputation, fame or personal following that he/she has obtained because of athletics ability.

Employment – Fee-for-Lesson

12.4.2.1 Fee-for-Lesson Instruction.

A SA may receive compensation for teaching or coaching sport skills or techniques in his or her sport (**except in the sport of golf**) on a fee-for-lesson basis, provided:

- (a) Institutional facilities are not used;
- (b) Playing lessons shall not be permitted;
- (c) The institution obtains and keeps on file documentation of the recipient of the lesson(s) and the fee for the lesson(s) provided during any time of the year; and
- (d) The compensation is paid by the lesson recipient (or the recipient's family) and not another individual or entity.
- (e) Instruction to each individual is comparable to the instruction that would be provided during a private lesson when the instruction involves more than one individual at a time.
- (f) The SA does not use his or her name, picture or appearance to promote or advertise the availability of fee-for-lesson sessions.

Employment – Camp and Clinics

12.4.3 Camp/Clinic Employment, General Rule.

A SA may be employed by his/her institution, by another institution, or by a private organization to work in a camp or clinic as a counselor, unless otherwise restricted by NCAA legislation (see Bylaw 13.12 for regulations relating to camps and clinics).

Out-of-season playing and practice limitations may restrict the number of players from the same institution who may be employed in that institution's camp (see the specific sport in Bylaw 17 for these employment restrictions and Bylaw 13.12).

Employment – Self Employment

12.4.4 Self-Employment.

A SA may establish his or her own business, provided the SA's name, photograph, appearance or athletics reputation are not used to promote the business.

Employment – Case Study #1

Men's Basketball

Facts:

During the summer of 2007, the head men's basketball coach paid a men's basketball (SA) in excess of the going rate for the services that he performed. Specifically, in June 2007, the SA worked eight hours at the coach's home. The SA was paid \$160 (\$20 hourly rate), which was commensurate with the work that he performed. In July 2007, the SA again worked for the coach at his home. On this occasion, however, the SA worked 2-3 hours and was paid \$200 (\$70-100 hourly rate), which was not commensurate with the work the SA previously had performed. The coach paid the SA \$200 on this occasion based on what he had previously been charged by a professional company for the same job.

Institution Action:

Institution has withheld SA from the first five regularly scheduled contests (17 percent) of 2007-08 season and required SA to donate \$200 to a charity of his choice. A letter of reprimand was issued to head coach. Head coach will not be permitted to recruit off campus for the entire summer 2008 evaluation period. Additionally, head coach will not employ any SA without consent of director of athletics. Head coach was notified that discovery of future violations could result in termination.

Eligibility Action:

STAFF: Eligibility reinstated based on institutional action requiring repayment of impermissible money earned (\$200) and withholding SA from the first five regularly scheduled contests of 2007-08 season. Please note institutional action requiring withholding was beyond what the NCAA staff would have imposed.

Employment – Case Study #2

Women's Soccer

Facts:

Four women's soccer (SAs) impermissibly used the institution's facilities to provide fee-for-lesson instruction and failed to submit documentation for the lessons. Specifically, SAs gave fee-for-lessons using the intramural fields, which they believed to be considered public use, with SA No. 1 earning \$220, SA No. 2 earning \$650, SA No. 3 earning \$160 and SA No. 4 earning \$350. Head soccer coach noted he and his staff knew it was impermissible for SAs to use competition and practice fields to give private lessons, but believed the intramural fields were open to public use and thus permissible fields. Violation was discovered when an assistant women's soccer coach in a conversation with the team's sport administrator mentioned she had seen some SAs giving fee-for-lessons on the intramural fields.

Institution Action:

The institution declared five SAs ineligible. Upon verification that each made a charitable contribution of the respective amounts, their eligibility was reinstated. The institution declared the other five SAs ineligible and successfully petitioned the NCAA for their reinstatement with the condition that each make a contribution for their respective amount. Letter of admonishment were issued to the two head soccer coaches. The compliance office will place greater emphasis on the requirements of fee-for-lesson legislation.

Eligibility Action:

STAFF: Eligibility reinstated based on institutional action requiring SAs make a donation to charity of their choice in the amount of fee-for-lesson instruction

Employment – Case Study #3

Men's Track, Outdoor

Women's Track, Outdoor

Facts:

Two track student-athletes (SAs) **produced and distributed flyers advertising their services** to provide lessons on a fee-for-lesson basis. SAs had previously received rules education related to applicable legislation but forgot about the rules prohibiting such conduct until they received an institutionally produced compliance newsletter reminding them of the rules. SAs self-reported their violation to institution's compliance office. Prior to the discovery of the violation, SAs had not yet been paid for nor had they been provided any lessons.

Institution Action:

The compliance office has reviewed the applicable legislation with the two track and field SAs. Furthermore, the SAs are required to refer anyone who calls for their services to another involved SA.

Eligibility Action:

STAFF: Eligibility reinstated.

Employment – Case Study #4

Men's Track, Outdoor

Facts:

Current SA used his name and photograph to promote his own business.

The SA was meeting with the director of compliance as he had a question about the status of his request for a medical hardship waiver. During the conversation, he noted that he had established his own business during the previous semester. The director asked him if he used his name or image to promote his company. The SA showed the director his company web site. The director reviewed the site and noted he fact he did use his image and name.

Institution Action:

The institution believes this was an inadvertent violation on the part of the SA. The SA has since removed his name and image from the company web site.

CU Reminders

- All SA should complete an *Employment Form* PRIOR to performing any work. This will help in the prevention of any violations/gray areas.
- Even if the SA has an unpaid position/internship, they should submit an employment form.
- Employment forms must be filled out every year. (Aug-July) Wages or frequency of hours may vary year to year.
- Coach signs off on employment form during academic year.
- When employment is arranged by athletics department staff members, be aware it will be under a higher level of scrutiny, as that was brought up in our most recent audit.
- If you hear about a SA working, please let us know; You are our eyes and ears!

COLORADO ATHLETICS COMPLIANCE

Marketing & Promotions

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Involvement with Professional Sports Teams

Question

- The Colorado 14ers want to purchase advertising in our game program and basketball yearbook.
- Is this permissible?



Professional Teams

- Yes!
- General Rule: NCAA Bylaw 12.01.2
 - The University must maintain “a clear line of demarcation between college athletics and professional sports.”
- However...

Professional Teams

- Promotions
 - The 14ers may **not** serve as a sponsor of a college competition.
 - May purchase advertising space in our arenas, and may set up a booth in our arena to promote the professional team.
- Donations
 - May **not** donate to CU athletics department (12.6.1.4), only to the University of Colorado's general fund.
 - May purchase advertising space in our media guides.
 - We may host a professional game as a fundraiser.
- Facility Rental
 - May rent our facilities.

Question

- CU and the Denver Broncos run a promotion in which if you buy a ticket to the Broncos game you get a ½ price ticket to a CU football game.
- Permissible?



Professional Teams

- No!
- Dual Ticket Packages Are Impermissible
 - We may **not** offer a combined ticket package with a professional team.
- Reciprocal Marketing Agreements Are Permissible: NCAA Bylaw 12.6.1.4-(c)
 - Institutions may receive funds from professional sports teams as a result of a reciprocal marketing relationship promoting any sport except men's basketball and football.



Involvement with High Schools

Question

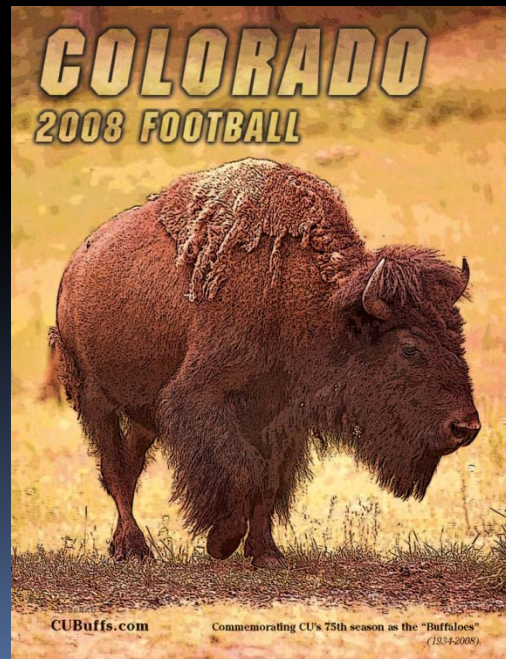
- May Fairview High School's choir sing the National Anthem at one of our basketball games?

Involvement with High Schools

- Yes!
- A HS group (e.g., cheerleaders, pep band) may perform at one of our contests. Same thing with a HS student singing the National Anthem.
- The HS group may be recognized on the video board while performing at our contest.


Question

- May we send team posters and schedule cards to high schools and club programs?



Involvement with High Schools

- **NO!**
- NCAA recruiting rules from being sent to HS & club programs (no team posters, no schedule cards, no flyers of team schedules)
- However, promotional items such as team posters and schedule cards may be placed on tables at CU athletic facilities where anybody can pick them up.
- Of course we can send to Jr. high schools, middle, and elementary schools.



Promotional Activities
Involving Student-Athletes

Question

- The Marketing Department would like student-athletes to appear at the Colorado State Fair to promote CU Athletics.
- Permissible?



Student-Athlete Activities

- Yes!
- GENERAL RULE: NCAA Bylaw 12.5.1.1
 - A University entity, the Big 12 Conference, or a charitable, educational, or non-profit agency may use a CU student-athlete's name, picture or appearance to support its charitable or educational activities if the following conditions are met:

Student-Athlete Activities

- Condition 1: The SA must receive written approval from the athletic director (his designee). This is done through paperwork in the Compliance Office
- Condition 2: The SA cannot miss class.

Student-Athlete Activities

- Condition 3: All money derived from the activity must go directly to the University, conference, or the charitable, educational, or nonprofit agency (in this case, the State Fair).
- Condition 4: Incoming PSAs may not be in attendance.

Question

- At the State Fair appearance, the marketing department wants to provide the SA with free admissions to the event and a free corn dog.
- Permissible?



Student-Athlete Activities

- Yes! However, the marketing office may not provide a voucher to go eat anywhere at the event – the same food must be provided to everyone.
- Condition 5: The SA may receive actual and necessary expenses from the University or the charitable, educational, or nonprofit agency related to participation in the activity.

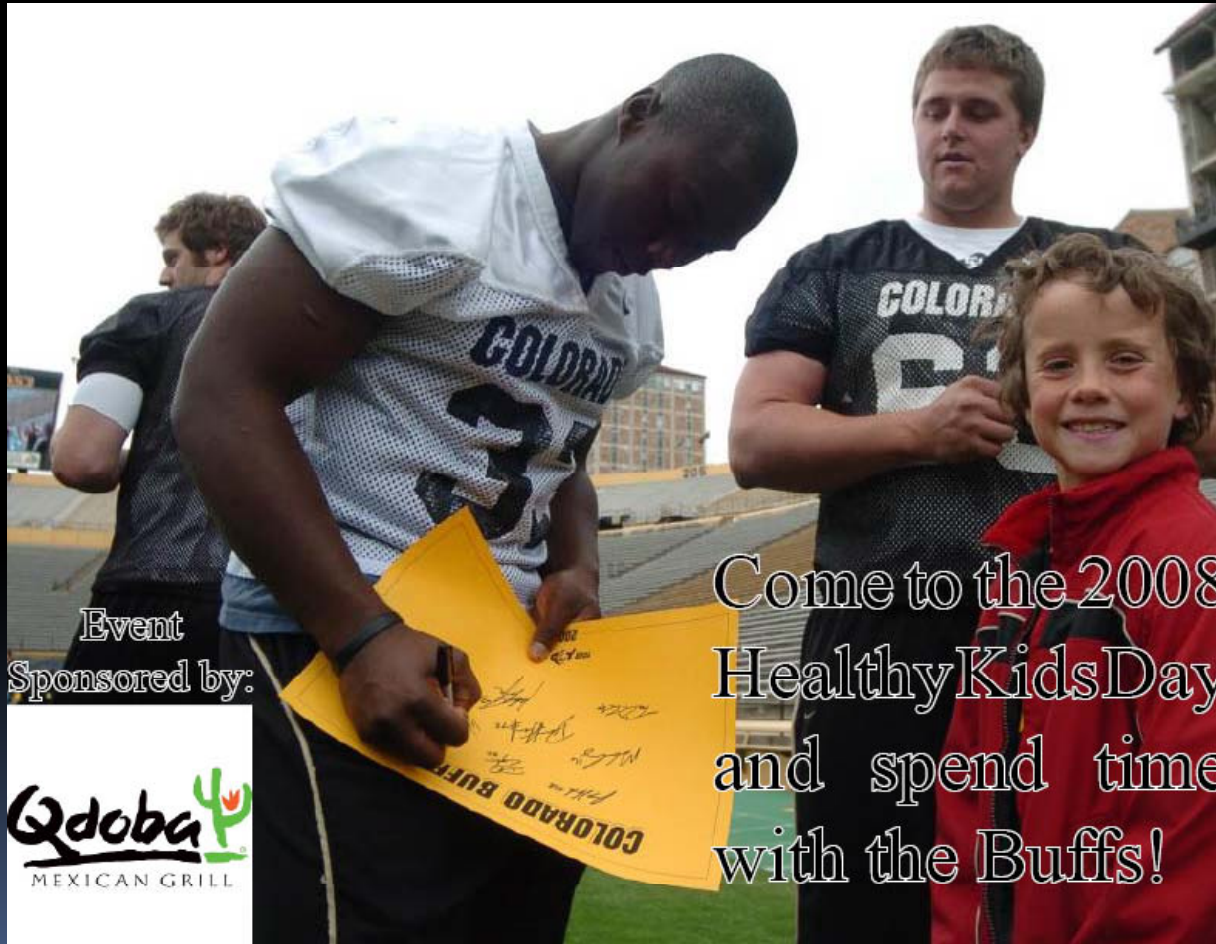
Question

- Is it permissible for SAs to participate in a food drive if the drive is managed and co-sponsored by Dick's Sporting Goods?

Student-Athlete Activities

- No!
- Condition 6: The activity may not involve co-sponsorship, advertisement, or promotion by a commercial entity (other than using the sponsoring company's trademark or logo on printed items such as pictures, posters, or calendars).
 - The company's emblem, name, address and telephone number may be included with the trademark or logo.
 - Personal names, messages, and slogans are prohibited.

Permissible Advertisement of Promotional Activity?



Event
Sponsored by:



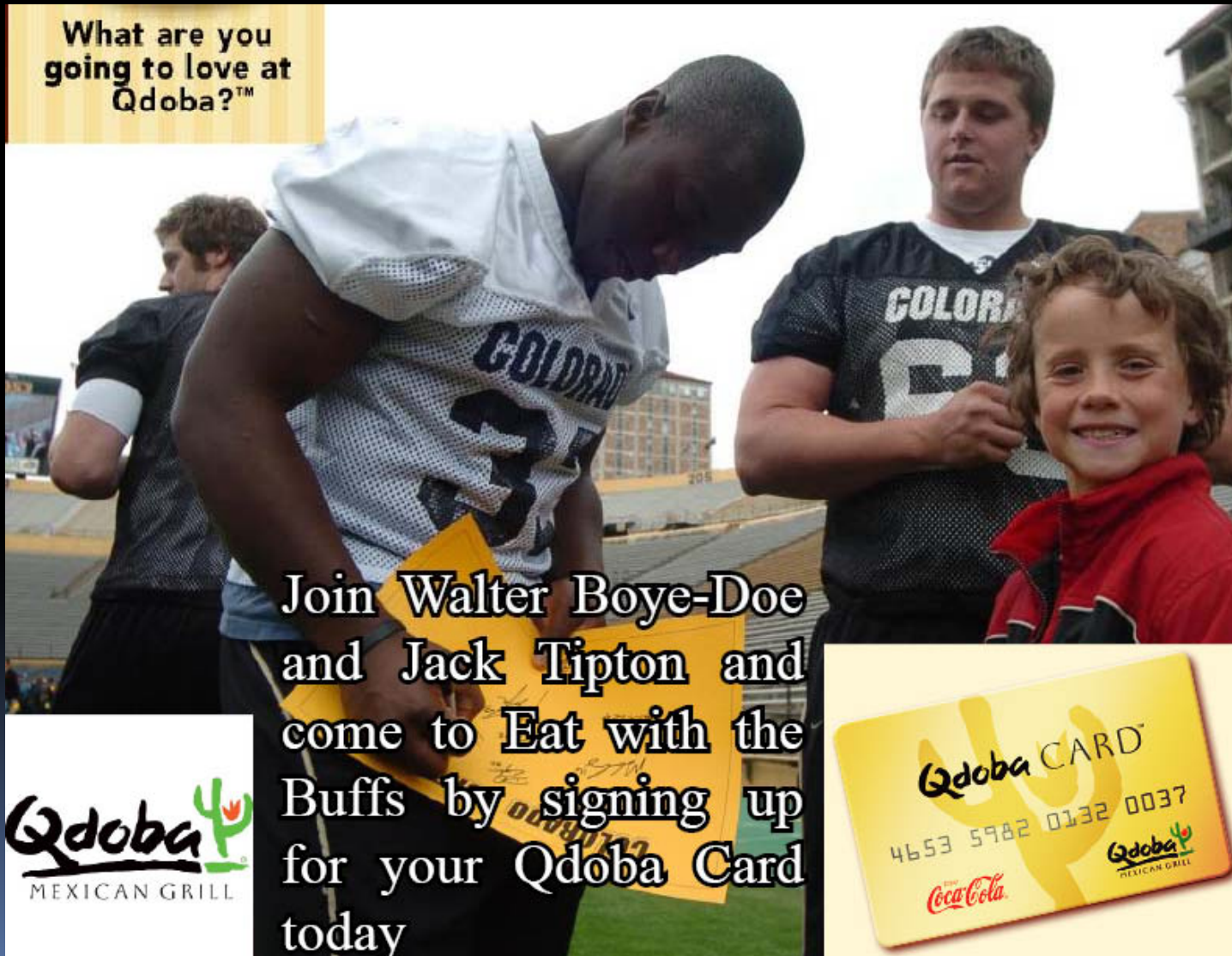
Come to the 2008
HealthyKidsDay
and spend time
with the Buffs!

Student-Athlete Activities

- Yes! This is a CU/nonprofit poster utilizing student-athletes.
- Condition 7: If a company's logo is utilized on a printed promotional item (e.g., poster, calendar), a reproduction of a company's product may not appear on the same item.

How About This One?

What are you
going to love at
Qdoba?™



Join Walter Boye-Doe
and Jack Tipton and
come to Eat with the
Buffs by signing up
for your Qdoba Card
today

Qdoba
MEXICAN GRILL



Question

- The marketing staff and women's volleyball want to sell Alex Butch bobble head dolls at the Coors Events Center during home games.
- Permissible?



Student-Athlete Activities

- No!
- Condition 8: Any commercial items with names or pictures of multiple CU student-athletes may be sold only at the University or a University-controlled outlet (or at the charitable organization, or the site of the charitable event).
- Items that include an individual student-athlete's name or likeness, other than informational items, may not be sold

Bylaw 12.5.1.1 Any commercial items with names, likenesses or pictures of multiple SA (other than highlight films or media guides per Bylaw 12.5.1.8) may be sold only at the member institution at which the SA is enrolled, institutionally controlled (owned and operated) outlets or outlets controlled by the charitable or educational organization (e.g., location of the charitable or educational organization, site of charitable event during the event). **Items that include an individual student-athlete's name, picture or likeness (e.g., name on jersey, name or likeness on a bobble-head doll), other than informational items (e.g., media guide, schedule cards, institutional publications), may not be sold.**

Permissible

We could see such a photograph if we wanted because it has multiple student-athletes in it.



Question

- As part of a promotional agreement, Frontier Airlines will have a booth at the Coors Events Center during basketball games. Fans would enter their name into a raffle for jerseys autographed by the current team, and Frontier would use the entry forms to contact the fans to discuss their vacation packages.
- Permissible?

Student-Athlete Activities

- No!
- The autographed jerseys are being used to solicit business for a commercial entity, a violation of NCAA Bylaw 12.5.2.1.
- The SA's jersey would not be permissible to use, even if it had multiple SA's autographs on it.
- A similar agreement raffling-off memorabilia autographed by the coaches would be permissible.



Student-Athletes and Commercial Entities

Question

- May we distribute schedule cards and team posters for customers to pick up at commercial establishments such as Qdoba?



Commercial Entities

- Yes! As long as we distribute the posters and schedule cards at a number of commercial establishments and the customer is not required to purchase a product to get the poster/schedule card.

Question

- Is it permissible for the women's golf team to appear at the grand opening of a Golf Galaxy, a sporting goods store specializing in golf equipment?



Student-Athletes and Commercial Entities

- No!
- Student-athletes may not expressly or impliedly promote the sale of a commercial product.

Permissible Advertisement?



**Stay
Connected**

**Get alerts,
ringtones &
wallpapers for
your phone.**

Click here

Student-Athletes and Commercial Companies

- Yes. But it would not be ok for a CU student-athlete to be in this type of ad.
- CU student-athletes may not promote commercial products
 - Student-athletes will be declared ineligible to compete for CU if they accept any payment for or permit the use of their name or picture to advertise, recommend, or directly promote the sale or use of a commercial product or service.

Permissible Advertisement?



He didn't get this big overnight, and neither will your money.

Growth takes time, and saving for college is no exception. Start now!

When it comes to saving for college, the advantages of starting early are obvious – like the rewards of compounding returns. Starting early also means you'll save for more years, and enjoy the peace of mind of knowing that you've taken the first step. But you deserve other advantages too, like special features of the 529 plan created for Minnesota. You pay no Minnesota or federal income taxes* when you withdraw the money for qualified college expenses. You can choose from multiple investment options, including a Guaranteed Option. And funds can be used at virtually any public or private school in the country for tuition as well as related required expenses such as books, supplies, fees and certain room and board costs.

Download our brochure or enroll online at www.mnsaves.org or call 877-338-4646 to learn more about Minnesota's own 529 college savings program.

BECOME A KICKOFF KID: Youngsters age 6 to 10 can win four tickets to a University of Minnesota home football game this fall, an opportunity to stand on the sidelines during the game, retrieve the football tee after Gopher kickoffs, and get a Gopher shirt. Register your young Gopher fans at www.mnsaves.org. See website for contest rules.

*The law allowing federal income tax-free qualified withdrawals is set to expire on December 31, 2010. Congress may or may not extend the law beyond this date.

If you are not a Minnesota resident or if you have taxable income in another state, consider whether that other state offers a 529 plan with favorable state income tax or other benefits not available if you invest in Minnesota College Savings Plan.

The Minnesota College Savings Plan Disclosure Booklet should be read carefully before opening an account. The State of Minnesota, its agencies, TIAA-CREF Tuition Financing, Inc., Teachers Insurance and Annuity Association of America and its affiliates do not insure any account or guarantee its principal or investment returns (except for TIAA-CREF Life Insurance Company's guarantee to Minnesota College Savings Plan pursuant to the funding agreement for the Guaranteed Option). Account value will fluctuate based upon a number of factors, including general financial market conditions. Investments are made through Teachers Personal Investors Services, Inc., as distributor.

minnesota
College Savings Plan

Student-Athletes and Commercial Companies

- Yes!
- No implied endorsement here. The student-athlete is not recognizable.

Question

- The Marketing/Promotions Department runs a promotion where it is announced that “because of Cody Hawkins’s touchdown, fans sitting in Section 101, Row 15 receive a free burrito from Qdoba.
- Permissible?

Student-Athletes and Commercial Companies

- No!
- NCAA Interpretations have said that if tied to a specific play and specific individual, not permissible.
- But Qdoba donates \$100 to the CU general scholarship fund for that Golden Buffalo touchdown is permissible.

Question

- Is it permissible for Fox Sports to use photos of student-athletes to promote its broadcast of an upcoming CU athletic events?



Student-Athletes and Commercial Companies

- Yes, provided the student-athlete does not promote the television station itself.



Other University Promotions

Question

- CU develops and distributes wallet-size schedule which includes a photo of the women's tennis team's star student-athlete, along with a Pepsi logo.
- Permissible?



University Promotions

- Yes!
- Schedule Cards (12.5.1.4.1)
 - A company's name, logo or trademark may appear on the same page as the name/photo of a student-athlete on a schedule card.
 - A company's slogan or other language may **not** appear on the same page as the name/photo of the student-athlete.

Impermissible Poster

2007-08
COLORADO TENNIS
BROUGHT TO YOU BY:
prince

**AND THE NEW
PRINCE TURBO
SHARK TENNIS
RACKET**

prince

Permissible Poster

2007-08
COLORADO TENNIS

NEXT MATCH:
JANUARY 25TH
VS. DEPAUL

BROUGHT TO YOU BY
OUR MATCH SPONSOR:



Question

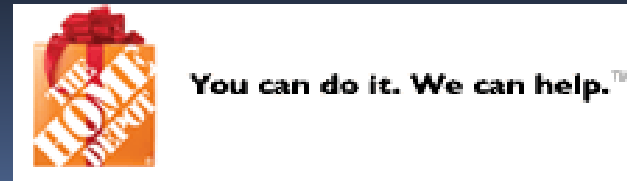
- CU develops player trading cards of CU men's cross country student-athletes.
- Permissible?

University Promotions

- Yes!
- Student-Athlete Trading Cards (12.5.1.1.3)
 - May be produced by the University for distribution (at University outlets, no commercial outlets)
 - May not be sold
 - May not be inserted in game programs that are sold
 - May not include an advertisement/coupon unless separated by a perforation
 - May not be used in the recruiting process

Question

- The Marketing/Promotions Department runs a contest whereby if a person makes a half-court shot at halftime of the basketball game, they win a \$500 Home Depot certificate. May a student-athlete win the prize?



University Promotions

- Yes, but no.
 - A student-athlete may participate in a promotional activity (e.g., making half-court shot at halftime) only if the student-athlete is selected through a random drawing and all members of the public are eligible to participate.
 - However, the Athletics Dept. would discourage a SA from being involved.

Congratulatory Messages

- A company can produce a congratulatory message for one of our student-athletes or one of our teams for an accomplishment they may achieve.
- The message cannot contain any implied endorsement or promotion of that company's product(s).

COLORADO ATHLETICS COMPLIANCE

Reporting A Violation

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University of Colorado at Boulder Athletics Compliance Policy Statement

- CU-Boulder is committed to maintaining the integrity of its intercollegiate athletics program, sports teams, coaches and SA. **CU-Boulder manages a system where violations are reported, not concealed, and addressed swiftly and thoroughly.** The athletics department operates in accordance with the principle of Institutional Control, consistent with the letter and the spirit of all NCAA, Big 12 Conference, and CU-Boulder rules and regulations. Institutional Control of the athletics program is maintained through:
 - Responsible actions by athletics department staff members, SA, CU-Boulder administrators, faculty, and other CU-Boulder entities.
 - The **ongoing education** of coaches, staff members, SA & individuals involved with the operation of the athletics compliance program.

University of Colorado at Boulder Athletics Compliance Policy Statement

- Development of clear and effective CU-Boulder **operating policies and procedures** within and outside of the athletics department that provide guidance to the effective operation of CU-Boulder's athletics compliance system.
- The **monitoring** and ensuring of proper adherence to these policies and procedures to ensure proper utilization, and to discover and report any violations of these policies and NCAA and Big 12 Conference legislation and regulations that may occur

University of Colorado at Boulder Athletics Compliance Policy Statement

- **Each individual involved in intercollegiate athletics is obligated to maintain competency in knowledge of the rules;** to act within his/her realm of responsibility in full compliance with the governing legislation; and to report any information concerning a potential violation of NCAA, Big 12 Conference and/or institutional rules of which he or she is aware.

Any willful violation or failure to report credible information concerning a possible violation of a NCAA, Big 12 Conference, and/or CU-Boulder regulation regarding intercollegiate athletics may subject a coach, administrative staff member or other CU-Boulder official to immediate disciplinary action, up to and including, termination of employment as governed by CU-Boulder regulations.

Likewise, SAs found to have violated any NCAA, Big 12 , and/or CU-Boulder regulation are also subject to disciplinary actions pursuant to CU-Boulder and Athletic Department policies and procedures.

University of Colorado at Boulder Athletics Compliance Policy Statement

- CU-Boulder's goals in responding will be to encourage prompt and accurate communication, to seek consistency and accountability and to send a strong message that CU-Boulder is resolutely committed to rules compliance.

Procedures for Reporting and Reviewing Information About a Potential NCAA Rules Infraction

- CU-Boulder firmly believes that NCAA rules education is the best means of preventing a violation of NCAA regulations. In addition to this focus on education, and in recognition of the complex regulatory framework within which a D I intercollegiate athletics program operates, CU-Boulder has established and implemented a clearly-defined process to manage secondary violations and major infractions of NCAA legislation.
- See Procedures for Reporting and Reviewing Information about a Potential NCAA Rules Infraction, attached hereto.
- As part of these procedures, CU-Boulder established a procedure pursuant to which the Chancellor may activate the Intercollegiate Athletics External Review Committee ("IAERC"), which is external to the Department of Athletics, to manage the investigation of and advise the Chancellor on a potential NCAA major infraction or other significant matter related to intercollegiate athletics.
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Whom to Call With NCAA Questions

- It is extremely important for all CU-Boulder employees to abide by all NCAA regulations. If an employee has any questions or requires information regarding NCAA rules, they should contact the Office of Athletic Compliance before taking any action that may jeopardize a SA's eligibility to participate in intercollegiate athletics. CU-Boulder is committed to success both at and away from the competition venues. In order to achieve compliance, all must cooperate and demonstrate commitment. Inquiries related to NCAA rule and regulations should be addressed to:

Athletics Department
Office of Athletic Compliance
University of Colorado
369 UCB
Boulder, Colorado 80309
303-492-5390 (Phone)
303-492-3364 (Fax)
Email: comply@colorado.edu


Reporting A Violation

- All athletic department staff members, SAs, or CU-Boulder employees with direct involvement in athletics **are obligated** to report verbally or in writing any violations or possible violations of which they are aware.
- All other individuals (e.g., students, PSAs, CU-Boulder employees without direct involvement in athletics, members of the community) **are encouraged** to report verbally or in writing any alleged, rumored, or suspected violations.


A report of a violation or possible violation can be made to the following:

- if appropriate, the immediate supervisor of the person reporting;
- Compliance Director;
- the Director of Athletics, any Associate or Assistant Director of Athletics;
- the Faculty Athletics Representative;
- the Chancellor;
- the Office of University Counsel.

All individuals to whom the violation or possible violation is reported, with the exception of the Compliance Director, are obligated in turn to report the violation to the Athletics Compliance Office.



A report of a violation or possible violation should include the following:

- 
- date(s) and time(s) of violation;
 - individual(s) involved in the violation;
 - description of the violation;
 - reason(s) the violation occurred, and
 - if applicable, a statement of actions which have been or will be taken in order to prevent a similar violation from recurring.



Compliance Quote of the Month

"Rather the pain of discipline, than the pain of regret." - Bob Andrews

