

RECRUITING -- ELECTRONIC TRANSMISSIONS – EXCEPTION – PUBLIC RELEASE OF GENERAL ATHLETICS INFORMATION SENT THROUGH ELECTRONIC TRANSMISSION

Convention Year: 2010

Effective Date: August 1, 2008, retroactive application to this date

Source: NCAA Division III Management Council (Division III Interpretations and Legislation Committee).

Proposal Category: Noncontroversial

Topical Area: Recruiting

Status: Adopted

Intent: To permit an institution's athletics department or an institution's campus department acting on behalf of athletics to send electronically transmitted correspondence to a prospective student-athlete in forms other than electronic mail and facsimiles, under specified conditions.

Bylaws: Amend 13.02.10, as follows:

13.02.10 Electronic Transmissions. Electronically transmitted correspondence that may be sent to a prospective student-athlete by, or on behalf of, a member of the institution's athletics department staff is limited to electronic mail and facsimiles. All other forms of electronically transmitted correspondence (e.g., instant messaging, text messaging and social networking Web sites) are prohibited **except as specified in this section.**

[13.02.10.1 through 13.02.10.2 unchanged.]

13.02.10.3 Exception – Public Release of General Athletics Information Sent Through Electronic Transmission. Electronically transmitted correspondence in forms other than electronic mail and facsimiles may be sent to a prospective student-athlete by an institution's athletics department, or a campus department acting on behalf of athletics, provided the following criteria are satisfied:

- (a) Any member of the general public may become a member of the group to which the electronic transmission is sent;**
- (b) A prospective student-athlete who chooses to receive electronic transmissions through the electronic service must retain the ability to decline receipt of the communications at any time or may unsubscribe from the electronic service at any time; and**

- (c) **The content of any electronic transmission that is sent to a public group that may include prospective student-athletes must be the same for all members of the group (e.g., news alerts, admissions and alumni information, scores) and of a general nature.**

Additional Information: Since the development of the electronic transmission legislation, software and Web sites have been developed that allow for Division III institutions to release information to the public in a variety of ways beyond electronic mail and facsimiles. The current legislation does not allow an athletics department to use these electronic means of communication in dealing with the public unless the school is able to verify that prospective student-athletes are not receiving the information. This creates practical issues for Division III schools that wish to release general media reports, scores and other public information using new technologies. In developing this proposal, the NCAA Division III ILC believed that it is reasonable for institutions to send information available on its web site through other delivery methods without the current restrictions. This proposal is designed to address current technologies, such as Twitter and Facebook groups, that Division III schools wish to use; however, the proposal also lays a foundation for fundamental parameters that can be applied to technologies developed in the future. The intent of the proposal is to allow mass circulation of general athletics information without the concern of a violation if a prospective student-athlete happens to be a recipient. The proposal does not allow direct person-to-person electronic communication with an individual prospective student-athlete sent by a member of the athletics department staff, or on their behalf, (e.g., instant messaging, comments via MySpace, Wall-to-Wall via Facebook, direct messaging via Twitter) except via electronic mail or facsimile. Further, the proposal ensures the communications are being sent from the athletics department or the institution, and not from individual members of the athletics department acting on their own.