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### GUIDANCE ON BYLAW 4-9- RECRUITING – 2017-2018

Second only to transfer issues are questions concerning athletic recruiting. The rules that have been formulated by the membership to govern athletic recruiting are found in section 9 of student eligibility bylaw 4. This document is designed to provide guidance to specific questions that are frequently fielded from member school administrators. Just as with any other eligibility situation, principals and athletic administrators (or other school administrators) should direct questions concerning this section to the OHSAA compliance staff: Director of Compliance Roxanne Price or Senior Director for Compliance Deborah Moore

#### **Q1. Who is subject to the recruiting section of bylaw 4?**

**A1.** All students, after their enrollment in grade seven or a comparable grade in a country outside the United States, are subject to the recruiting bylaw as they are considered to be “prospective” athletes. (4-9-1) **Any attempt to influence the enrollment or transfer of these students places the ‘recruited’ student and the offending member school in jeopardy**

#### **Q2. What is the basic recruiting rule, and why is it important to education-based athletics programs?**

**A2.** The basic recruiting rule as stipulated in 4-9-1 is that “any attempt to recruit a prospective student-athlete for athletic purposes is strictly prohibited.” A prohibition on recruiting or undue influence (another term to denote recruiting) to secure athletes discourages exploitation of students; prevents an over-emphasis on athletics and winning; discourages adults, both within and outside of schools, from jeopardizing a student’s eligibility, and inhibits the misuse of athletics programs. Prevention of overemphasis, reduction in exploitation and curbing misuse and eligibility problems are all goals which are consistent with sound educational principles.

#### **Q3. Bylaw 4-9-2 defines recruiting as the use of influence by an individual, either connected or not connected to a school, to secure the enrollment of a prospective student-athlete. That seems so broad. Are there exceptions to that rule?**

**A3.** Yes. There are two specific exceptions which were devised and approved for the 2011-12 school year specifically to address the ability of coaches and other school personnel to have contact with students in their school districts or systems.

Exception one of 4-9-2 allows coaches and other school employees within a **public school district**, which is defined as a **single high school public school district**, to have casual contact with, speak to, encourage, work with during the off season as permitted by regulations, etc. students in grades seven and eight who currently attend a middle or elementary school within that school district. The rationale for this exception is that those 7-8<sup>th</sup> grade students are

already enrolled within that public school district and thus it should be permissible for coaches in that district to contact them concerning athletic participation.

Exception one also addresses coaches and other school employees who work in one of Ohio's **multiple high school public school districts**. Because these districts are usually geographically large and encompass many 7-8<sup>th</sup> grade schools, permission to have contact with students in those 7-8<sup>th</sup> grade schools is contingent upon the district's assignment, via the office of the superintendent or his/her designee, of **the entire seventh and eighth grade** population of students in each of those schools to a specific high school. If the district does not make such assignments of an **entire population of seventh and eighth grade students in any of its schools**, (such as in districts where students rising into grade nine may choose any high school in the district), then this exception would not be available to coaches within that school district.

Exception two addresses coaches and other school employees in a **non-public system**. Ohio via its State Department of Education recognizes three major non-public systems: The Catholic Conference of Ohio which includes the six diocesan systems; The Ohio Association of Independent Schools; and The Association of Christian Schools International; as well as any other category that might be denoted by the DOE. This exception permits contact with seventh and eighth grade students within that same system, **provided the boundaries of that non-public school system are clearly defined and on file with the OHSAA** and such contact is restricted to students enrolled in the specified 7-8<sup>th</sup> grade schools within that boundary that are assigned to a specific high school.

For example, coaches in an Independent School that contains grades PK-12 would be permitted contact with students enrolled in grades seven and eight within that Independent School. Likewise, coaches in a Catholic High School would be permitted contact with students at Catholic Grade School "X" if such grade school is within that high school's boundaries as defined by the Diocese and on file with the OHSAA and the entire population of 7<sup>th</sup> and 8<sup>th</sup> grade students is assigned to that specific Catholic high school. **Please note that it is not appropriate for a non-public system to list all 7-8<sup>th</sup> grade schools within its system as assigned to all high schools in the system.**

**Q4. In today's economy, non-public schools in particular, and some public schools as well, may need to engage in marketing and communication with the public for the purpose of securing students. While bylaw 4-9-3 references this need, what is permitted under this bylaw?**

**A4.** In general a school may be involved in marketing its programs provided all elements of the school's programs are included. **Marketing with a solely athletic focus, regardless of the mechanism of distribution, is prohibited.** The bylaw (4-9-3) permits marketing provided it complies with seven specific requirements which are listed within the bylaw. **Please note that the list below is not all-inclusive:**

- 1) Must involve the entire high school program and all of its elements and shall not be solely or primarily for the school's athletic program or programs. This means that it is never permissible for a school to send out any information to prospective students prior to their acceptance into the high school that is solely or primarily athletically related.
- 2) If a mass mailing or electronic transmission is utilized, the mailing/transmission **may not be directed to a specific individual or individuals by name**. This means that a school is prohibited from sending out mass mailings or email blasts to individuals in a specific geographic area to a named individual(s), either the parents or the student him or herself.
- 3) Conducting an open house/**information session** for all prospective students, which **SHALL** be held on the campus of the member school, **in a church or other house of worship that is a sponsor for that member school, or in one of the other schools sponsored by that same school system or district**, is permissible provided all elements of the school program are presented. **If, however, a Board of Education or other governing board in a non-public school or system prohibits the use of any of the**

**forementioned facilities for an open house, a school may be permitted to hold an open house at an alternative site provided:**

- a) the facility is open and accessible to the general public; and
- b) the facility is not a private club, private room within a public facility or a private home; and
- c) the school submits a request for a waiver to use this alternative site at least 30 days prior to the open house.
- d) no open house or information session may be held in a private home.

By conducting these activities at school or at public facilities, the member school is able to operate in an open and transparent fashion and is not as likely to be subjected to accusations of improper activity. For example, inviting students to a pizza party and a wrestling match would violate this general rule as such an activity is designed to be primarily for the purpose of attending an athletic competition and includes an additional "inducement"

- 4) Providing athletic camp brochures that advertise athletic camps available to a general population is permitted. These brochures may be made available to any interested individual who may contact the school and shall not be used to recruit a select group of students. No direct mailing to specific individuals is permitted. (See #2)
- 5) Using the school web site or other forms of media such as billboards, newspaper advertisements, etc. to advertise all aspects of the school's educational offerings and not solely athletics information is permissible. Schools should be careful to include information about all programs in any advertisement that is placed in the print or electronic media. Also, web sites should display many types of information. The school's web site shall not be used solely as an athletic recruiting vehicle.
- 6) The only time in which it is permissible to invite students and/or their parents to a high school contest or another athletic related event such as a banquet or recognition ceremony is when the invitation is extended to an entire group or team, such as a school's 7<sup>th</sup> or 8<sup>th</sup> grade team or a non-interscholastic group such as a C.Y.O program in a specific sport, AND the participation is mutually agreed upon by the administration of both schools/organizations. It is not acceptable to add additional activities to the free admission to the contest such as meals, locker room visits, joining the high school team for introductions, etc.

This invitation to attend a high school contest or athletic related event shall not include running out onto the contest venue with the team or standing on the sidelines and also shall not include locker room visits, pre-contest meals with the high school team and/or any other interaction with the team prior to or after the contest.

**Q5. Can you provide a list of activities that are not permissible and shall be considered recruiting (4-9-4)?**

**A5.** While Bylaw 4-9-4 includes a partial list, it is not an all-inclusive list of impermissible actions. The following is a partial list:

- 1) Using direct mailings and/or email to send information to named individuals – students or parents
- 2) Meeting in a private home with a select group of student-athletes.
- 3) Inviting the 8<sup>th</sup> grade football team from a non-interscholastic program and providing the group lunch, a locker room visit and sideline passes to a game. The entire team may receive only admission to a game provided the invitation is approved in advance by the organization that is invited and the member school.
- 4) Sending athletic brochures touting the virtues of the high school wrestling program to middle school wrestlers who are not enrolled in the school district where the high school is located.

- 5) Phoning select students to discuss the high school volleyball program.
- 6) Sending text messages to parents of prospective athletes to invite them to an open house.
- 7) Sending email messages to students who play on an USA Soccer club to encourage them to consider enrollment at a particular high school.
- 8) Using one's position as an admissions director in a non-public school and a basketball coach to have direct communication with select basketball players at another school.
- 9) Creating and distributing athletic brochures that do not include the entire school's program information to either a select group of students or to a general population.
- 10) Providing favors or inducements to prospective student-athletes and their parents. An exception is a small token, such as a "goodie bag," containing an items or items, the value of which cannot exceed \$25 and which cannot be related to the school's athletics program, can be provided to prospective students who "shadow" or visit a member school in contemplation of enrollment.
- 11) Providing financial aid based on athletic ability. Tuition assistance should be based on the financial circumstances of the family as determined by an outside agency or awarded on the basis of academic capability as demonstrated on approved testing.
- 12) Standing on the sideline at a football game, not in the spectator seating area, as an identified representative of a member school, during a contest in which other member schools are playing.
- 13) Permitting coaching staff members to guide prospective student-athletes who visit a school during a shadow day.
- 14) Sending transportation for a select group of students to visit a member school prior to enrollment.
- 15) Using one's position as an area coordinator for a government-approved international exchange program to steer international students to a particular school or schools.
- 16) If a coach leaves a school to pursue a coaching opportunity at another school, the coach shall refrain from any communication with any students at his or her former school. Further as it relates to any student who might transfer to or enroll at the school where the coach is now approved as a member of the coaching staff, said transfer or enrollment shall create a rebuttable assumption of recruiting and may render the student ineligible for one year from the date of enrollment unless the recruiting can be rebutted.

**Q6. Is it permissible to visit a school in contemplation of enrollment, and what can be done once a student is on campus?**

**A6.** Bylaw 4-9-5 does permit a student-athlete and his family to visit a school prior to enrollment provided arrangements for the visit are made through the principal of the school or another school administrator designated by that school's Board of Education or other governing board. While visiting on campus it is permissible, if cleared with the principal, to meet members of the athletic department staff who might be available to answer questions about the athletics program.

**Q7. Once an open house has been attended or a campus visit made, is it permissible to direct additional inquiries to members of a coaching staff?**

**A7.** No. All inquiries prior to one's acceptance at the school (but no earlier than January 2) shall be directed to school administrators or the admissions office. (4-9-6). Please note that if admission is accepted earlier than January 2 prior to the enrollment year, no contact is permissible between students and the coaching staff.

**Q8. Once a student and/or his or her parents have initiated contact with the member school, either through direct contact with administration/admissions personnel or through a campus visitation, is it permissible for the school to contact the student and parents?**

**A8.** Yes. Such contact is not considered, by definition, to be a “mass marketing” effort. Once contact is initiated by the family of the student, it is permissible for the administration and/or admissions staff to respond to questions and/or send the family information about the entire, broad range of the school’s programs.

**Q9. If a family contacts the district office of a particular non-public system, for example, one of the Diocesan Offices, is it appropriate for that district to disseminate information to the family?**

**A9.** No. The district may provide the contact information to the specific high school about which the family requested information so that the high school can make the contact.

**Q10. What is meant by the school’s internal database, and may schools address parents who have made official contact with the school through activities such as open houses, information nights, shadowing, direct contact with the admissions office as well as mailing lists from the central office generated through the 7-8<sup>th</sup> grade schools with parental permission?**

**A10.** The OHSAA office regards an “internal database” as any collection of names secured through any number of possible resources. A listing of all 8<sup>th</sup> grade boys in a six-county area could be used to construct an “internal database,” for example. As mentioned before, reaching out to a database of individuals **by name** who have had no contact with the school would be a violation. However, once a parent has made contact with a specific high school through any of the activities mentioned in the question, and provided the school with his or her contact information, it is permissible to contact that individual.

**Q11. A large public district in our area has discontinued its 7-8<sup>th</sup> grade sports programs. Our head track and field coach would like to offer some track and field competitive activities at our high school in the spring for children who are from the city area. Would this be a violation?**

**A11.** As long as all aspects of these bylaws are followed, for example, no mass mailings sent out to named individuals, no camp brochures targeted to specific individuals, and there is no attempt to influence students to attend a particular high school, there is no violation represented by this type of activity.

**Q12. What are the penalties for recruiting?**

**A12.** The penalty for a student who has been recruited may be ineligibility for up to one calendar year at the school into which the student has been recruited. Additional penalties may accrue to the school that the recruiting efforts were intended to benefit in accordance with Bylaw 11. Further, if a coach is found to have violated the recruiting rules and is employed/approved to coach in the ensuing school year by another member school in the same sport in which the violations occurred, the school shall be ineligible for OHSAA tournament competition in that sport for a minimum of one year.

Also please note that the Executive Director’s Office may suspend the privilege of participation in interscholastic athletics for up to 30 days during the pendency of any alleged recruiting violation.

**Q13. Is it permissible for our admissions staff to attend a sports camp sponsored by our school and distribute information, answer questions about, etc. the opportunities available for a student at our high school?**

**A13.** No. It is a violation for any marketing of a school to be done at a sports camp. Sports camps are events that are solely and exclusively about the teaching of sports skills. Thus, it is not permissible for a school to utilize a camp to market its entire school program.

**Q14. Would you please address the issue of what can and cannot be done when a student visits a school in contemplation of attending that school such as in a “shadow day?”**

**A14.** School visitation days, or shadow days are generally offered to allow a student who has a desire to attend a specific school an opportunity to experience what goes on during a school day. The following are permissible activities during such an event:

- a) Meeting with other students and attending classes with them
- b) Having an opportunity to visit with specific faculty members
- c) Receiving a “grab bag” or small token, with a value of \$25 or less, the contents of which are not related to the school’s athletic programs.

The following would not be permissible during a school visitation:

- a) Meeting with a coach to discuss prospects for next year
- b) Having a personal session in the weight room for training with a coach or strength staff
- c) Having an after-school workout with a specific sports team that might be in season.

The activities during a shadow day are to be conducted during the regular school day and are not to involve interaction with coaching staff members except during their regular duties as faculty at that school.

**Q15. We have heard that some schools encourage (subtly or not-so-subtly) or otherwise benefit from their current students or former players visiting students, watching them play sports and making contact with them or their parents to suggest that the student join his/her team. Is this OK?**

**A15.** In short, no. While we recognize that this type of activity may be occurring, it is no more acceptable than recruiting which is done by adults. The bylaw specifically references that recruiting is defined as the “use of influence by any person connected or not connected with the school to secure the enrollment of a prospective student-athlete.”

**Q16. If a school employs a member of its coaching staff or the athletic administrator as a director of admissions or as part of an office staff responsible for recruiting students, does such a position confer any additional privileges for that coach or administrator?**

**A16.** No. It is never appropriate to attempt to circumvent the athletic recruiting prohibitions by conferring these admissions responsibilities on a member of a school’s athletic staff. The note in item #4 in Bylaw 4-9-4 stipulates “when an admissions officer is also a member of a coaching staff, that admissions officer shall have no contact with prospective enrollees except as specified with these bylaws as permissible for coaching staff members.”

**Q17 What should our coach do if a parent contacts her about his son or daughter attending our school and playing for the coach?**

**A17** If a coach is contacted by a parent or another individual who is advocating for a student, the coach is obligated to immediately disclose this contact to a school administrator and to cease all contact with the prospective student and/or parents until acceptance and/or enrollment into the school where the coach is approved to work.