

**Precollege Expenses**

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Leeland Zeller

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**Agenda**

- Review of Legislation.
- Questions to Ask.
- Case Studies:
  - Athletics department.
  - Coach.
  - Men's basketball.
  - Boosters.
  - Athletics department staff member.

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**Precollege Expenses**

- An institution or booster may not offer, provide or arrange financial assistance, directly or indirectly, to pay the costs of a prospective student-athlete's (PSA) educational or other expenses prior to his or her enrollment or so the PSA can obtain a postgraduate education.

*Bylaw 13.15.1*

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**Fundraising for High School Athletics Program**

- An institution may not provide funding, directly or through paid advertisements, to benefit a high school athletics program.

*Bylaw 13.15.1.2*

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**Fundraising for High School Athletics Program**

- A booster may provide funding to benefit a high school athletics program located in the community in which booster resides provided:
  - Acts independently of the institution;
  - Funds are distributed through established channels; and
  - Funds are not earmarked for a specific PSA.

*Bylaw 13.15.1.2.1*

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**Donations to Nonprofit Foundation Men's Basketball**

- An institution or staff member may not provide a donation to a nonprofit that expends funds for the benefit of a nonscholastic team or teams, PSA or individuals associated with PSAs.

*Bylaw 13.15.1.10*

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### Questions to Ask...

- Who is being asked to donate?
  - Coach, institution, institutional staff member?
- What is being donated?
  - Time, money, memorabilia?
- Who/what is the recipient?
  - PSA, educational institution, nonprofit foundation?
- For what will the donation be used?
  - Scholarships, nonathletics purpose?
- Does it involve men's basketball?
  - Both source and recipient?

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### Preliminary points...

- In all the following case studies, it is assumed that:
  - The involved charitable or nonprofit organization initiates the request; and
  - The event or process is part of the charitable or nonprofit organization's regular fundraising activities.

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## Athletics Department

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Case Study No. 1

- Another four-year institution has asked your athletics department to donate to a fundraiser to benefit its athletics department.

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Case Study No. 1

- Who is being asked to donate?
  - Athletics department.
- What is being donated?
  - Memorabilia.
- Who/what is the recipient?
  - Four year institution's athletics program.
- For what will the donation be used?
  - Athletics purposes.
- Does it involve men's basketball?
  - No.

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Case Study No. 1

- Permissible to donate, provided the institution has not received permission to contact any student-athlete (SA) at the four-year institution.

Bylaw 13.1.1.3  
Bylaw 13.15.1

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**Case Study No. 2**

- Athletics department has been asked to donate memorabilia to a National Governing Body (NGB).
- Fundraiser will benefit individuals who are training with the NGB for competition to represent the U.S.

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**Case Study No. 2**

- Who is being asked to donate?
  - Athletics department.
- What is being donated?
  - Memorabilia.
- Who/what is the recipient?
  - NGB.
- For what will the donation be used?
  - Training expenses.
- Does it involve men's basketball?
  - No.

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**Case Study No. 2**

- Permissible to donate memorabilia to the NGB, provided:
  - Funds raised from the donation go to the NGB's operational expenses; and
  - Funds are not earmarked for a specific PSA.

Bylaw 13.15.1  
Bylaw 13.15.1.6  
October 25, 1999, Official Interpretation

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**Case Study No. 3**

- Athletics department would like to donate memorabilia to a nonprofit that provides scholarships.
- Scholarships are available to individuals who may be PSAs.
- Nonprofit foundation also supports other causes.

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**Case Study No. 3**

- Who is being asked to donate?
  - Athletics department.
- What is being donated?
  - Memorabilia.
- Who/what is the recipient?
  - PSAs and non-PSAs.
- For what will the donation be used?
  - Scholarships and other causes for PSAs and non-PSAs.
- Does it involve men's basketball?
  - No.

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**Case Study No. 3**

- Permissible for institution to donate memorabilia, provided:
  - Institution is not involved in selecting the scholarship recipients;
  - Funds raised from the donation are not earmarked to provide scholarships to PSAs; and
  - Primary purpose of the organization is not to provide scholarships to PSAs.

Bylaw 13.15.1  
December 20, 2012, Staff Interpretation

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**Case Study No. 4**

- Athletics department has been asked by a high school to donate memorabilia.
- Institution has a relationship with the high school's reading program.
- Donation is not specified for an athletics program.

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**Case Study No. 4**

- Who is being asked to donate?
  - Athletics department.
- What is being donated?
  - Memorabilia.
- Who/what is the recipient?
  - High school.
- For what will the donation be used?
  - Nonathletics purposes.
- Does it involve men's basketball?
  - No.

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**Case Study No. 4**

- Not permissible for the athletics department to donate.
- Athletics department may not assist in raising money for a high school, regardless of athletics.

Bylaw 13.15.1.2

- What if the President's Office was asked to donate?
  - A department other than athletics may donate to a high school, provided the donation is not earmarked for an athletics purpose or used to benefit an athletics program.

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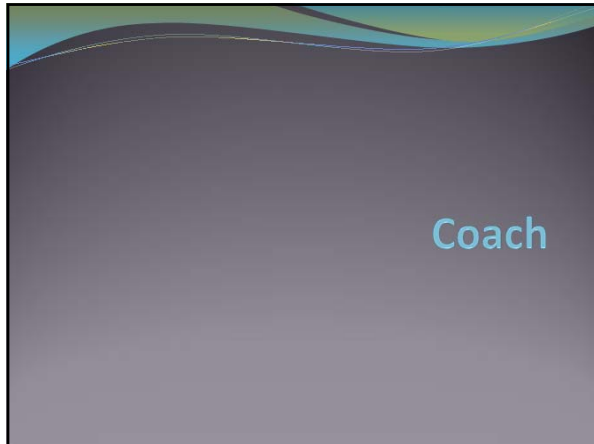
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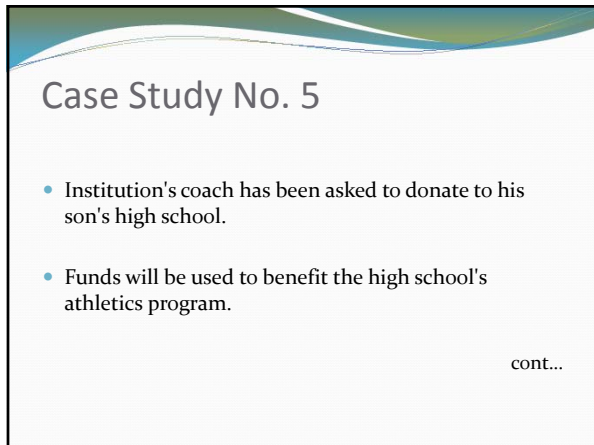
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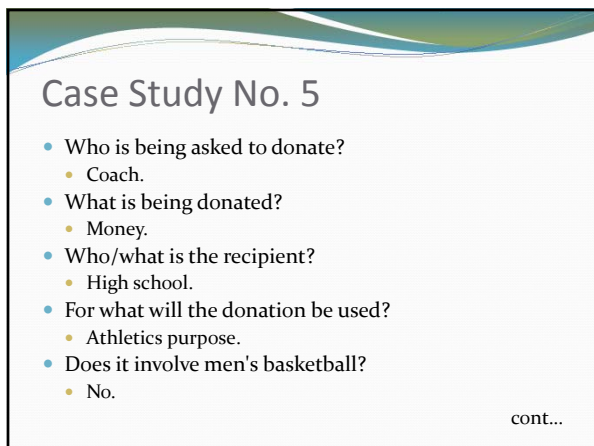
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**Case Study No. 5**

- Permissible for institution's coach to donate to his son's high school (including athletics), provided:
  - Coach acts independently of the institution;
  - Funds are distributed through channels established by the high school; and
  - Funds are not earmarked for a specific PSA.

Bylaw 13.15.1.2  
March 27, 2000, Official Interpretation  
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**Case Study No. 5**

- Now, institution's coach has been asked to participate in a golf fundraiser for his son's high school.
- Funds will be used to benefit the high school's athletics program.

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**Case Study No. 5**

- Permissible for institution's coach to participate in the golf tournament, provided:
  - Coach acts independently of the institution;
  - Any funds raised from the event are distributed through channels established by the high school; and
  - Funds are not earmarked for a specific PSA.

Bylaw 13.15.1.2  
March 27, 2000, Official Interpretation

- Similar analysis to donation.

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**Case Study No. 5**

- Could the institution's coach's participation in the golf tournament be publicized in advance?
  - No.

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**Case Study No. 5**

- Can institution's coach still be involved after his son graduates from the high school?
  - No.

Bylaw 13.15.1.2

- What if the institution's coach is an alum of the high school?
  - Yes (could make donation and participate in golf tournament but attendance could not be publicized).

Bylaw 13.15.1.2  
March 27, 2000, Official Interpretation

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**Case Study No. 6**

- Institution's baseball coach has been asked to attend a banquet at which he will be honored.
- Fundraising activities for the local community park and PSAs will occur at the banquet.
- Institution's coach would like to donate an item to be auctioned at the banquet.

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**Case Study No. 6**

- Who is being asked to donate?
  - Coach.
- What is being donated?
  - Time and memorabilia.
- Who/what is the recipient?
  - PSAs and park.
- For what will the donation be used?
  - Scholarships for PSAs and park restoration.
- Does it involve men's basketball?
  - No.

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**Case Study No. 6**

- Permissible for institution's coach to attend the event and to donate an item, provided:
  - Coach (and institution) is not involved in selecting the scholarship recipients;
  - Funds raised from the donation are not earmarked to provide scholarships to PSAs; and
  - Primary purpose of the organization and the event is not to provide scholarships to PSAs.

Bylaw 13.15.1  
December 20, 2012, Staff Interpretation

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**Case Study No. 7**

- Institution's women's basketball coach has been asked to attend a golf tournament.
- She will pay her entry fee.
- Golf tournament is a fundraiser for an AAU girls' basketball program.

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### Case Study No. 7

- Who is being asked to donate?
  - Coach.
- What is being donated?
  - Time and money.
- Who/what is the recipient?
  - Women's basketball PSAs.
- For what will the donation be used?
  - Travel expenses for AAU team.
- Does it involve men's basketball?
  - No.

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### Case Study No. 7

- Not permissible for institution's coach to attend the golf tournament because the purpose of the fundraiser is for PSAs and for an athletics purpose, and paying the entry fee is an active role in fundraising.

Bylaw 13.15.1  
October 19, 2012, Official Interpretation

- What if coach did not have to pay an entry fee?
  - Permissible, provided she does not play an active role in the fundraising activities.

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### Case Study No. 7

- Could the institution's coach attendance at the golf tournament be publicized in advance?
  - No, her attendance at the event could not be publicized in advance.

• October 19, 2012, Official Interpretation

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**Case Study No. 7**

- What if this were a men's basketball coach? A boys' AAU team?
  - Same analysis applies for men's basketball coach with respect to girls' AAU team.
  - Not permissible if boys' AAU team.

Bylaw 13.15.1.10  
October 19, 2012, Official Interpretation

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**Case Study No. 8**

- Institution's football coach has been asked to speak at a coaches' clinic sponsored by a high school coaches association.
- A portion of the proceeds from the entry fee to the coaches' clinic will be used to benefit PSAs (e.g., high school athletics programs).

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**Case Study No. 8**

- Who is being asked to donate?
  - Coach.
- What is being donated?
  - Time.
- Who/what is the recipient?
  - PSAs.
- For what will the donation be used?
  - Portion to benefit for PSAs (e.g., high school athletics programs).
- Does it involve men's basketball?
  - No.

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**Case Study No. 8**

- Permissible for coach to speak at the coaches' clinic, provided fundraising is not the primary purpose of the event.

Bylaw 13.15.1  
October 19, 2012, Official Interpretation

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**Case Study No. 8**

- If fundraising is the primary purpose, then coach may only attend the event provided:
  - Coach plays no active role in fundraising;
  - Attendance is not publicized in advance;
  - Contact not permitted outside of a contact period; and
  - No recruiting presentation.

Bylaw 13.15.1  
October 19, 2012, Official Interpretation

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**Case Study No. 9**

- Institution's coach has been asked to speak at a charitable foundation's general fundraising event.
- Event is to raise funds for a local women's shelter that also provides scholarships to women/children.
- The nonprofit benefits PSAs and non-PSAs.

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**Case Study No. 9**

- Who is being asked to donate?
  - Coach.
- What is being donated?
  - Time.
- Who/what is the recipient?
  - PSAs and non-PSAs.
- For what will the donation be used?
  - Women's shelter/scholarships.
- Does it involve men's basketball?
  - No.

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**Case Study No. 9**

- Permissible for coach to speak, provided:
  - Institution/coach is not involved in selecting the individuals who will receive funds;
  - Funds are not earmarked for providing scholarships to PSAs; and
  - Primary purpose of the organization and the event is not to provide scholarships to PSAs.

Bylaw 13.15.1

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**Case Study No. 9**

- Could the coach also make a donation? Could that donation be memorabilia?
  - Yes.

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**Case Study No. 10**

- Local Chamber of Commerce hosts luncheons at different businesses in the community.
- Institution's coaches are often featured as guest speakers.
- Chamber of Commerce would like to also sell raffle tickets at the luncheons, with proceeds used to provide scholarships to PSAs.

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**Case Study No. 10**

- Who is being asked to donate?
  - Coach.
- What is being donated?
  - Time.
- Who/what is the recipient?
  - PSAs.
- For what will the donation be used?
  - Chamber of commerce/scholarships for PSAs.
- Does it involve men's basketball?
  - No.

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**Case Study No. 10**

- Permissible for raffle tickets sold at luncheons at which the institution is involved (e.g., coach's attendance), as the primary purpose of the organization and event is not to provide scholarships.

Bylaw 13.15.1  
October 19, 2012, Official Interpretation

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# Men's Basketball

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## Men's Basketball Analysis

- Application of the legislation is triggered only if *both* source and recipient involve men's basketball.

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## Case Study No. 11

- Institution's men's basketball coach has been asked to donate to a fundraiser for his children's high school.
- Purpose of the fundraiser is for a new building.

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**Case Study No. 11**

- Who is being asked to donate?
  - Coach.
- What is being donated?
  - Money.
- Who/what is the recipient?
  - High school.
- For what will the donation be used?
  - New building for the high school.
- Does it involve men's basketball?
  - No.

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**Case Study No. 11**

- Permissible for institution's coach to make a donation to high school, provided:
  - He acts independently of the institution;
  - Funds are distributed through channels established by the high school; and
  - Funds are not earmarked for a specific PSA.

Bylaw 13.15.1.2  
March 27, 2000, Official Interpretation

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**Case Study No. 11**

- Could the institution's men's basketball coach donate memorabilia?
  - Not permissible for institution's coach to donate men's basketball tickets or other institutional items.

Bylaw 13.15.1.2  
March 27, 2000, Official Interpretation

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**Case Study No. 11**

- Could coach still donate after his son graduates from the high school?
  - Not permissible for institution's coach to donate to the high school if his children no longer attend the high school.

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**Case Study No. 11**

- Could institution's men's basketball coach make a donation to his son's AAU team?
  - Institution's coach is not permitted to donate to his son's nonscholastic team.

Bylaw 13.15.1.10

- Coach is permitted to pay actual and necessary expenses related to his son's participation on the AAU team.

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**Case Study No. 12**

- Institution's men's basketball coach has been asked to donate to nonprofit organization that supports families of military personnel.
- Nonprofit organization provides scholarships, including to PSAs, and supports other causes that do not involve PSAs.

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**Case Study No. 12**

- Who is being asked to donate?
  - Coach.
- What is being donated?
  - Money.
- Who/what is the recipient?
  - PSAs and non-PSAs.
- For what will the donation be used?
  - Scholarships for PSAs and non-PSAs and other causes.
- Does it involve men's basketball?
  - No.

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**Case Study No. 12**

- Permissible for men's basketball coach to donate to the nonprofit organization, provided:
  - Not involved in the selection of scholarship recipients;
  - Coach's donation is not earmarked for providing scholarships to prospects; and
  - Primary purpose of the organization and the event is not to provide scholarships to PSAs.

Bylaw 13.15.1.10  
June 14, 2012, Educational Column  
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**Case Study No. 12**

- Bylaw 13.15.1.10 not intended to prohibit men's basketball from providing donations to nonathletically related entities, provided the entity does not provide funds to or expend funds for the benefit of a nonscholastic team, a particular prospect or an individual associated with a prospect.

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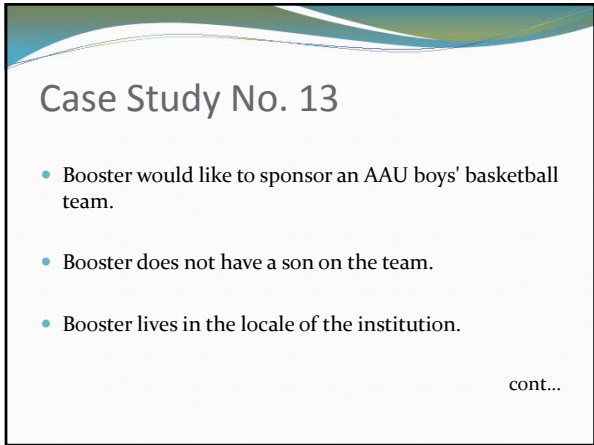
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### Case Study No. 13

- Booster would like to sponsor an AAU boys' basketball team.
- Booster does not have a son on the team.
- Booster lives in the locale of the institution.

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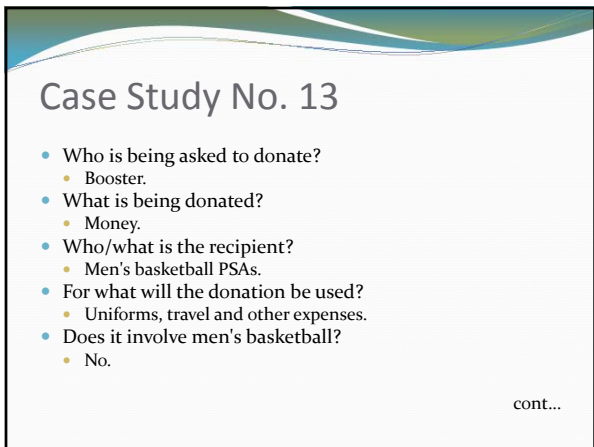
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### Case Study No. 13

- Who is being asked to donate?
  - Booster.
- What is being donated?
  - Money.
- Who/what is the recipient?
  - Men's basketball PSAs.
- For what will the donation be used?
  - Uniforms, travel and other expenses.
- Does it involve men's basketball?
  - No.

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**Case Study No. 13**

- Permissible for the booster to sponsor an AAU team, provided:
  - Booster acts independently of the institution;
  - Funds are distributed through established channels; and
  - Funds are not earmarked for a specific PSA.
- AAU team must be in the community in which the booster resides.

Bylaw 13.15.1.2.1

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**Institutional Staff Member**

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**Case Study No. 14**

- Institutional staff member would like to donate to a high school fundraiser to support academic programs.

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**Case Study No. 14**

- Who is being asked to donate?
  - Institutional staff member.
- What is being donated?
  - Money.
- Who/what is the recipient?
  - High school.
- For what will the donation be used?
  - Academic programs.
- Does it involve men's basketball?
  - No.

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**Case Study No. 14**

- Permissible for institutional staff member to donate, provided she acts independently of the institution.
- What if donation was used to benefit the high school athletics program?
  - Still permissible provided she acts independently of the institution.

Bylaw 13.15.1.2.1  
December 13, 1990 Official Interpretation

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**Case Study No. 14**

- What about a SA making a donation?
  - Yes, provided the SA acts independently of the institution.

Bylaw 12.5.1.  
Bylaw 13.15.1.2.1

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**Takeaways...**

- Determine primary purpose if organization/event is to raise scholarship funds for prospective student-athletes.
- Publicizing coach's attendance at an event is considered an active role in fundraising.
- Donating institutional items is considered institutional involvement.

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**Takeaways...**

- Men's basketball analysis triggered if *both* source and recipient involve men's basketball.
- Boosters may provide funding to benefit a high school athletics program only in the community in which the booster resides.

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