

# THE COMPLIANCE CORNER

Official Newsletter of the UC Compliance Office

November 2013

## RECRUITING CALENDARS

### BASEBALL

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 28 | 30 |

### MEN'S BASKETBALL

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 28 | 30 |

### WOMEN'S BASKETBALL

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 28 | 30 |

### FOOTBALL

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 28 | 30 |

### WOMEN'S LACROSSE

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 28 | 30 |

### XC/TRACK & FIELD

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 28 | 30 |

### VOLLEYBALL

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 28 | 30 |

### ALL OTHER SPORTS

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 28 | 30 |

## REMINDERS

NLI Signing Dates are right around the corner for some sports. Here are the dates for all sports for the 2013-14 academic year:

|                                   | Initial Signing Date | Final Signing Date |
|-----------------------------------|----------------------|--------------------|
| Basketball (Early Period)         | November 13, 2013    | November 20, 2013  |
| Basketball (Regular Period)       | April 16, 2014       | May 21, 2014       |
| Football (Midyear JC Transfers)   | December 18, 2013    | January 15, 2014   |
| Football (Regular Period)         | February 5, 2014     | April 1, 2014      |
| Soccer, XC / Track & Field        | February 5, 2014     | August 1, 2014     |
| All Other Sports (Early Period)   | November 13, 2013    | November 20, 2013  |
| All Other Sports (Regular Period) | April 16, 2014       | August 1, 2014     |

## LOOK HERE FOR MORE INFO!

**For Lacrosse:** November 6-7, 13-14, & 20-21, 2013- NOTE: Evaluations of PSAs participating in lacrosse activities are limited to the three weekends (Saturday and Sunday) prior to Thanksgiving.

**For Football:** 42 evaluation days (see Bylaw 13.02.6.2) during the months of September, October & November, (not to exceed a period of 42 days) selected at the discretion of the institution & designated in writing in the office of the director of athletics; authorized off-campus recruiters shall not visit a PSA's educational institution on more than one calendar day during this period.



# **JUDGE DENIES NCAA'S MOTION TO DISMISS ANTITRUST LAWSUIT**

Steve Berkowitz, USA TODAY Sports  
October 25, 2013

A federal judge on Friday denied a motion from the NCAA to dismiss an antitrust lawsuit pertaining to the use of college athletes' names and likenesses.

The ruling, by U.S. District Judge Claudia Wilken, sets the stage for another key ruling that is pending in the case -- whether to certify the case as a class action.

Video game manufacturer Electronic Arts and the nation's leading collegiate trademark licensing firm, Collegiate Licensing Co., have reached a proposed settlement in the case. That leaves the NCAA as the lone defendant in a suit whose named plaintiffs are a group of current and former college football and men's basketball players, including former UCLA basketball player Ed O'Bannon.

If the case is granted class-action status, many more plaintiffs could join the case and the damages at stake could be in the billions of dollars.

Michael Hausfeld, a lead attorney for plaintiffs, reiterated his willingness to discuss a settlement with NCAA lawyers and officials, saying Friday's decision "may finally convince or influence them to pull their heads out of the sand."

The NCAA's chief legal officer Donald Remy issued a statement in which he said, in part, the association expects "to seek judgment in our favor ... in our upcoming summary judgment motion" -- a request for a favorable ruling without a trial.

Wilken's basic ruling Friday -- that none of the NCAA's three arguments "provides grounds for dismissing Plaintiffs' claims at this stage" -- was not surprising. The case has been going for about 4 1/2 years, and plaintiffs' arguments are given a great deal of leeway on these types of dismissal motions at this stage.

However, what Wilken wrote in support of her ruling carries some potentially troubling signs for the NCAA. In the course of a 24-page opinion, Wilken indicated that the case should not be bound by a 1984 Supreme Court ruling that the NCAA has relied upon to preserve its amateurism system. In addition, she let stand the plaintiffs' contention that NCAA rules forbidding schools from offering money to recruits for their labor or for the commercial use of their names and likenesses restrains competition for the athletes and results in lower compensation for the athletes than would otherwise exist in a more competitive market.

"These allegations are sufficient to state a Sherman (Antitrust) Act claim," she wrote.

Sports law icon and antitrust expert Gary Roberts -- former dean of the Indiana University law school in Indianapolis -- said that part of Wilken's opinion is "something that I think will undoubtedly give the NCAA some serious concern."



Ed O'Bannon (Photo: Isaac Brekken, AP)

"If the judge considers the market in which Alabama and LSU and Ohio State compete for the top athletic talent ... to be a relevant labor market for anti-trust purposes," Roberts said, "that fundamentally undercuts the very foundation upon which the NCAA rests" at least for football and men's basketball.

Meanwhile, the judge also raised questions about the applicability to this case of the 1984 Supreme Court ruling in NCAA v. Board of Regents, a case that was about control of college football TV rights but the opinion on which included the statement that "in order to

preserve the character and quality of the (NCAA's) 'product,' athletes must not be paid, must be required to attend class and the like."

The NCAA has relied upon this language in defending its amateurism system and has successfully used it many prior legal cases.

However, Wilken wrote in Friday's ruling that the case "does not stand for the sweeping proposition that student-athletes must be barred, both during their college years and forever thereafter, from receiving any monetary compensation for the commercial use of their names, images, and likenesses.

"Although it is possible that the NCAA's ban on student-athlete pay serves some procompetitive purpose, such as increasing consumer demand for college sports, Plaintiffs' plausible allegations to the contrary must be accepted as true at the pleading stage."

Wilken also wrote that the Supreme Court "never even analyzed the NCAA's ban on student-athlete compensation under the rule of reason nor did it cite any fact findings indicating that this ban is the type of restraint is 'essential if the (NCAA's) product is to be available at all'. More importantly, the Court never examined whether or not the ban on student-athlete compensation actually had a procompetitive effect on the college sports market."

In a footnote, she added: "Even if the Court had examined the compensation ban under the rule of reason, Plaintiffs have plausibly alleged that the 'business of college sports' has changed dramatically over the three decades since Board of Regents was decided."

This has been an important underlying part of the plaintiffs' case.

"The only entity that ever believed that Board of Regents presumptively immunized any NCAA restraints was the NCAA itself," Hausfeld said Friday.

Remy indicated that the NCAA is far from ready to abandon the Board of Regents case language.

"We continue to believe the rules establishing the revered traditions of college sports are fully consistent with the antitrust laws, as the United States Supreme Court and other courts have repeatedly made clear," his statement said.





# **ATHLETIC DIRECTORS LOBBYING NCAA FOR MORE CONTROL OF COLLEGE SPORT**

Dan Wetzel, Yahoo Sports  
October 29, 2013

Division I athletic directors made a presentation Tuesday in Indianapolis to the NCAA's Board of Directors that laid out a new governance system that would return much of the influence over the day-to-day operation of college sports back to ADs, Yahoo Sports has learned.

The plan would even call for athletic directors to be placed on the Board of Directors itself. That group is currently made up solely of university presidents.

The athletic directors, who believe they are on the front lines of the issues confronting college sports, are hoping to take a more hands-on approach and leave university presidents, who currently hold almost all power, to "broad policies, approving budgets, examining external trends" and other global issues, according to a [document outlining the plan by Yahoo Sports](#).

Morgan Burke and Mike Alden, athletic directors at Purdue and Missouri respectively, made the presentation on behalf of the Division IA Athletic Directors Association and the National Association of College Directors of Athletics.



The board of directors is set to discuss the merits of the proposal Wednesday. The board, as part of an ongoing open conversation over the future of college athletics spurred by president Mark Emmert,

invited various groups to come to Indianapolis and make a presentation.

That included groups representing coaches, conference commissioners, athletes, compliance directors, faculty groups, the Knight Commission and others.

Nothing would be enacted this week and there would be further opportunity for discussion at the NCAA's annual convention in January.

The athletic directors' proposal is considered particularly influential because of their roles of running the on-campus operations of some 350 schools of all shapes and sizes.

One source believes the proposal made by the athletic directors is, in general, similar to one made by the conference commissioners, easily the other most influential group in college athletics.

The athletic directors believe a group from their ranks would be better equipped to see potential pitfalls of new legislation and interpretations, react quickly and offer the from-the-trenches perspective of how governance from Indianapolis is playing out on campus.

There is widespread dissatisfaction with both the speed and transparency of the NCAA and its rulebook. It is also seen as too involved in unnecessary minutia and too inflexible to real world circumstances. All of this is playing out as the organization faces a number of lawsuits challenging its basic business practices.

The athletic directors' proposed administrative group might also include student-athlete representatives, according to a source.

"The new governance system should continue to have oversight by Presidents," the [ADs' one-page proposal](#) handed to the NCAA reads. "We recommend their focus be on broad policies, approving budgets, examining external trends, selecting the CEO, and selecting experienced ADs for the governance system. They should maintain veto power over legislation they deem incompatible with the general principles of the organization.

"This new governance system must have fair, timely, and efficient compliance and enforcement standards and practices.

"Experienced AD's should be essential leaders of the new governance system and should be represented at all levels. The AD's, who were selected by their Presidents, are in the position of leadership, responsibility and accountability for Intercollegiate Athletics and the well-being/welfare of student-athletes on their campus."

The concept of AD influence over the NCAA is not new. Up until last decade, athletic directors handled most of college sports governance, including seeing one of their own move up to president of the organization.

University presidents, however, took over in 2002, believing a more academic-minded group would better serve the NCAA and steer college sports away from trouble.

However, after numerous missteps and scandal, they may be willing to step back.



## COMPLIANCE OFFICE STAFF

### Ben Butler

|                            |                           |
|----------------------------|---------------------------|
| Men's Soccer               | JumpForward               |
| Tennis                     | Eligibility Certification |
| Track & Field / XC (M & W) |                           |

### Brian DeCarlo

|            |                   |
|------------|-------------------|
| Baseball   | Admission         |
| Football   | Camps & Clinics   |
| Men's Golf | Donation Requests |

### Lindsay Jaffe

|                           |               |
|---------------------------|---------------|
| Lacrosse                  | Financial Aid |
| Women's Soccer            | Housing       |
| Swimming & Diving (M & W) |               |
| Volleyball                |               |

### Brandon Wright

|                    |                 |
|--------------------|-----------------|
| Basketball (M & W) | Rules Education |
| Women's Golf       |                 |

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[Cincinnati Compliance Office Homepage](#)

Please provide this information to your student-athletes!

**REMINDER:** You cannot be "friends" with a PSA on Facebook until the 1st permissible date that they can receive electronic correspondence.

## Veteran's Day Reminder!

Coaches: Monday, November 11, is Veteran's Day. Because it is an official vacation day, in-season teams are permitted to exclude practice hours on that day from the daily and weekly CARA limits.

## Donation Requests

All donation requests should go through the website: <http://www.gobearcats.com/ot/request.donation.html>.

All requests will be sent to Brian and forwarded to the appropriate sport representative if approved. This applies to ALL SPORTS.

## THE COMPLIANCE STAFF

### Maggie McKinley

Sr. Associate Athletic Director for Compliance & Administration  
Phone: (513) 556-3559 Email: [maggie.mckinley@uc.edu](mailto:maggie.mckinley@uc.edu)

### Brandon Wright

Sr. Director of Compliance & Rules Education  
Phone: (513) 556-0557 Email: [brandon.wright@uc.edu](mailto:brandon.wright@uc.edu)

### Ben Butler

Sr. Director of Compliance  
Phone: (513) 556-2876 Email: [ben.butler@uc.edu](mailto:ben.butler@uc.edu)

### Brian DeCarlo

Assistant Director of Compliance  
Phone: (513) 556-0574 Email: [brian.decarlo@uc.edu](mailto:brian.decarlo@uc.edu)

### Lindsay Jaffe

Assistant Director of Compliance  
Phone: (513) 556-4835 Email: [lindsay.jaffe@uc.edu](mailto:lindsay.jaffe@uc.edu)

The next **BEARCHAT** will be held **November 13** in the Quiet Study on the 5th floor of the Lindner Center. As a reminder, Bearcats require attendance of **ALL ASSISTANT COACHES**--unless you are unable due to competition, practice, or recruiting.

## Awards

REMEMBER that all awards, before purchase and distribution to student-athletes, must be pre-approved by the Compliance Office!

## BEARCAT SPIRIT!

Women's Basketball begins the regular season on Saturday, November 8th, against Northern Kentucky at the Bank of Kentucky Center!

Men's Basketball begins their regular season on Friday, November 9th against NC Central at Fifth Third Arena!