

Legal Issues in COLLEGIATE ATHLETICS

A Report of Court Decisions, Legislation and Regulations Affecting Collegiate Athletics

Laws Help Recruited Student-Athletes Ask the Right Questions

By Daniel B. Fitzgerald

The recruiting process is a once-in-a-lifetime experience for most student-athletes. College coaches, however, recruit hundreds of players each year. Therefore, it is paramount that student-athletes and their parents are educated on the process, especially when athletic scholarships are involved.

On January 1, 2012, new laws will take effect in California and Connecticut that attempt to bridge the information gap between student-athletes and the coaches recruiting them. Commonly known as the "Student-Athletes' Right to Know Act," these laws require colleges and universities in California and Connecticut to post specific information concerning athletic scholarships on their athletic department websites.

The Student-Athletes' Right to Know Act is backed by the National College Players Association ("NCPA"), a nonprofit advocacy group led by former UCLA football player Ramogi Huma. Mr. Huma, in testimony before the Connecticut General Assembly, summarized the recruiting process as follows:

The majority of high school recruits, who are typically only 16 and 17 years old, are deciding which college to attend based on false information given to them by athletic recruiters.

As a result, most recruits and their parents have no idea that colleges can leave them with sports-related medical expenses, take away their scholarship for any reason, leave them with tens of thousands of dollars in educational-related expenses, and hold their eligibility and scholarship opportunities hostage when they try to transfer schools.

The NCPA initially advocated for California and Connecticut to enact more stringent versions of the Student-Athletes' Right to Know Act. California's original legislation required that a letter be provided to any recruit within one week of being contacted by a recruiter, disclosing the recruiting and scholarship policies of the college or university. Connecticut's initial legislation required the college or university to obtain the informed consent of recruits. Faced with opposition from colleges and universities, the legislation was diluted in both states. The legislation that ultimately became law simply requires transparency in the recruiting process. Colleges and universities, under the laws in both states, are required to post certain information concerning their recruiting and scholarship policies on the college or university's athletic website.

At first blush, these laws are passive attempts to require colleges and universities to fully disclose the details of what is and is not covered by an athletic scholarship.

Student-athletes must visit the athletic department website, locate the hyperlink concerning the Student-Athletes' Right to Know Act, click on it, and wade through the details. But a closer examination reveals an important function of these laws: educating student-athletes on the crucial questions that need to be asked of recruiters and the information that must be obtained before accepting a scholarship offer.

Although the laws in California and Connecticut differ slightly, the following are a few issues covered in the Student-Athletes' Right to Know Act that should be part of any discussions between prospective Division I student-athletes and the coaches recruiting these athletes:

SCHOLARSHIP RENEWAL

The four-year athletic scholarship or "full-ride" is largely a myth. Since 1973, scholarships have been limited to one year by the NCAA, and must be renewed for the following year. This rule changed in October, as the NCAA Division I Board of Directors voted to allow multi-year scholarships up to the full term of eligibility (although the complete details of this change are unavailable at this time). Clearly, multi-year scholarships are preferable for student-athletes. But regardless of the length of the scholarship, student-athletes must ask coaches about the university's policy concerning the renewal and cancellation of scholarships, including, but not limited to, circumstances where student-athletes are injured, there is a coaching change, or athletic performance falls below expectations. On a similar note, student-athletes should inquire about over-signing practices, where the university commits to more student-athletes than it has available.



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scholarships, and how that circumstance might potentially affect current student-athletes. Although the California law does not address over-signing practices, all student-athletes should request such information.

TRANSFER RULES

No one considers the possibility of a transfer during the recruiting process. However, student-athletes should discuss the process of requesting a release from the respective university to explore transfer opportunities. Universities sometimes refuse to grant such a release, or grant a limited release, excluding universities in its league or other rivals, and any such restrictions should be made clear during the recruiting process. Establishing the policy at the outset can prevent confusion and protect the

student-athletes' rights should they seek to transfer in the future.

MEDICAL EXPENSES

Injuries are a reality of collegiate athletics. Therefore, student-athletes need to know whether medical insurance will be provided and what limits are associated with that coverage. Student-athletes must inquire as to what medical expenses will be paid, including deductibles, co-payments and co-insurance. In addition, the duration of insurance coverage should be communicated. Lastly, the availability of a second opinion from a physician not associated with the athletic program should be discussed.

The Student-Athletes' Right to Know Act applies only to colleges and universities located in California and Connecticut. It does not apply to institutions outside of California and Connecticut that recruit

student-athletes who reside in either of these states. Nevertheless, all student-athletes and those involved in the recruiting process should be aware of these laws and insist that any college or university provide them with the information that is legally required in California and Connecticut, preferably in writing.

Surprisingly, other states have not adopted the Student-Athletes' Right to Know Act, despite the willingness of many states to introduce other legislation relating to college sports, such as agent regulation. It appears that similar legislation was introduced in Georgia, but was not adopted. As previously discussed, the law simply requires transparency by way of information posted on a college or university's athletic website that can help a prospective student-athlete make an informed decision on which college or university he or she should attend. Moreover, as California Attorney Stephen K. Rush has opined, greater transparency will likely provide a recruiting advantage for colleges and universities that disclose such information over those institutions that do not. At present, however, California and Connecticut are the only states that have adopted the Student-Athletes' Right to Know Act. ■

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