



# The Role of Intercollegiate Athletics in Community Colleges

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# Agenda

- The Legal Lens
  - Overview
  - Violations
  - Consequences
- The Operational Lens
  - Challenges managing CCCAA complaints and violations
- The Policy Lens
  - Shifting priorities and avoiding violations

# The Scenario

Coach Smith is the basketball coach at ABCCD. He is popular in the community because of his winning record. Consistently, over half the players on the team are from out of state. John, an out-of-state student athlete, filed a complaint with the CCCAA after being dropped from the team. ABCCD initiated its own internal investigation and made the following findings:

# The Scenario

- Coach Smith regularly traveled out-of-state to observe prospective players and meet with them and their parents;
- Out of state prospects typically came from poor families, had struggled in school and had few academic prospects
- Coach Smith told them how to appear to have an in-state address to obtain in-state tuition rates.

# The Scenario

- Coach Smith told them he could help them find jobs and housing.
- Out-of-state prospects who visited ABCCD stayed at Coach Smith's house.
- Coach Smith arranged housing for out-of-state athletes in the apartment of a friend. Conditions were over-crowded and filthy. Police regularly received complaints from neighbors due to the noise, loud parties, public drinking etc.

# The Scenario

ABCDD reports its findings to CCCAA. Based on the findings, the basketball program is put on suspension for 2 years. ABCDD has received a demand letter from an attorney representing several out-of-state athletes and their families, asserting they relied on Coach Smith, and the loss of the ability to play has caused them substantial educational and economic harm.

# The Legal Lens

# Legal Overview

- California Community College Athletic Association:
  - Strictly regulates recruitment of CCD athletes
  - Prohibits subsidies, inducements and special privileges

(Bylaw 2)



# Legal Overview

- Recruitment within college recruiting area
  - The district itself and its contiguous community college districts
  - “Contiguous” = shares a common boundary
  - Allowable activities highly regulated

# Legal Overview

- **Out-of-state recruitment is prohibited**
  - Except upon written approval by the CCCAA
- If an out-of-state student makes unsolicited first contact, the only permissible response is to:
  - Provide information about the athletic program or any aspects of college programs such as housing, or financial aid

# Legal Overview

- Subsidies, inducements and special privileges are prohibited:
  - Anything of value provided to student-athletes that is not provided to the general student population
  - Receipt by a prospect/student-athlete of a subsidy, inducement, or special privilege not authorized by the CCCAA Constitution or Bylaws is a violation of Bylaw 2

# Legal Overview

- Penalty for recruitment violation:
  - One year probation
  - Loss of in-state recruiting
  - Any other sanction deemed appropriate
- Penalty for subsidization:
  - Two years' probation
  - Loss of postseason
  - Plus the following may occur:
    - Reduction of regular season contests
    - Loss of in-state recruiting
    - Suspension of one or more programs

# Legal Overview

- Students may be deemed athletically ineligible if:
  - They received impermissible benefits
  - Providing false information during the eligibility process
  - Committed a violation of any other provision of the CCCAA bylaws

(Bylaw 1.2; Article 7.4.11.2)

# Legal Concerns: Application to Scenario

- Out-of-state recruitment
- Improper inducement
- Improper special privileges
- Program subject to probation and other penalties
- Students subject to disqualification

# Legal Concerns: Application to Scenario

- Other legal concerns?
  - Fraud, misuse of public funds
  - Student/parent claims
  - Harm/injury arising out of housing conditions

# The Operational Lens



# You Receive Notice from CCCAA of a Student Complaint—Now What?

- Key first steps
- Importance of a solid, internal investigation
- Communicating with CCCAA
- Options and challenges communicating with the public
- Options and challenges managing the accused employee pending findings
- Options and challenges addressing student-athletes needs and concerns

# Support to Students Who Lose Opportunity to Play

- Whether program suspended or student deemed ineligible:
  - Especially problematic for out-of-state students, and can be devastating
  - Students may continue academically
    - Though unlikely to do so
  - Remain compassionate

# Continue Your Messaging Strategy

- You may be disciplining one of the district's most popular employees
  - You will need support of the board
  - Media may continue to want comment
- The discipline and self-report may look like an admission of guilt to a savvy attorney
- Be prepared to address new claims
  - e.g., discrimination on the basis of race

# **The Policy Lens: Shifting Priorities & Avoiding Violations**

# What is the Role of Intercollegiate Athletics in the CCDs?

- To benefit the student-athletes—and if so how?
- To create winning seasons?
- To foster team spirit within the community?
- To foster team play and create good, well-rounded citizens?
- Something else?

# Who is a Successful Student-Athlete in the CCD Context?

- One who wins games and fills the stands?
- One who matriculates to a four-year college?
- One who receives an AA?
- One who goes on to play an NCAA sport?
- One who becomes a professional athlete?

# De-Incentivize Recruitment Violations

- Investigate and self-report
- Incentivize student achievement over team wins
  - Recruit and hire coaching staff who embody this value
- Provide professional development activities to coaching staff to support these goals
- Train (and hold accountable) deans and directors who oversee coaches

# Thank You!

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