The coronavirus (COVID-19) pandemic has severely affected the world of college sports. Division I conferences canceled their conference tournaments and the NCAA announced it would not be holding NCAA basketball championships this season, ending March Madness.

COVID-19’s impact, however, did not stop there. The NCAA issued a division-wide “dead period” on recruiting through April 15, 2020. Additionally, athletic conferences have been tasked with determining whether Countable Athletically Related Activity (CARA) is permitted during the pandemic and, if so, to what extent. Currently, all Division I conferences have imposed limitations on interaction with current student-athletes. Conference regulations on CARA range from allowing limited CARA to not allowing any activities at all.

The restrictions on in-person team activities and recruiting have Division I coaches
utilizing videoconferencing software for virtual interaction with student-athletes and prospective student-athletes. For compliance officers, this change poses unique challenges given the rules on education and monitoring. Institutions must determine how to appropriately monitor countable and voluntary activities taking place by virtual media.

Institutions should consider implementing the following best practices:

- Adopt and distribute policies and procedures governing utilization of video and teleconferencing software for communicating with student-athletes.
- Consider requiring coaching staff members declare the software platforms they intend to use to communicate with prospective student-athletes during the Division-wide dead period.
- Continue to issue CARA logs to coaches and student-athletes for sign-off.
- Have compliance officers request communication logs for the devices coaches choose to use for communications with student-athletes and prospective student-athletes.
- Provide questionnaires to student-athletes to ensure that voluntary activities conform with Bylaw 17 legislation (Playing and Practice Seasons) and recently issued secondary guidance.
- Provide student-athletes rules education materials highlighting the differences between VARA and CARA, with an emphasis on virtual communications. For instance, while the provision of workout plans and/or playbooks would not be considered CARA, obligations to follow-up or report on tasks related to the distribution of those materials would make the activities CARA.
- Have compliance officers attend virtual conferences when possible for the purpose of conducting spot checks.
- Finally, if possible, check with the IT department or teleconferencing vendors to see if their software includes the functionality to hide attendees from coaching staff members during virtual voluntary meetings.

NCAA enforcement and membership will not be sympathetic to staff members who choose to take advantage of the COVID-19 pandemic to gain a competitive advantage. It is imperative that institutions take proactive rules education and monitoring to minimize the risk of allegation rules violations.

In addition, institutions should consider checking with insurance carriers and appropriate counsel to determine if workouts occurring or monitored by virtual coaching are covered under their policies.

Jackson Lewis P.C. © 2020