



Case Summary

General Case Information

Case Number	Case Type	Sub Case Type	Release to Database
1045201	Interpretation Request	Recruiting - Bylaw 13	No

Division	Sport(s)
I	

Legislative Cite(s)

13.1.2.1 - General Rule.
13.1.2.2 - General Exceptions.
13.02.15 - Representative of Athletics Interests.
6.4.2 - Representatives of Athletics Interests.
13.02.4 - Contact.

Status Information

Status	Status Date	Status Level	Status Level Type
Resolved	01/29/2019	Staff	Bylaw Team Lead

Conditions

Rationale

Interpretation:: Based on the facts presented, an impermissible contact occurred when a professional athlete, who was not a permissible recruiter of the institution, had off campus contact with PSAs and their families at the house of the head women's basketball coach. The professional athlete was invited to the home of the institution's head women's basketball coach where a recruiting activity was occurring. The facts provided do not support the contention that contact was incidental or unavoidable as his presence at the coach's house was by invitation and the professional athlete remained in the locale of the activity. The institution should work with its conference office to report the violation.

Case Summary

Specific Case Information

Describe the interpretive request please see attached

Provide the conference analysis of the interpretive request.

Provide the institution's analysis of the interpretive request.

MEMORANDUM

January 22, 2019

VIA EMAIL AND RSRO

TO: NCAA Academic and Membership Affairs Staff

FROM: University of Connecticut

SUBJECT: Request for Interpretation

The University of Connecticut (“UConn”) requests interpretive assistance based on the following facts and circumstances.

ISSUE

Applicable Legislation

Bylaw 6.4.2 – Representatives of Athletics Interests. An institution’s “responsibility” for the conduct of its intercollegiate athletics program shall include responsibility for the acts of individuals . . . when a member of the institution’s executive or athletics administration or an athletics department staff member has knowledge or should have knowledge that such an individual . . . [h]as been requested by the athletics department staff to assist in the recruitment of prospective student athletes or is assisting in the recruitment of prospective student-athletes[.]

Bylaw 13.02.04 – Contact. A contact is any face-to-face encounter between a prospective student-athlete or the prospective student-athlete’s parents . . . and an institutional staff member or athletics representative during which any dialogue occurs in excess of an exchange of a greeting. Any such face-to-face encounter that is prearranged (e.g., staff member positions himself or herself in a location where contact is possible) or that takes place on the grounds of the prospective student-athlete’s educational institution or at the site of organized competition or practice involving the prospective student-athlete or the prospective student-athlete’s high school . . . shall be considered a contact, regardless of whether any conversation occurs. However, an . . . athletics representative who is approached by a prospective student-athlete or the prospective student-athlete’s parents, relatives or legal guardians at any location shall not use a contact, provided the encounter was not prearranged and the . . . athletics representative does not engage in any dialogue in excess of a greeting and takes appropriate steps to immediately terminate the encounter.

Bylaw 13.02.15 – Representative of Athletics Interests. A “representative of the institution’s athletics interests” is an individual . . . who is known (or who should have been known) by a member of the institution’s executive or athletics administration to . . . [b]e assisting or to have been requested (by the athletics department staff) to assist in the recruitment of prospective student-athletes. . . or . . . [h]ave been involved otherwise in promoting the institution’s athletics program.

Bylaw 13.1.2.1 – General Rule. All in-person, on- and off-campus recruiting contacts with a prospective student-athlete or the prospective student-athlete’s family members shall be made

only by authorized institutional staff members. Such contact . . . by representatives of an institution's athletics interests is prohibited except as otherwise permitted in this section.

. . .
13.1.2.2 General Exceptions. This regulation is not applicable to:

. . .
(g) **Unavoidable Incidental Contact.** An unavoidable incidental contact made with a prospective student athlete by representatives of the institution's athletics interests, provided the contact is not prearranged by the representative or an athletics department staff member, does not take place on the grounds of the prospective student-athlete's educational institution or at the sites of organized competition and practice involving the prospective student-athlete or the prospective student-athlete's team (high school, preparatory school, two-year college or all-star team), is not made for the purpose of recruitment of the prospective student-athlete, and involves only normal civility.

Facts

1. UConn Women's Head Basketball Coach Geno Auriemma ("Auriemma") has been involved with USA Basketball since 1993. He met Kyrie Irving ("Irving") around 2010 when Irving began his involvement with the national team. Through that organization, the two fostered a friendship over the years.
2. In August 2017, Irving was traded from the Cleveland Cavaliers to the Boston Celtics. With Boston less than 90 miles from the UConn campus, Auriemma was occasionally asked to consult with the Celtics and invited to attend workouts in the offseason. Through these additional contacts, Auriemma and Irving began more frequent communication. In addition to a passion for basketball, Auriemma and Irving learned of a shared passion for wine.¹ As the 2018-19 NBA season approached, Irving expressed an interest in visiting the Storrs area to both see and workout at UConn's facilities with Auriemma and to visit Auriemma's home wine cellar.
3. Apart from his friendship with Auriemma, Irving has no connection to UConn. He was never recruited by the University out of high school and never visited the campus – officially or unofficially – during his recruitment. Similarly, there is no record of Irving participating in or being a member of any organization promoting UConn's athletics program. Irving has never contributed any money to the University, its athletics department, or any UConn booster organization. Irving has never assisted nor been asked to assist in recruiting for UConn. Irving has never assisted or been asked to assist in providing benefits to enrolled student-athletes. UConn is unaware of Irving ever promoting UConn's athletics program.
4. At some point the week before the Celtics' training camp opened, Irving reached out to Auriemma about coming to Storrs on Saturday, September 22, 2018.² Auriemma relayed

¹ In addition to a publically available line of Italian wines produced under his own label, Auriemma maintains a highly regarded private wine collection in his home cellar.

² Auriemma believes this call took place late in the week, possibly as late as Friday, September 21.

that he had a 4:30 p.m. recruiting event at his home but that Irving should plan to drop by his house for wine and dinner around 7 p.m. By that time, Auriemma anticipated that those attending the event at his home would have begun the 30-minute drive back to campus to allow those interested to attend the 7 p.m. men's soccer game.³

5. Auriemma does not specifically recall telling any coaches of Irving's expected visit, but he probably mentioned to Dailey that Irving intended to drop by his house after the event. He is certain he did not mention the possibility to any student-athletes, [REDACTED] or the two prospects' respective families.
6. The recruiting event at Auriemma's home was part of the official visit itinerary for prospective student-athletes ("PSA") [REDACTED] and [REDACTED].
7. Irving visited UConn's campus that Saturday afternoon.⁴ Despite Auriemma's instruction to arrive at his home later that evening, Irving and a friend arrived some time before 7 p.m. while the recruiting event was still going on.⁵ Auriemma never considered sending Irving away or excluding him when he arrived because he did not consider him a representative of the institution's athletics interest and, regardless, Irving was not present to interact with the prospects or otherwise provide any recruiting benefit. In Auriemma's words, "I know who can't be there, and I did not think that Kyrie fell into that category."
8. Both [REDACTED] and [REDACTED] stated that they were surprised when Irving showed up. Prior to the official visit, nobody had told [REDACTED] or [REDACTED] (or their parents) that Irving would be making an appearance. Upon his arrival, the two PSAs and their parents exchanged introductions with Irving. Each PSA estimated their personal interaction with Irving at approximately one minute. After these introductions, Irving largely interacted with Auriemma or simply visited with his friend in other parts of the house. Irving did not participate in any of the recruiting events (e.g., team-building games being played, etc.). After much of the group (including the PSAs) left to return to campus, [REDACTED] parents had an approximate 15-minute additional interaction with Irving before they left. This small-talk was civil in nature and related solely to recognizing mutual NBA connections between Irving and [REDACTED] father.⁶

³ Auriemma lives in Manchester, Connecticut, approximately 20 miles (and a 30-minute drive) from campus.

⁴ Captured social media shows Irving in candid shots around campus with what are believed to be random UConn students. By all accounts, Irving's visit to campus was unannounced and did not include any notice to or meeting with any UConn officials, student-athletes, or prospects (in any sport) or any tour of or workout at UConn's basketball facilities. Women's basketball student-athlete [REDACTED] reported that team members circulated some of these photos of Irving on campus in a group text chat, with one teammate wondering if Irving might "be a surprise at Coach's house" later that day. The student-athletes interviewed confirmed that this mention was pure speculation, and that none of them were informed of Irving's intent to have dinner later that evening with Auriemma, much less at his home.

⁵ The investigation could not determine the name of Irving's friend, but it did establish that he was not an NBA player or coach and was previously unknown to the UConn staff.

⁶ [REDACTED] father is a long-time amateur coach in the northeast and has coached multiple NBA players at the high school level, including Jared Sullinger, who played for the Celtics from 2012-2016.

9. At no point during the evening did Irving ever discuss UConn, Auriemma, or encourage the PSAs (or their families) to attend the University.
10. ██████ publically committed to UConn on September 27, 2018. She and her parents confirmed that her lifelong dream was to play for UConn and that the brief introduction to Irving at Auriemma's house during her official visit played absolutely no role in her decision to commit. Auriemma likewise reported that ██████ had long-since privately relayed her intent to commit and sign with UConn. It is his belief that her chance introduction to Irving played "zero" role in her decision to publically commit.
11. ██████ verbally committed to the University of Tennessee on October 3, 2018.

Questions

1. Does the factual information presented above constitute a violation of NCAA legislation?
2. Under the facts described above, was Irving a representative of UConn's athletics interests?
3. Under the facts described above, was Irving an impermissible recruiter?
4. Does an individual's status as a celebrity, even if not otherwise a representative of an institution's athletics interest, make the individual an impermissible recruiter?
5. Does a recruiting contact occur if a celebrity who is neither an institutional staff member nor a representative of the institution's athletics interests has a non-prearranged face-to-face encounter with a prospective student-athlete during the prospective student-athlete's official visit?
6. Did a violation of NCAA legislation occur as a result of Irving's mere presence, which was not prearranged for recruiting purposes, at an event for prospective student-athletes held during their official visits?
7. Did a violation of NCAA legislation occur when Irving had a non-prearranged short (less than a minute) contact with prospective student athletes during an event during a prospective student-athlete's official visit?
8. Did a violation of NCAA legislation occur when Irving had an approximately 15 minute non-prearranged conversation with a prospective student athlete's family members regarding topics unrelated in any way to UConn or Auriemma?
9. Does Irving's appearance at Auriemma's house in contradiction to the invitation he received from Auriemma constitute an "unavoidable contact" such that the exception of NCAA Byawl 13.1.2.2-(g) applies?

INSTITUTIONAL ANALYSIS

Bylaw 13.1.2.1 requires two elements to establish a violation: (1) an unauthorized staff member or representative of the institution's athletics interest; and (2) recruiting contact with a prospective student-athlete (or her family). Neither of those elements can be satisfied from the facts.

I. IRVING IS NOT A REPRESENTATIVE OF UCONN'S ATHLETICS INTEREST.

Other than being long-time friends with Auriemma, Irving has no connection whatsoever to UConn. While he was a high-profile basketball prospective student-athlete, Irving was not recruited by UConn and never took an official or unofficial visit to campus before signing with Duke University in 2010. Upon information and belief, Irving's September 2018 visit was his first ever to the Storrs, Connecticut area.

Specific to Bylaw 13.02.15, it is undisputed that Irving has never participated in or been a member of any agency or organization promoting any of UConn's athletics programs, and he has never made a financial contribution to the athletics department or any institutional booster organization. He has never been asked to or otherwise worked to promote UConn's athletics programs and has never provided any benefit to enrolled student-athletes or their families.

Similarly, there is no evidence that Irving was ever "requested to assist" in the recruitment of any PSAs, including [REDACTED] and [REDACTED]. Instead, the entirety of evidence establishes that Auriemma intended his time with Irving to be entirely private and separate from the recruiting event. He kept the fact of his dinner with Irving from the majority of his coaching staff, all of the student-athletes, and both of his visiting prospects. Auriemma intentionally tried to schedule Irving's arrival so as to avoid those at the recruiting event from having any contact, much less recruiting contact, with him.

Once Irving arrived early, there is equally no evidence that he "assisted" in recruiting. He exchanged brief pleasantries with [REDACTED] and their families and later had a 10-15 minute civil conversation with [REDACTED] father about mutual, non-UConn acquaintances. Irving never spoke of UConn, Auriemma, or the women's basketball program. He was not a participant in the recruiting activities; instead, Irving largely visited with Auriemma and/or his friend apart from others.

In order to qualify Irving as a representative of UConn's athletics interests under these facts, one would have to disregard the entirety of testimony addressing the absence of any recruiting assistance or athletics promotion and, without legislative support, begin the climb up the slippery slope in determining that any "famous" individual introduced to a PSA is necessarily an athletics representative. It seems implausible that an individual's fame could automatically transform permissible, congenial conversation into "recruiting assistance" merely because the person is a celebrity. The University is unaware of, for example, LeBron James (Ohio State University), Snoop Dog (University of Southern California), Vince Vaughn (Notre Dame) or Jason Aldean (University of Georgia) being labeled as athletics representatives (and impermissible recruiters) simply by regularly, intentionally, and publically interacting with their adopted athletics programs. Here, Irving did much less. His actions were intended to be entirely private. Put another way, this interpretation request would almost certainly be unnecessary if it had only been Irving's unknown friend who showed up early for dinner (*i.e.*, if Irving arrived later, after all recruiting guests had left). Under those facts, no one would suggest that this unknown friend's identical but limited, civil interactions with the PSAs and their families would transform him into an athletics representative and impermissible recruiter. Athletics representative status via "assisting in recruiting" or "athletics promotion" should not simply

derive from the fact that an individual with whom a prospect has permissible contact is famous.

In the absence of that or any other qualifying factor under Bylaw 13.02.15, there is no basis to establish Irving as an athletics representative, a prerequisite to a Bylaw 13.1.2 violation.

II. IRVING'S CONTACT WAS NOT "RECRUITING CONTACT."

By definition under Bylaw 13.02.4, only institutional staff members and athletics representatives can have "recruiting contact." Absent facts demonstrating Irving's limited actions at Auriemma's transform him into an athletics representative, he is legislatively incapable of having recruiting contact and satisfying the second requirement of the bylaw.

III. ALTERNATIVELY, IRVING'S CONTACT WAS UNAVOIDABLE AND INCIDENTAL.

Even if Irving is determined to be an institutional representative based on his unexpected encounter with [REDACTED] and their families, Bylaw 13.1.2.2-(g) permits the contact. More specifically, Bylaw 13.1.2.2-(g) exempts athletics representative contact from Bylaw 13.1.2 where: (1) the contact is not prearranged; (2) does not take place at the prospect's school, practice, or game; and (3) is not made for the purpose of recruitment (*i.e.*, it involves only normal civility).

As outlined above, Irving's contact with the PSAs and their families was not prearranged. The dinner was intended to be a private affair. Auriemma did not disclose the dinner to the majority of his coaching staff, any student-athletes, and none of the PSAs or their families. He went so far as to expressly schedule Irving's arrival for a time when he anticipated the recruiting group to be well back on their way to campus so as to avoid any contact at all.

Equally clear, the contact took place at Auriemma's home, a location allowable under the exception.

Lastly, the contact was not made for recruitment purposes. Upon Irving's arrival, the two PSAs and their parents exchanged pleasantries with him. Each PSA estimated their personal interaction with Irving at approximately one minute. According to witnesses, Irving then largely visited with Auriemma or spent time with his friend. He did not participate in the ongoing recruiting activities. After the PSAs left for campus, [REDACTED] parents' additional interaction with Irving had nothing to do with UConn; instead, it was a normal, civil conversation related solely to mutual NBA connections between Irving and [REDACTED] father.⁷ At no point during any of his limited interactions with the PSAs and their families did Irving ever speak about UConn, encourage them to attend UConn, or to play for Auriemma. Perhaps most importantly, this was not an intentional act by the women's basketball staff to gain a recruiting advantage, and both PSAs confirmed their introduction to Irving played no role in their recruitment. Accordingly, if Bylaw 13.1.2 is intended to transform a celebrity into an athletics representative based on nothing more than congenial conversation, Bylaw 13.1.2.2-(g) understandably excepts it in this

⁷ Importantly, the length of this interaction is inconsequential, as Bylaw 13.1.2.2-(g) lacks any temporal limitation on the contact. Instead, it turns on whether the contact is "for the purpose of recruitment . . .". Compare Bylaw 13.1.2.2-(g) (addressing the content – as opposed to the length – of conversation) with Bylaw 13.02.4 (prohibiting any dialogue "in excess of an exchange of a greeting").

circumstance.

* * *

The University submits that the absence of both a prior connection to UConn and any involvement in recruiting while present at Auriemma's preclude Irving's qualification as a representative of UConn's athletics interests as defined by NCAA Bylaws 6.4.2 and 13.02.15 (2018-19).⁸ A failure of those elements, individually and collectively, prohibits a violation of Bylaw 31.1.2. Alternatively, if Irving's conduct did qualify him as an athletics representative, his incidental contact with the PSAs and their families is excepted under Bylaw 13.1.2.2-(g).

CTS

⁸ If a violation did occur, it would be appropriately classified as a Level III violation because it was unintentional, limited in scope, and was neither intended nor did gain even a minimal recruiting advantage.



Institution: University of Connecticut
Case Type: Interpretation Request

Division: I

Case ID: 1045201
Date: 06/20/2019

[Decision PDF](#)

Decision

Accepted Date 01/31/2019

Accepted By Ann Fiorvanti

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[Provide Feedback](#)

Status

Resolved

**Status
Date**

01/29/2019

Conditions

Rationale

Interpretation:: Based on the facts presented, an impermissible contact occurred when a professional athlete, who was not a permissible recruiter of the institution, had off campus contact with PSAs and their families at the house of the head women's basketball coach. The professional athlete was invited to the home of the institution's head women's basketball coach where a recruiting activity was occurring. The facts provided do not support the contention that contact was incidental or unavoidable as his presence at the coach's house was by invitation and the professional athlete remained in the locale of the activity. The institution should work with its conference office to report the violation.