

BUSINESS DEVELOPMENT

Amateur Status and NCAA Eligibility: At Risk Due to Instructor's Marketing Efforts?

By David Gould, Staff Editor

A few weeks ago, a promotional email went out from the Dom DiJulia School of Golf. In it, the Pennsylvania-based Proponent Group member shared news of some excellent tournament play by a lengthy list of amateurs coached by DiJulia.

A woman he teaches had qualified for the USGA Women's Mid-Amateur. A boy just entering high school won a Philadelphia PGA Junior Tour event, by eight strokes with a score of 68. Another boy finished second with a 69 in the IJGT Labor Day Classic at Hershey Country Club. This golfer ranks No. 2 in stroke average out of 179 high schoolers in his league. We also learned in the email that a DiJulia student kicked off her junior year at the College of William and Mary by spearheading her team's win at the Bucknell Invitational.

At the bottom of DiJulia's information-packed email is a two-line comment. In it the coach implicitly suggests that programs he implemented helped produce these success stories. He also issues a call-to-action for prospective students: "Contact us to learn more about using this fall to make progress toward a great season next year."

Question: Are the amateurs described in Dom's email put at risk by having their exploits used as the basis for a coach's promotional email? Proponent Group posed that question (generally, not naming names) to Bernie Loehr, the USGA's director of Amateur Status and Rules of Golf. This was followed by a query to Cameron Schuh, associate director for Public and Media Relations at the NCAA.

The USGA's response, via email, was terse. "An amateur golfer of skill or reputation forfeits his amateur status if he promotes anything, including his golf instructor," said Loehr. Asked whether any amateur had suffered this fate in the past decade, Loehr answered: "Not for promoting golf instruction but for promoting other things."

The Proponent outreach to the NCAA asked about the many golf teachers whose junior phenoms go on to compete at Division I universities and garner fame for their exploits. We asked: What leeway does the coach have to re-



What are you allowed to say about your competitive players' successes in your business communications?

mind prospective lesson-takers that he or she was integral to the collegian's success?

Here is the exact text of the first part of Schuh's reply:

"Per the rules the NCAA schools have created, it would not be permissible to include a name or picture of a currently enrolled student-athlete in an advertisement for a golf instructor's services or to demonstrate the instructor's experience, reputation, etc. This would include listing the student-athlete in a publication that is intended to communicate the coach's avail-

ability for lessons. In this context, the coach/instructor is using the student-athlete's name to recommend or promote the coach/instructor's services and it would render the student-athlete ineligible if he or she either approved the use of, or failed to take steps to stop the use, once he/she learned about it."

Schuh then added a qualifier:

"However, if the student-athlete's name is being used in a news context (e.g. an article about the coach that includes the mention that he/she was the coach of a particular student-athlete), that would be a different situation. In this context, the newsletter's article would be informational in nature and wouldn't be considered a promotion of a commercial service. This would be considered that the student-athletes is not being included to create an implied endorsement of the coach/instructor's service." These NCAA comments create a reasonable allowance for the news contained in DiJulia's newsletter.

Erik Stevens, a player agent who represents LPGA star Christie Kerr, was asked about these guidelines, including how to interpret them.

"Promotion is part of today's sports world," says Stevens. "If you are integral to a young athlete's success, you have a right to be talking about it, and really a duty to yourself as a professional to be making the fact known." Style matters, in Stevens' view. "As the coach, you can talk about skills the player is focusing on or a stat that is relevant to their recent success," he says. "That is factual information that has some weight" and isn't just fluff.

Dan Levy, a marketing executive with Wasserman Media Group in Raleigh, N.C., says for starters that he has never heard of golf instructors creating status or eligibility problems for the young people they coach. Vicky Hurst and Suzanne Pedersen are among Levy's present and former clients. Like Stevens, Levy feels just-the-facts information should be made very plain, as a way of justly documenting the coach's skill and abilities.

Crossing the line, in Levy's view, is one of those "you know it when you see it" circumstances. An organization like the NCAA would be inclined to perhaps make an example of the golf instructor who is callously aggressive in stretching the limits of the "news" exception. Levy's other possible sore point involves benefits to the player beyond the core benefit of excellent coaching and guidance. "Even a discount of the reasonable or accepted price of the lessons might be an opening," he muses.

We're all familiar with the odd and even awkward process by which manufacturers congratulate unnamed pro golfers, calling them "the winner of the XYZ Classic" in the pages of *Golfweek* or *Golf World*. The oblique reference is used in place of an actual name because the company isn't paying that player to use his or her name and likeness. Could golf instructors find themselves having to adopt this clumsy way of linking themselves to a collegiate star whom they coach?

Chris Baisch is director of instruction at Hazeltine National Golf Club in Minnesota and a longtime Proponent Group member. Despite being employed by a private club, Baisch lists a roster of students that is only one-half Hazeltine members. "This club is unique—the members want to see talented players reach their potential and they want to see the game of golf grow," says Baisch. "They base their policies on the oldest and best ideals of the game."

As a result, the non-member following Baisch has developed is just fine with the club. The whole phenomenon got rolling thanks to the work he did with current University of Nebraska senior Steffi Neisen.

"Steff's development as tournament player is what started it all for me," says Baisch, whose lesson tee is now

a magnet for talented juniors. "The most prominent connection of her as a player and me as a coach came in a *Golf World* article, after Steff had qualified for the U.S. Amateur. She credited me by name," recalls Baisch.

Is that an "endorsement" or an "implied endorsement" of a coach by an NCAA player? The answer is that the statement by Neisen is not commercial in nature, because of its context. It appears as relevant factual information in a bona fide news article circulated by a recognized publication. Inside and outside the institutional hierarchies, the news-and-information factor seems to hold sway. Are you presenting true, factual and reasonably timely information about a collegiate player? If so, the player's responsibility to protect his or her eligibility by asking you to cease and desist won't be triggered, goes the theory.

Likewise, in theory, if you tape a 30-minute infomercial that shows current college golfers touting your talents as you guarantee 10-stroke improvement in 10 days, it could cost them their eligibility.

In discussing this topic, Proponent Group members sometimes wonder out loud what the purpose of the NCAA regulation is. Bill Baldwin sees many a trophy-winning young amateur along his lesson tee at the Baldwin Golf Academy, in Grand Blanc, Mich. One of the players he taught, Shasta Averyhardt, played for Eddie Payton at Jackson State University and then did well enough in tour qualifying to earn conditional LPGA status for this year. "During her time as an NCAA player, I steered away from mentioning Shasta in any materials I put out," says Baldwin, citing the collegiate eligibility issue.

"Anything the NCAA does to protect these young players, that's all good," he says. "Golf is one of the few sports the NCAA has left that is still more or less pure." However, Baldwin and other coaches, do wonder how NCAA golf or the individual student could be harmed by having a golf coach talk about having worked with them. "If the reason is that the NCAA wants to monopolize the excitement and the aura these athletes produce, and they don't want any of that light to land elsewhere, then it gets personal," he says. "Then you're talking about my business and my income."

Amateurs and Academy Marketing: A Proponent Group Viewpoint

What you read in this newsletter article is solid information, in "snapshot" form. We're glad to be providing helpful guidance but there are questions about how this issue will track in the future. Organizations like the AJGA are allowed to provide travel and expense money to top players. That may sound like generosity but it

serves the Association's business plan very neatly—they need top talent participating. Brand-name manufacturers fit and equip the leading junior golfers with tour-quality gear—woods, irons, wedges, putter, golf balls, shoes and what have you. They do so without any fear that they will create problems for these junior golfers regarding amateur status or collegiate eligibility.

The question of how overtly a golf coach can associate his or her name with that of an amateur golfer—

young or old—has been answered for the record. However, that language seems less than ironclad. Golf professionals have erred on the side of caution. And yet, developing great junior and competitive players, in general, is more and more an important calling card. Promotion by coaches could become more aggressive and we could see a more aggressive response from the ruling bodies. Proponent Group will continue to monitor this issue and keep you up to date. —Lorin Anderson