

OLD DOMINION UNIVERSITY BOARD OF VISITORS
ATHLETICS COMMITTEE
JUNE 14, 2018

TO: Athletics Committee Members
Kay A. Kemper, Chair
Yvonne T. Allmond, Vice Chair
Carlton F. Bennett, J. Harris
Larry R. Hill

FROM: Dr. Wood Selig
Director of Athletics

DATE: June 1, 2018

SUBJECT: June 14, 2018 – Meeting Agenda

The Athletics Committee meeting will take place in the Boardroom (Room 2206) in the John R. Broderick Dining Commons from 10:00 a.m. – 11:00 a.m. on Thursday, June 14, 2018. The following items will be discussed:

- I. Student-Athlete Welfare and Updates
A. Academic Support Overview
B. Academic Review and Highlights

V. Athletic Highlights for 2017-18 (Women's Volleyball Update)

REPORT AND RECOMMENDATIONS TO ADDRESS

Commission on Collegiate Basketball
April 2018

COMMISSION ON COLLEGE BASKETBALL
[REDACTED]

The Independent Commission on College Basketball was established on October

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Lost in the talk of big money and corruption is colleges' central mission to provide education to students. There is debate about how to measure the graduation

[REDACTED]

EXECUTIVE SUMMARY OF RECOMMENDATIONS

**Section 1:
Realistic Pathways for Student-Athlete Success**

- A. Separate The Collegiate Track From The Professional Track By Ending One-And-Done.**

we must change fundamentally the current culture and rules to address the effect that

The Commission is concerned about one unintended consequence of ending one-and-done, specifically the potential abuse of the NCAA's current practice of granting

[REDACTED]

Elite high school and college basketball players tend to misjudge their

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professional prospects. Players who think they are surefire professionals are often mistaken. The numbers tell this story. Only a very small percentage of NCAA men's

The Commission also discussed the graduate transfer rule. The NCAA enacted the rule in 2006 to assist academically high-achieving students who had graduated from college with remaining athletic eligibility by allowing them to transfer in order to complete a graduate degree. In recent years, graduating student-athletes, including in

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C. Permit Students To Receive Meaningful Assessment of Professional



The Commission further recommends that the NCAA incentivize better behavior from agents. This can be done through making clear the benefits of certification and the cost of the loss of certification. An agent who participates in an NCAA rules violation must lose his or her certification. A student athlete who enters into an agreement or

D. Provide Resources To Make The Promise of A College Education Real

⁹ See NCAA Financial Reporting System.

receive benefits such as academic support, meals, travel, coaching, trainers, career

[REDACTED]

significant punishment on those who undermine the premise that student-athletes must receive an education that is valuable, not a pretense. The NCAA will have to incur

Section 2:

Establish Professional Neutral Investigation and Adjudication of Serious Infractions and Hold Institutions and Individuals Accountable

Implement Independent Investigation and Adjudication of Complex

potential exists for cover-up of these recommendations. But it will be necessary to

... financial implications, including the loss of post-season play and the revenues from

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post-season play. To restore credibility to this process, the investigation, enforcement

[REDACTED]

and resolution of high stakes cases must be placed in the hands of independent professionals and neutrals.

The Commission recommends that the NCAA enact significant increases in the fines assessed to institutions and individuals for violations of NCAA rules. Currently,



A. Refers Non-Scholastic Basketball and Make Its Finances

In the near term, the Commission recommends that the NCAA promptly adopt and enforce rigorous criteria for certifying the non-scholastic basketball events that its members attend. In order for the NCAA to certify a non-scholastic basketball event, the

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owners, event operators, sponsors, and coaches for the event must agree to financial

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[REDACTED]

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companies. It appears, however, that they do not have effective controls in place in their

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C. In Cooperation with Partners, Establish NCAA Youth Basketball Programs.

[REDACTED]

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spending in non-scholastic basketball. The Commission calls on the boards of these companies to publicly support and implement financial transparency and accountability with respect to their own investments in non-scholastic basketball. Particularly in light of the facts uncovered in the recent FBI investigation, these public companies should

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changes recommended by the National Association of Basketball Coaches and other organizations to reduce the influence of third parties and increase the ability of college-

Section 4:
Add A Significant Cadre of Public Members To
The NCAA's Board of Governors



REPORT OF THE COMMISSION

Introduction

On September 26, 2017, the United States Attorney's Office for the Southern

[REDACTED]



- Jeremy Foley, Athletic Director Emeritus, University of Florida Athletic Association
- Jeffrey Hathaway, Vice President/Director of Athletics, Hofstra University
- Grant Hill, Owner/Vice Chairman, Atlanta Hawks
- [REDACTED]

Mike Montgomery, Retired Basketball Coach, Analyst, PAC-12 Networks

David Robinson, Founder, Admiral Capital Group

The Commission now recommends that the NCAA seeks changes from other organizations, such as the NBA and the NBPA, and that it make significant internal changes, including fundamental changes to the process, rules, and penalties related to

The Commission's Process

A. Information Gathering: Conversations with Stakeholders

B. Information Gathering: Briefings from the NCAA, Its Agents and Others

however, a small group of elite players who would prefer to bypass college and play in the NBA after high school and who would be drafted, were it permitted under the NBA's and NBPA's collectively bargained rules. These players often do not find the alternative

professional options, such as the C League or the U.S. League, as desirable as

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making a name for themselves in Division I men's basketball. Thus, these players, colloquially referred to as one-and-done players, attend college for a single year – and sometimes only until the day their schools are eliminated from the NCAA tournament.

Since 2006, NBA teams have drafted an average of eight college freshman each year. Most of those one-and-done players attended one of six schools.¹⁵ However, the

[REDACTED]



restrictions on age and class players, but these employers effectively illustrate one issue created

[REDACTED]

B. The NCAA's Relationship With Member Institutions

[REDACTED]



Compliance). Specifically, the NCAA's investigative and enforcement powers are limited and often appear inadequate to effectively investigate and address serious violations

2. Substance, Including Penalties



...and the level of playability must be clarified and become more consistent

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3. The Relationships Among College Basketball, Non-Scholastic

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[REDACTED]

Currently, the NCAA "certifies" some non-scholastic or non-scholastic basketball events and leagues. NCAA Division I Bylaws 13.18 (Basketball Event Certification); 17.31.4.1 (Summer Basketball Leagues). Coaches at NCAA member institutions can attend these summer events only if the NCAA certifies them. Unfortunately, however, the requirements for NCAA certification are minimal, to be generous; and some of the requirements are poorly implemented while others are not enforced. Non-scholastic

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[REDACTED]

[REDACTED]

of players they must see in order to put their teams together.

That said, virtually all stakeholders expressed the view that currently, non-scholastic basketball lacks sufficient regulation, with detrimental effects on college basketball. For example, significant money flows into summer ball from apparel companies, agents, investment advisers and other sources, and there is little

[REDACTED]

funds. Many state that it is well known that student-athletes are paid – either directly or indirectly (through family members or otherwise) – to play for particular summer teams

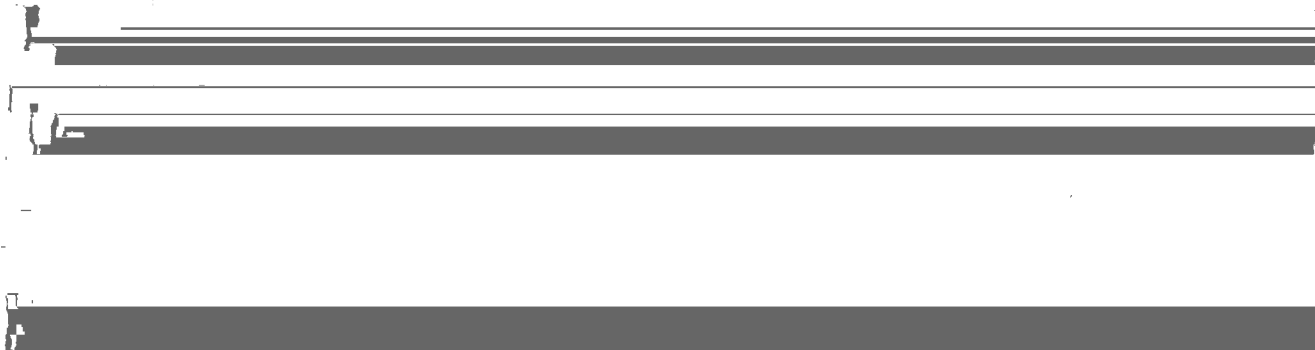
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[REDACTED]

for negotiating the NBA, shoe and apparel, and other endorsement contracts of professional players. Financial advisers earn significant commissions for investing professional players' funds. Competition to sign potential professional players is



for several years before these players are in high school and in college, and they do so by



opportunity for individuals and significantly reduces the incentives for improper payments, and is thus one important part of an overall effort to limit corruption in college basketball and to support the collegiate model. The Commission recognizes that this change will

[REDACTED]

reformed and improved NCAA investigative and adjudicative processes, higher penalties for infractions, and new requirements for financial transparency and accountability in

[REDACTED]

In addition, if players remain in the draft until it occurs, college coaches will not

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know until June which players are eligible for or remain on their rosters for the next

C. Permit Students To Receive Meaningful Assessment of Professional Prospects Earlier With Assistance From Certified Agents.

22 NCAA Research Tracking Transfer in Division I Men's Basketball (Dec. 2017).

23 The Commission further recommends that the NCAA and its Transfer Working Group examine the growing trend in graduate transfers, along with their falling degree completion rates, to ensure that the graduate transfer pile continues to see its success. See ES Section 4.D.

The NCAA's rules already allow student athletes to retain lawyers and advisors to provide professional advice at market value, provided the lawyer or advisor does not

engage in prohibited financial activities of agents. NCAA-certified agents should also

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be permitted to provide such advice. Further, high school players considering entering

the NCAA should be permitted to retain legal counsel to provide such advice.

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[REDACTED]

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[REDACTED]

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¹⁴ An agent is any person who either directly or indirectly represents a prospective or current student-athlete in marketing his athletic ability or

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D. Provide Resources To Make The Promise Of A College Education Real.

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therefore should be treated as professional athletes and paid more than the full cost

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investigative and enforcement process for cases involving complex or serious violations (hereafter “complex cases”).

The consensus view – including within the NCAA – is that the NCAA investigative and enforcement process is broken. The NCAA’s shared governance and cooperative principles do not work in situations when large sums of money and serious reputational damage is at stake. Schools and individuals “lawyer up” to protect their financial and reputational interests. The current NCAA system does not provide its personnel with the tools and authority necessary to investigate complex cases and effectively prosecute violators of the rules. Decision makers are volunteers and NCAA members; they face perceived conflicts of interest in adjudicating complex cases with adverse consequences for the credibility of the process. Punishment is often unpredictable and

inadequate to deter violations. In many cases, the process takes years, and the NCAA imposes punishment long after the departure of bad actors. Prominent coaches and administrators escape accountability for what they know or should have known was

²⁸ One threshold question is how to define the cases subject to the new process. The Commission recommends that both the NCAA and the

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Relatedly, the independent panel of adjudicators must have the authority, on a motion to show cause, promptly to impose consequences for failure to cooperate in investigations of complex matters, including, where appropriate, loss of the right to participate in post-season tournaments and other NCAA events and the loss of

[REDACTED]

B. Enact and Impose Increased Core Punishments With Significant Deterrent Effects.

[REDACTED]

associated revenues

In a related point, the NCAA must authorize its investigators and advocates to

[REDACTED]

to assess the penalty for head coach restrictions to allow imposition of more than one

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department directors and coaches to certify annually that they have conducted due diligence and that their athletic programs comply with

those individuals if they knew or should have known of violations and did not address them, up to and including termination.

[REDACTED]

Section 3:

Mitigating Non-Scholastic Basketball's Damaging Influence on College Basketball

A. Reform Non-Scholastic Basketball and Make Its Finances Transparent.

further heard about many selfless individuals who volunteer to administer and coach

non-scholastic basketball, investing their skill and countless hours without thought of

remuneration or benefit. However, the Commission also heard from many that because non-scholastic basketball is unregulated, some teams, events and tournaments have

damaging consequences for college basketball.

The NCAA certifies non-scholastic basketball events and leagues, but the

non-scholastic basketball needs NCAA coaches, and NCAA coaches need non-scholastic

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basketball. The Commission's guiding principle in this area is that the NCAA should not

conflict and NCAA coaches should not participate in non-scholastic basketball events

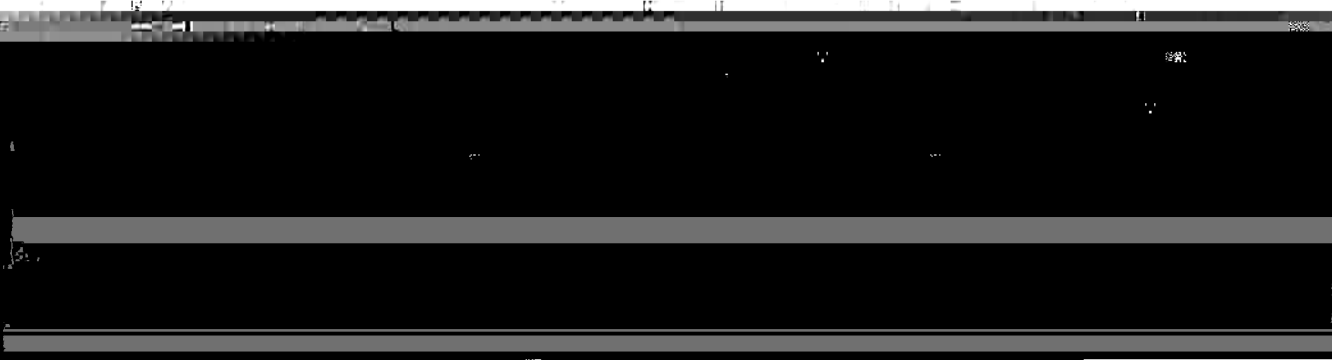
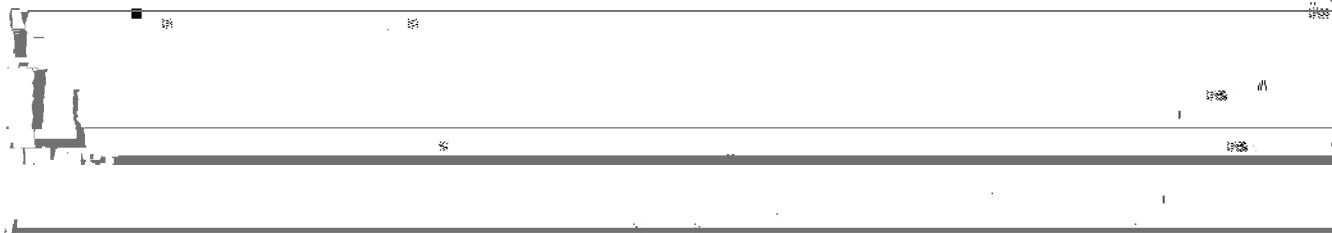
involving coaches, leagues or sponsors who are not fully transparent about the sources

B. Enlist the Apparel Companies in Transparency and Accountability Efforts.

While these statements were welcome, the Commission does not believe that the apparel companies have always delivered on this promise. In fact, it was difficult to ascertain how closely these companies track funding for non-scholastic basketball and associated activities. The Commission will formally ask the boards and leadership in these companies to make a commitment to transparency and accountability for the expenditure of company funds in college and non-scholastic basketball, particularly



C. In Cooperation with Partners, Establish NCAA Youth Development Programs.



Collegiate Potential.



Every year, the number of players to be identified, evaluated and developed at each level follows:

Level 1 (National Team Potential)	80-100
Level 2 (Highest Collegiate Potential)	400-500
Level 3 (Collegiate Potential)	2,000-2,500

It is important to note that the Commission believes developing players at each level will require collaboration among USA Basketball, the NCAA, the NBA and the NBPA. The absence of any one of these stakeholders in the youth development space will exacerbate the current problems with recruiting and development.

[REDACTED]

While the NCAA, USA Basketball, the NBA and the NBPA should work out the

[REDACTED]



education and mentoring throughout the year. The Commission recommends that one of these contacts occur at NCAA-administered regional camps each summer during July, which NCAA coaches would exclusively attend during that time, and that current NCAA-directed recruiting windows be adjusted to account for these events. The Commission also recommends that events

[REDACTED]

organized and implemented under this youth development initiative be required to adhere to USA Basketball licensing requirements for coaches and

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D. Enact Changes in Rules Governing Recruiting and Coaches'

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and prospective and current student-athletes so that these coaches are not required to recruit and instruct through third parties.

First, the Commission supports the NABC's recommendation that the summer



**Section 4:
Add A Significant Cadre of Public Members
To The NCAA Board of Governors.**

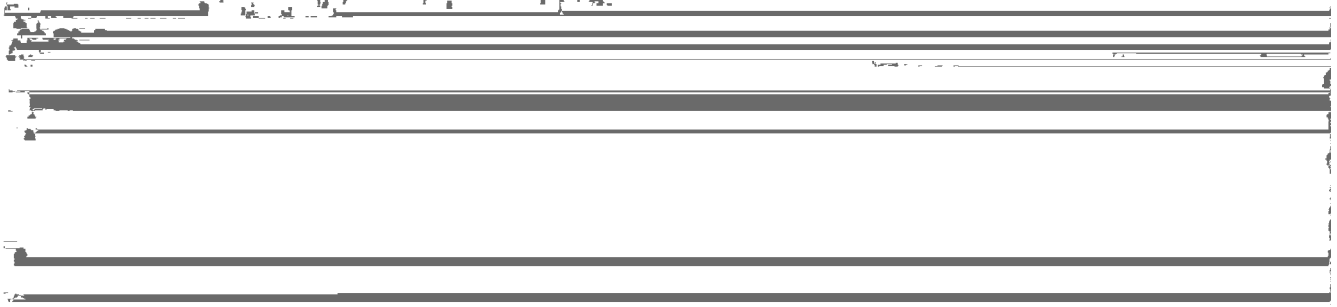
The Commission recommends that the NCAA restructure its Board of Governors to include at least five public voting members with the experience, stature and objectivity to assist the NCAA in re-establishing itself as an effective and respected leader and regulator of college sports. It further recommends that at least one of these

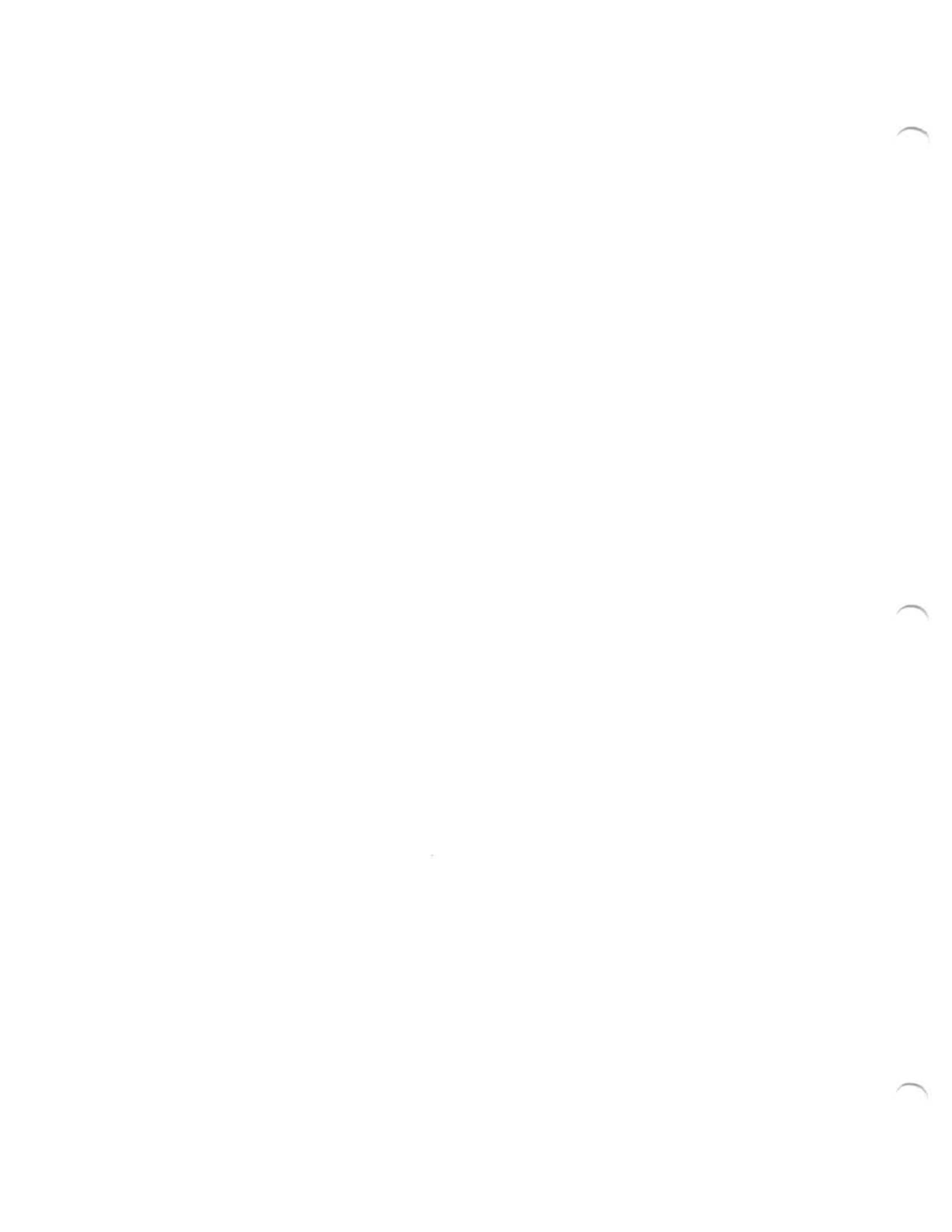


CONCLUSION

The Commission calls on the NCAA to draw up draft legislation and plans to implement its recommendations for Commission review by early August 2018. The Commission will promptly reconvene and provide its input.

The Commission has made a number of important recommendations. Some call for action by third parties, such as the NBA, the NBPA, apparel companies and member





Endorsed by NCAA Board of Governors Executive Committee and NCAA
Division I Board of Directors Administrative Committee

Monday, May 7, 2018

NCAA National Office Steering Committee

Committee

- Kevin Lennon (co-lead)
- Cari Van Senus (co-lead)
- Scott Bearby
- Mark Emmert
- Dan Gavitt
- Donald Remy
- Dave Schnase

Eric Kaler / Bud Peterson

Jake James / Jeanne Ponsetto

MBOC (subgroup)

Manoel Guerrero

Nonscholastic Basketball

John G. ...

MBOC

Jeff Hathaway

NABC

Recommendation

Gavitt / Kemper

MBOC (subgroup)

Val Ackerman

NBA

Remy / Luck

15 / Council working group

David Benedict and Brad Hostetter

Agents / Advisors

Schnase / Martin

Council-led working group

Association-Wide Issues

Wachtley (chair)
King (co-chair)
James (co-chair)

Independent BOG Members
Annual Certification

Gronau / B. Williams



Members: Guerrero (chair), Capriotti, Haney, Howard, Knight, MacLeod, Martelli, Rogers, Smith, Stravinsky and Thomas.
Staff Leads: Duncan and Gavitt.



Event Certification

Legislative action by I Board August 2018 with implementation for events after 9/1/2018.

Youth Basketball Programs

Vote to approve plan in August 2018.

Recruiting/Coaches Interaction

Legislative action by DI Board August 2018.

Crossover with Financial Transparency under review by Apparel Companies topical group.



Members: Ackerman (chair), Brazeau, Hathaway, Leibovitz, Muir and Schlickmann.
Staff Leads: Gavitt.

**Eliminate one-
and-done rule**

Track from
1A)

Await decision by NBA
and NBPA.

Draft flexibility

5. Allow
aspects and
not sign a

Develop model for DI
Board approval August
2018.

Recruiting and Coaches Impact on Student-Athletes

Recruiting and Student-Athletes

Members: NCAA Division I Men's Basketball Oversight Committee.
Staff Leads: Gavitt and Kemper.

Within its regular course of business, the Men's Basketball Oversight Committee will discuss NABC recommendations.

For adoption by DI Council August 2018.

Members: Christopher (chair), Harris, Hawley, Huchthausen, Ohlendorf, Parkinson, Perez, Rich, Roberts, Sankey and Wildhack.
Staff Leads: Luck and Remy.

Complex Cases • Independent Investigation and Adjudication of Complex Cases. NCAA to establish independent investigative and adjudicative body. (2A)

Core Punishments • Enact and Impose Core Punishments with Significant Deterrent Effect. Core penalties should be increased to allow 1) Five-year postseason ban for Level I violations; 2) loss of all revenue sharing in postseason play for the entire ban; 3) lifetime bans for a show-cause order; 4) allow bans of more than one season for head coach violations; 5) increase penalties to allow full-year visit bans for recruiting visit violations. (2B)

Fines • Establish a fine structure for coaches and other institutional personnel.

Plan and timeline for implementation will be presented for vote August 2018.

Members: Benedict (co-chair), Hostetter (co-chair), Barnhart, Manuel, Shannon, Swann and Wilson.
Staff Leads: Martin and Schnase.

Agent Certification

Meaningful Assessment

NCAA Vice President

Program. NCAA to program. (1C)

Provide Student-Professional athletes to receive their professional income from NCAA-

President. Among other standards for

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Members: Calhoun (chair), Castiglione, James, Mullens, Swartz, Wick and Woodward.
Staff Leads: Scott and Termini.

Financial Transparency

Apparel Company
Transparency

Contractual Obligations

Institutional Agreements

Event.* NCAA
Basketball events,
an audit
Events

Boards
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with NCAA
meetings.^

testation
of

Recommendation
presented for vote by
DI Board August 2018.

Update on companies'
response August 2018.

Legislative Action by DI
Board August 2018.

Recommendation
presented for vote by
DI Board August 2018.

*Crossover with Event Certification under review by Nonscholastic Basketball topical group.

^Crossover with ENF/COI/IAC Working Group.

Members: Committee on Academics.
Staff Leads: Albert and Schnase.

**Student
Support/Degree
Completion**



**Models prepared with
legislative and policy
language presented for a
vote in August 2018.**

Members: Machtley (chair), Docking (co-chair) and Jones (co-chair).
Staff Leads: Gronau and B. Williams.

Independent members	Members to be at least five years experience, with NCAA in relevant sports. (4)
Annual Certification of Compliance	Members and staff that comply with NCAA

