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 (ex 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, 20 The following items will be discussed:

I. Student-Athlete Welfare and Updates (Randale Richmond, Ragean Hill, Wood
A. Academic Support Overview
B. Academic Review and Highlights

II. Women's Volleyball Update (Ragea

V. Athletic Highlights for 2017-18 (Wo

REPORT AND RECOM ENDATIONS TO ADDRESS

Commission on Colleg asketball
April 2018

COMMISSION ON COLLEGE BASKETBALL

The Independent Commission on College Basketball was established on October

REPORT AND RECOMMENDATIONS TO ADDRESS THE ISSUES FACING COLLEGE BASKETBALL
APRIL 2018

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

[illegible] the Department of Education's Federal Graduation Rate (FGR) and the NCAA's [illegible]

csri-sc.org.

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 p tential abuse of th NCAA's current practice of granting

Elite high school and college basketball players tend to misjudge their

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 [illegible] graduate degree. In recent years, graduating student-athletes, including in [illegible]

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C. Permit Students To Receive Meaningful Assessment of Professional [illegible]

[illegible]

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 whose family members enter into an agreement, with a non-certified agent will lose his eligibility. In addition, the NCAA and the NBPA should report to each other agents' violations of their respective rules, increasing the potential costs of violating NCAA rules.

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

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basketball, the Commission urges additional efforts at educating high school players

9 See NCAA Financial Reporting System.

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

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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

A. Implement Independent Investigation and Adjudication of Complex

[redacted]

[redacted]

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[redacted]

post-season play. To restore credibility to this process, the investigation, enforcement and re olution of high stakes cases m st be placed in the hands of independent professionals and neutrals.

The Commission recommends that the NCAA enact significant increases in the [redacted]

A. Reform 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 [illegible] attend. In order for the NCAA to certify a non-scholastic basketball event, the [illegible]

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owners, event operators, sponsors, and coaches for the event must agree to financial [illegible] including those that are not certified by the [illegible]

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

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

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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 efforts uncovered in the current FBI investigation, these publicly traded 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

- 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
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]

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

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The Commission's Process

A. Information Gathering: Conversations with Stakeholders

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

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- *Prosecutions Involving NCAA Division I Coaches*, Ron Machen, Partner, Wilmer Hale, outside counsel to the NCAA;

C. Deliberations

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SUMMARY IDENTIFICATION OF THE ISSUES

College Choice, NCAA Research, presented by Lydia Bell, NCAA.

In its meetings, the Commission spent close to 70% of its time in executive session to discuss its dialogue with stakeholders and the materials and presentations it

agreement that made high school players ineligible for the NBA draft. There is

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 G League or non-U.S. leagues – 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 these one-and-done players attended one of six schools.[15] However, the

B. The NCAA's Relationship With Member Institutions

19.2.3 (Responsibility to Cooperate); NCAA Constitution 2.8 (The Principle of Rules

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

often in violation of NCAA and school rules. It would be better, stakeholders argue, if these contacts were in the open and regulated by the NCAA, including by requiring NCAA certification and registration with schools and by restricting contact to specific times and places.

Still other stakeholders, including a number of agents, took the position that allowing agents to have contact with high school students will res It in even earlier agent involvement in student-athletes' decision making, including their selection of a grassroots or non-scholastic basketball coach, a high school, a college, etc. These stakeholders maintain that the barriers to entry for professional agents should be higher (while recognizing that the NBPA has recently taken important steps to improve the quality of the agent cadre), and that the penalties for agents who violate NCAA rules should be higher (either through enforcement of state laws or through reporting of [redacted] violations to the NBPA or other unspecified rule changes).

Recruiting. In the view of many Division I coaches, the NCAA rules hamstring college coaches and allow non-scholastic coaches and other third parties to become the primary influences over elite high school players. For example, Division I coaches have limited opportunities to evaluate high school players in both scholastic and non-scholastic settings, and those players cannot officially visit colleges and universities until late in their junior year. *See generally* NCAA Division I Bylaws, Art. 13. Indeed, Division I coaches complain that they are dependent on non-scholastic coaches, leagues and [redacted]

3. The Relationships Among College Basketball, Non-Scholastic

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

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 [illegible] transparency about many of the sources and expenditures of those [illegible]

funds. Many state that it is well known that student-athletes are paid – either directly or [illegible] to play for particular summer teams [illegible]

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

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

reformed and improved NCAA investigative and adjudicative processes, higher penalties

an alternative to the blanket elimination of freshman eligibility, the Commission also considered conditioning such eligibility on some additional measure of Freshman

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.

season. However, the NBA draft is top-heavy and involves only 60 players. Data

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 rate, to ensure that the graduate transfer rule continues to serve its purposes. See FS Section 1.B.

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 the representational activities of agents. NCAA-certified agents should also be permitted to provide such advice. Further, high school players considering entering

high school baseball players may engage agents for advice about the draft. *Cf.* NCAA Division I Bylaw 12.3.1 (Exception – aseball and Men's Ice Hockey – Prior to Full-Time Collegiate Enrollment).

As stated above, both high school and college students misjudge – that is, over rate – their chances of a professional basketball career. Very few high school players will play professional basketball. Yet, many high school student-athletes believe they have professional prospects, and they work hard in high school to maintain eligibility to play

24 As used in this report, agent means a 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.

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

This debate is longstanding, and many have entrenched views. College basketball

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 knew or should have known

28 One threshold question is how to define the cases subject to the new process. The Commission recommends that both the NCAA and the alleged violator be empowered to designate a case as "complex" provided that

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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

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

associated revenues

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

increase the penalties 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.

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Section 3:
itigating 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

[redacted]

[redacted] and NCAA coaches should not participate in non-scholastic basketball events

[redacted]

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

[redacted]

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

[redacted]

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.

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

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

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 partie .

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 Commi ion 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 Gover ors Executive Committee and NCAA D'vision I Board of Directors Administrative Committee

Monday, May 7, 2018

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

Eric Kaler/Bud Peterson

lake James / Jeanne Ponsetto

MBOC (subgroup)

an Guerrero

Council-led working group

Association-Wide Issues

achtley (chair)
cking (co-chair)
nes (co-chair)

Nonscholastic Basketball

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Remy / Luck

Independent BOG Members Annual Certificatio

Gronau / B. Williams

MBOC

Jeff Hathaway

MBOC (subgroup)

Val Ackerman

\5 / Counci d working gr

David Benedict and Brad Hostetter

NABC Recommendation

Gavitt/ Kemper

NBA

Agents / Advisors

Schnase / Martin

Members: Guerrero (chair), Capriotti, Haney, Howard, Knight, MacL od, Martelli, Rogers, Smith, Straw y and Thomas.
Staff Leads: Duncan and Gavitt.

Event Certification	n criteria Events nancial ents must	Legislative action by I Board August 2018 with implementation for events after 9/1/2018.
Youth Basketball Progra s	sketball NCAA hers to . (3C)	Vote to a prove plan in August 2018.
Recruiting/Coaches Interaction	es' the ge)	Legislative action by DI Board August 2018.

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

[illegible]

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

Eliminate one-and-done rule	[illegible] rack from 1A)	Await decision by NBA and NBPA.
Draft flexibility	[illegible] s. Allow [illegible] ospects and [illegible] not sign a	Develop model for DI Board approval August 2018.

Recruiting and Coaches Interaction

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.

Recruits and Student-Athletes

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 b n f r 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 sea on for head coach violations; 5) increase penalties to allow full-year visit bans for recruiting visit violations. (2B)	Plan and timeline for implementation will be presented for vote August 2018.
Fi es	• **Establish a fine structure for coaches and other institutional personnel.**	

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

Agent Certification

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program. (1C)

Meaningful Assessment

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Professional
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NCAA Vice President

President.
among other
standards for

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

Financial Transp rency		**nsparent.*** NCAA ic basketball events sclosure, an audit filings. Events	Recommendation presented for vote by DI Board August 2018.
Apparel Company Transparency		**ty Efforts.** Boards sparency and astic basketball.	Update on companies' response August 2018.
Contractual Obligations		**acts with erate with NCAA nt proceedings.^**	Legislative Action by DI Board August 2018.
Institutional Agreements		**and attestation reach of**	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.

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

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

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