A Critical Discourse Analysis of the National Collegiate Athletic Association Response to the Federal Investigation into Men's College Basketball

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A Critical Discourse Analysis of the National Collegiate Athletic Association Response to the Federal Investigation into Men’s College Basketball

Max Klein
B.S., University of Connecticut, 2017

A Thesis
Submitted in Partial Fulfillment of the Requirement of the Degree of Master of Science
At the University of Connecticut
2019
A Critical Discourse Analysis of the National Collegiate Athletic Association Response to the Federal Investigation into Men’s College Basketball

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2019
Acknowledgments

Firstly, I would like to thank my parents and sister, Ali, for their unwavering support throughout my studies. I am lucky to have a family that loves and supports me unconditionally.

I would also like to thank my advisor Dr. Cooper for his constant support and guidance throughout my early research career. Without you, I would not have the skills or confidence to complete and thesis and pursue a career in academia.

I want to thank the other members of my thesis committee, Dr. Burton, Dr. McGarry, and Dr. Ndiaye, for their advice and encouragement. Dr. Burton, thank you for allowing me to grow as a student, as a researcher, and as a person by meeting with me and providing your knowledge of sport research, academia as a field, and in life. Your knowledge of escalation of commitment helped to improve this thesis significantly. Dr. McGarry, thank you for bringing your exemplarily research skills to my committee and immediately being willing to assist in my academic growth. You helped transform my methods section for this thesis and subsequent publications. Dr. Ndiaye, thank you for providing your unique legal perspective and research insight to guide this thesis and guide me in my research career. Your ideas on the quantitative aspects helped to refine my findings and make this thesis a more natural read.

Lastly, I would like to thank Charles Macaulay, Ajhanai Newton, and Julia Wold for helping me understand what it takes to complete and thesis and doing whatever you could to support me. I would not have been able to complete this thesis without the three of you.
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Abstract

On September 27, 2017, the Federal Bureau Investigation (FBI) arrested ten individuals connected to National Collegiate Athletic Association (NCAA) Division I men’s basketball for charges, including bribery, wire fraud, and money laundering. In response to the public release of this investigation, the NCAA formed the Commission on College Basketball (CCB) to address “fairness and opportunity for college athletes, coupled with the enforcement capability to hold accountable those who undermine the standards of our community” (Emmert, 2017). Ultimately, the purpose of this study is to analyze the NCAA’s response to the FBI investigation into men’s college basketball. The creation of the CCB as a direct result of the FBI investigations, coupled with the recommendations for reform, suggest the NCAA is more concerned with protecting their ideological hegemony than improving the quality of life of and professional development opportunities for collegiate athletes. Additionally, college sport reform groups and public media responses to the investigation, as critical of the NCAA (Medcalf, 2018; Wolken, 2018; The drake group, n.d.; Knight commission, 2018). A critical discourse analysis (CDA) is utilized to reveal how the responses by the NCAA reflect their escalating commitment (Staw, 1976) towards amateurism as well as the role of the interest-convergence tenet of Critical Race Theory (CRT; Bell, 1980, 1992).

Keywords: college sport, amateurism, escalation of commitment, interest convergence, critical discourse analysis
**Chapter 1: Introduction**

Louis Marty Blazer III, a financial planner for professional athletes, was caught by the United States (U.S.) Securities and Exchange Commission (SEC) embezzling $2,350,000 from five of his clients between 2010 and 2012 for “unauthorized risky investments,” including movie projects (SEC v. Blazer III, 2016). Blazer approached one client with two movies in which he had a financial interest, working titles "Mafia the Movie" and "Sibling," as investment opportunities. When the client declined to invest, Blazer stole $550,000 from the client's account to invest regardless. However, when the client discovered what Blazer had done, he or she demanded to be repaid the embezzled money. In order to do this, Blazer stole the money from another client’s account to make the repayment (SEC v. Blazer III, 2016). The SEC stated Blazer was making “Ponzi-like payments and then lying to SEC examiners who uncovered the unauthorized withdrawals” (SEC v. Blazer III, 2016). After the SEC caught him, Blazer was charged with securities fraud, wire fraud, and aggravated identity theft, and making false statements and documents. These four charges combined could carry a maximum prison sentence of 67 years (Lavigne, 2018). In order to avoid prison, Blazer pled guilty to the securities fraud, wire fraud, and aggravated identity theft charges and agreed to become an informant for the Federal Bureau of Investigation (FBI) inquiry into corruption in men’s college basketball (Schlabach, 2017).

The investigation resulted in the arrest of ten individuals connected to National Collegiate Athletic Association (NCAA) Division I men’s basketball on September 27, 2017, on financial charges, including bribery, wire fraud, and money laundering. Those arrested were four assistant coaches for men’s college basketball teams, Tony Bland (University of Southern California), Lamont Evans (Oklahoma State University), Chuck Person (Auburn University)
and Emanuel Richardson (University of Arizona); Adidas executive, James Gatto; Adidas employee, Merl Code; recently fired National Basketball Association (NBA) agent, Christian Dawkins; financial advisor, Munish Sood; program director of an Adidas-sponsored Amateur Athletic Union (AAU) basketball team, Jonathan Brad Augustine; and custom clothier, Rashan Michel (Schlabach, 2017). A few weeks following the public release of these arrests and investigation, the NCAA formed an independent organization, the Commission on College Basketball (CCB)\(^1\), to create reform recommendations. Specifically, as stated by NCAA President Mark Emmert, the CCB was designed to address “fairness and opportunity for college athletes, coupled with the enforcement capability to hold accountable those who undermine the standards of our community” (2017).

The CCB, chaired by former Secretary of State Condoleezza Rice, released its recommendations on April 25, 2018 (Associated Press, 2018; Wallace, 2018). However, these recommendations mostly focused on issues within the control of the NBA, the shoe companies (e.g., Adidas, Nike, Under Armour), and the AAU, which governs the most significant travel high school basketball in terms of collegiate recruiting. Further, the recommendations that focused on what the NCAA could realistically accomplish include only incremental changes, while not discussing the rights of collegiate athletes (Chapter 4 discusses these changes in greater detail) (The drake group, n.d.; Knight commission, 2018). Five months later, on September 20, 2018, the NCAA officially released their reforms, some of which were in effect immediately, while others were to be enacted later in 2018 or in 2019 (NCAA committed, n.d.). Similar to the CCB report, these reforms shifted responsibility to other organizations. They ignored the rights of collegiate athletes, including reforms that called for heavy involvement from United States of

\(^{1}\) It is critical to mention, the CCB mostly addresses men's basketball. Issues that impact women's basketball players include the lack of worker rights, creating NCAA youth basketball programs, and affiliations with USA basketball.
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America Basketball (USA Basketball) while they were never consulted and would later refuse involvement, and widespread focus on enforcement with little focus on improving the athletes’ experiences (Medcalf, 2018; Wolken, 2018; The drake group, n.d., Knight commission, 2018).

Meanwhile, the FBI investigation expanded, utilizing further means of surveillance such as wiretaps and implicating more players for accepting payouts to attend specific universities, while coaches were aware of the payments. The full-scale investigation led to three court cases, with the first case decided on October 24, 2018. All individuals, in this case, were found guilty on the basis the universities were being defrauded because they were providing scholarships to ineligible athletes, based on NCAA rules (Hobson & Armstrong, 2018). This case is representative of the more significant issue of exploitation of collegiate athletes, with the universities being considered victims regardless of their generated revenue and the fact that athletes cannot monetize their skills and market value (McCormick & McCormick, 2010).

Throughout this process, the NCAA created reform recommendations and enacted reforms to address the negative public perception (as opposed to the actual issues present) of corruption that is associated with the FBI investigation, while solidifying their central tenet of amateurism. This response is reflective of NCAA practices that established amateurism as an attempt to uphold the integrity of collegiate athletics due to the pervasive belief that not paying athletes meant there was no corruption, and the purity of the sport was maintained (Byers & Hammer, 1995). The universities were greatly profiting as the athletes were not compensated equitably. As described by the first president of the NCAA, Walter Byers, in his book with Charles Hammer (1995), “I was charged with the dual mission of keeping intercollegiate sports clean while generating millions of dollars each year as income for colleges… We proved barely adequate in the first instance, but enormously successful in our second mission” (p. 5). While the
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tenet of amateurism has been tested through various legal battles and waves of reform and has been criticized mainly in the academic community as exploitation of collegiate athletes, the NCAA has continued to uphold this value (Edelman, 2014b; McCormick & McCormick, 2006; Sack 2009; Sack & Staurowsky, 1998; Southall & Staurowsky, 2013). This first began with the creation of the term student-athlete as a way to avoid the liability that exists when defining collegiate athletes as employees following the death of Ray Dennison, a football player from Fort Lewis A&M College, in 1955 (Byers & Hammer, 1995), and has continued through the current reforms centered around men’s college basketball. This issue is essential for collegiate athletes as their images and likenesses are used for profit by the NCAA, their respective universities, and sponsors, while they are not allowed to accrue wealth based on their discernable skills and value provided.

Additionally, there exists an underlying issue of the profit being generated from men’s college basketball, in which Black athletes comprise the notable majority compared to the majority White male NCAA executive body, university presidents, and university athletic directors (Lapchick, Marfatia, Bloom, & Sylverain, 2017a; et al., 2017b; Harper, 2018). This exploitation can be considered oppressive through a traditional belief which views oppression as the domination of one social group over another along with an explanation of oppression as less overt and existing primarily as a result of long-standing, restrictive, and unquestioned social norms (Young, 2004; Sartore-Baldwin, McCullough, & Quatman-Yates, 2017). Ultimately, this study will show that recent developments associated with men’s college basketball highlight the

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2 The terms Black and African American will be used interchangeably based on the source to refer to the racial group within the U.S. that has been subjected to historical oppression and marginalization as a result of this designation and descendants of African people before chattel slavery in the U.S.
NCAA has continued to avoid creating actual reform, while still exploiting collegiate athletes and generating significant profit.

**Statement of Problem**

There has been an abundance of research on amateurism, including two seminal books on the landscapes of amateurism in college sport by Byers and Hammer (1995) and Sack and Staurowsky (1998). Additional research has discussed the overall myth of amateurism (Davis 1994; McCormick & McCormick, 2006; Schwarz, 2011; Schwarz & Trahan, 2017; Sheetz, 2016; Southall & Staurowsky, 2013; Staurowsky & Sack, 2005; Wheeler, 2004), regulations on collegiate athletes (Smith, 2000; Rush, 1989; Schwarz & Belzer, 2012), and collegiate athletes’ right of publicity (Afshar, 2014; Gerrie, 2018). However, none of these studies have addressed the NCAA response when the public threatens their amateurism values. Additionally, while there is some research about the NCAA discourse and institutional logics (Southall & Staurowsky, 2013; Southall & Nagel, 2008; Southall, Nagel, Amis, & Southall, 2008; Southall, Southall, & Dwyer, 2009) these studies also do not examine the NCAA when the collegiate model is facing negative public pressure. Additionally, race and college sport research discusses topics such as athletes experience (Singer, 2016; Carter-Francique, Hart, & Steward, 2013; Yearwood, 2018), racism in media and fans (Gill, Jr., 2011; Eastman & Billings, 2001; Love & Hughey, 2015), and implications for policy considering race (Cooper, Nwadike, & Macaulay, 2017; Nwadike, Baker, Brackebusch, & Hawkins, 2016). When a racial discrepancy of this level between a governing body and the people they govern exists, the dominant racial ideology of a given society is operating explicitly and implicitly. In the U.S., the dominant racial ideology asserts that White individuals are superior to Black individuals, which has impacted the country since its establishment through the present day (Coakley, 2015). Amateurism, as the NCAA’s operating
model, and the role of race at the macro-level of American society and micro-level of collegiate basketball, are the primary influencers that will be utilized to assess the NCAA response to the FBI investigation critically. Within previous research, there is also a dearth of literature addressing NCAA discourse through the dual lens of amateurism and race. Ultimately, the study seeks to fill gaps in the literature related to the NCAA response under crisis as well as the intersection of amateurism in college sport and race. Combining research on amateurism and race in college sport is significant because the majority of athletes in the revenue-generating sports of football and men’s basketball are Black, while the majority of those who profit (e.g., coaches, athletic directors, NCAA executives) are White (Lapchick et al., 2017a; Lapchick et al., 2017b; Harper, 2018). Further, the persistent racial gaps in graduation rates have also intensified the critiques of the NCAA being a racially exploitative cartel that devalues the overall well-being of college athletes in general and Black college athletes more specifically (Harper, 2018).

**Purpose of Study**

The purpose of this study was to analyze the NCAA’s response to the FBI investigation into men’s college basketball and will analyze two primary issues. Firstly, the upholding and further solidifying of amateurism when it is this model that led to the need for the investigation. The NCAA’s amateurism model that prohibits athletes from generating income while enrolled in college is a likely explanation for these payments occurring covertly. Although the legal issues, in this case, could be discussed at length, this study was concerned with addressing the role of collegiate amateurism model in the NCAA response to the federal investigation. The second issue was the role of race in the response leading to reform recommendations and reforms that do not improve the athlete experience. Race had a significant role in this study because of the discrepancy between the demographic breakdown of majority Black Division I men’s basketball
players compared to majority White NCAA executive body, university presidents, and university athletic directors, as explained in the previous section. In order to accomplish the purpose of this study, there were three key objectives. The first was to analyze how the amateurism model was used and impacted by the NCAA response. The second was to assess how race impacted this response, both explicitly and implicitly. The third and final objective was to compare the NCAA response to the response by non-NCAA entities, in this case, referring to collegiate sport reform groups and public media. Below is a set of questions, each seeking to accomplish one objective.

**Research Questions**

1) How does the NCAA response to the FBI investigation into men’s college basketball solidify or alter the current collegiate model?

2) How does the NCAA response to the FBI investigation into men’s college basketball reflect and reinforce the dominant racial ideology in the United States?

3) What are the responses from non-NCAA entities regarding the FBI investigation compared to the NCAA response?

**Significance of Study**

This study will explore and analyze the NCAA response to the 2017-2018 FBI investigation into men’s college basketball. While other studies have explored other ways in which the NCAA has upheld amateurism, there is a gap in addressing their specific response to this event in the academic community. This study builds upon previous work around collegiate athletics that has examined the system as a whole and is additionally informed by scholarship that discusses the experiences of individuals in collegiate athletics. Both of these areas of study, as well as others, will be expounded upon further in Chapter 2. Examining the messaging and ideologies present in the NCAA and non-NCAA entity discourse will hopefully lead to
comprehensive reform practices that promote racial equity. Analyzing the NCAA response using the dialectical-relational approach to critical discourse rooted in escalation of commitment (Staw, 1976) as well as the interest convergence tenet of critical race theory (Bell 1980, 1992) provides the critical lens necessary to understanding how the NCAA upholds the amateurism model and the influence of race.

Definition of Terms

- **Amateurism**: A practice used by the NCAA which prohibits collegiate athletes from receiving compensation in order for them to be distinct from professional athletes.

- **Athletic scholarship**: A scholarship which covers all of or part of college tuition given to collegiate athletes based on athletic ability.

- **Collegiate athlete**: While the term utilized by the NCAA is student-athlete, this study uses collegiate athlete to describe an athlete who is participating in varsity athletics while enrolled in college (Staurowsky & Sack, 2005).

- **Collegiate model**: A model the NCAA utilizes to continue to uphold amateurism while benefitting from the commercial aspects of college sport.

- **De jure elicit payments**: Payments received by collegiate athletes or prospective collegiate athletes that are deemed elicit based on NCAA amateurism rules but would otherwise be considered acceptable. Where de jure practices are recognized, regardless of whether the practice exists in reality (Rothstein, 2017).

- **Division I (NCAA Division I)**: The highest level of the NCAA, which is divided into Division I, II, and III based on financial commitment to athletics.
• **Dominant racial ideology:** The classifying of human beings into racial groups, in the United States, White individuals are considered superior to Black/African American individuals.

• **Exploitation:** The action or fact of the NCAA using collegiate athletes as a means to create a benefit while the athletes limited in their possible benefits. Although monetary benefits may be the most common, they are not the only benefits the NCAA inequitably receives in this system.

• **National Collegiate Athletic Association (NCAA):** The primary governing body for collegiate athletics in the United States and a vital focus of this study.

• **NCAA response:** The response of the NCAA to the FBI investigation, including reform recommendations, actual reforms passed, and statements made by NCAA President Mark Emmert.

• **Non-NCAA entities:** Collegiate sport reform groups and public media; In this study, the collegiate sport reform groups refer to academic reform groups the Knight Commission on Intercollegiate Athletics, or the Knight Commission, and the Drake Group. Public media consists of sport-based (ESPN, Sports Illustrated, The Athletic) and non-sport based media (The New York Times, The Washington Post, The Atlantic).

• **Professional sport:** Governing sport bodies that compensate athletes based on market value and include employee benefits such as CBAs, unions, and sponsorships.

• **Prospective collegiate athlete:** An athlete recruited to play in college or committed to play in college but has yet to enroll in the university.
• **Race**: Although race is a socially constructed concept and differences in individuals based on race, such as intellectual and academic ability, are false, the issues individuals face as a result of race and racism are genuine (Smedley & Smedley, 2005).
Chapter 2: Literature Review

Historical Context of Amateurism and the NCAA

The conflict between commercialization and amateurism in intercollegiate athletics traces back to the first intercollegiate athletic competition in 1852, 58 years before the creation of the NCAA in 1910. This competition was a rowing match between Harvard University and Yale University, known as the Harvard–Yale Regatta, which has occurred nearly annually since 1859, with the 153rd regatta occurring on June 9, 2018. While college sport has undergone many changes since 1852, the main similarity that exists between the first intercollegiate athletics competition and modern-day college sport is the athletes do not receive compensation while the universities generate a profit. The first Harvard–Yale Regatta was sponsored by Elkins Railroad Line (Otto & Otto, 2013; Smith, 2000), while the NCAA currently has a multi-billion dollar contract for their Division I men’s basketball championship, also known as March Madness. In 2016, the NCAA signed an eight-year contract extension with CBS and Turner, worth $8.8 billion on top of an existing $10.8 billion 15-year contract. This contract means the NCAA will have generated total revenues of $19.6 billion from 2010-2032, valued at $770 million per year until 2024 and $1.1 billion per year from 2025-2032, for this tournament alone (Battaglio, 2016). While this contract reflects the fact that college sport is undeniably commercial, the NCAA has continued to maintain its belief in amateurism.

Although amateurism has been present in college sport since 1852, its roots are in ancient Greece. The amateur ideal of the Olympic Games of ancient Greece created a high barrier to entry through which only wealthy Greek athletes could afford travel and training expenses while not being compensated (Rush, 1989). Restricting participation to the wealthy through the façade of amateurism continued with the modern Olympic in 1896 (Rush, 1989). Amateurism in the
U.S. has historically restricted participation to White, upper-class males who could afford to be amateur as well. This restriction was present in the first American Olympic teams, which were composed of athletes from two primary sport backgrounds, which utilized amateurism: sport clubs, such as the New York Athletic Club and the Boston Athletic Association, and Ivy League universities (Rush, 1989). While the tenet of amateurism has historically been used to restrict participation to the wealthy, it is currently used by the NCAA to restrict revenue-generating opportunities to wealthy while the athletes participate in commercialized sport for no discernable compensation.

While the first collegiate sport event occurred 58 years before the founding of the NCAA, it was the violence of intercollegiate football that led to needing a regulating body. As football was growing increasingly violent, with 330 collegiate football players dying between 1890 and 1905 (Root, 2009), President Theodore Roosevelt called for college football reform. This led to a gathering of the leading universities in collegiate football at the time, including Harvard, Yale, and New York University, and the creation of the first governing body of men’s intercollegiate athletics, the Intercollegiate Athletic Association of the United States (IAAUS) (Byers & Hammer, 1995; Sack and Staurowsky, 1998). In 1910, shortly after the creation of the IAAUS, it took on its current name, the National Collegiate Athletic Association (NCAA). Since its founding, the NCAA explicitly began with an amateurism model in their 1906 bylaws, with Article VI requiring each member university to enforce amateurism principles and Article VII requiring potential collegiate athletes to complete an eligibility card regarding financial compensation and academic work completed (Sack and Staurowsky, 1998).

Although, in its early years, the primary role of the NCAA was rule-making for specific sports, in 1948, they further affirmed their stance on amateurism by adopting the “Sanity Code.”
The Sanity Code resulted from a shift in competitive balance that occurred because of conflicting practices between Southern universities who favored athletic scholarships and Ivy League universities who preferred restricting scholarships to athletes based only on financial need (Byers & Hammer, 1995; Sack and Staurowsky, 1998). The Sanity Code was unsuccessful, and the NCAA repealed it in 1951. The repealing of the Sanity Code led to the official permitting of scholarships based purely on athletics and the creation of the Committee on Infractions to govern recruiting and scholarship rules (Smith, 2000). Two significant factors undergirded these changes: first, Walter Byers became executive director of the NCAA, and enforcement was one of his primary goals, and second, the NCAA negotiated their first television contract over $1 million (Smith, 2000). When the NCAA repealed the Sanity Code in 1951, they officially abandoned amateurism, as the rewarding of an athletic scholarship is compensation for athletic ability.

In the 1970s, college athletics expanded rapidly, and not all universities wanted to place the same emphasis on athletics, leading to the splitting of NCAA member institutions into three different legislative and competitive divisions, I, II, and III. Five years later, in 1978, Division I members voted to create subdivisions based on the emphasis placed on football, I-A and I-AA, (renamed the Football Bowl Subdivision (FBS) and the Football Championship Subdivision (FCS) in 2006). While the NCAA was the governing body for men’s intercollegiate athletics, they did not offer women’s athletics until the early 1980s. The governing body for women’s intercollegiate athletics instead was the Association for Intercollegiate Athletics for Women (AIAW). When the NCAA decided to offer the opportunity for women's intercollegiate athletics in 1981, the AIAW began to struggle with the NCAA, as a much more economically substantial
and much older institution, poaching members and revenue opportunities, and by 1983 the AIAW ceased operations (Sack & Staurowsky, 1998).

In addition to the inclusion of women’s athletics into the NCAA, the 1980s included rapid growth of televised college football – see Nelson (1994) for more on the connection between the rise of women’s sport and the increased popularity of sports that have been historically viewed as masculine, like football. The NCAA television contract with CBS and ABC did not allow individual universities to negotiate television rights to their games outside of this contract, resulting in *NCAA v. Board of Regents of the University of Oklahoma* (1984), a case that reached the Supreme Court on appeal. The Supreme Court upheld the decision of the lower courts, stating the NCAA television contract limited open competition and trade, therefore violating the *Sherman and Clayton Antitrust Acts* (Nagy, 2005). Current college sport television contracts are still shaped by this legislation, as collegiate sport conferences now have primary control over television contracts for regular games. Further, some conferences have even created their own television networks (Schlabach, 2019).

Additionally, the “Power Five” conferences (Atlantic Coast Conference (ACC), Big 10, Big 12, Pacific-12 Conference (Pac-12), and Southeastern Conference (SEC)) control the College Football Playoff (CFP). Aside from the CFP, the NCAA maintains control over the rights for all other national championship events (Ridpath, 2017). However, while the television contract was ruled to violate antitrust law, the amateurism rules were determined to be valid, as the court stated “in order to preserve the character and quality of the ‘product,’ athletes must not be paid” (*NCAA v. Board of Regents, 1984*). Over a decade later, another court case proved monumental in shaping the NCAA. Renee M. Smith, a volleyball player from St. Bonaventure University, attempted to continue her eligibility while enrolled in graduate degree programs at
Hofstra University and the University of Pittsburgh, but she was ruled ineligible. She then sued the NCAA for discriminating against female athletes under Title IX for systematically giving male athletes more opportunity by providing them more graduate waivers than women to continue their college sport eligibility. As the case reached the Supreme Court, *NCAA v. Smith* (1999), was overturned from the lower court opinion with the NCAA not subject to a lawsuit under Title IX (Greene, 2000). Although the case was a Title IX issue, as a nonprofit, private organization, the NCAA was not subject to Title IX legislation, even though the majority of the NCAA member institutions are subject to this legislation. This case highlights the trend of the NCAA, avoiding significant adverse outcomes from numerous legal challenges.

**Challenges to Amateurism**

Jeremy Bloom challenged amateurism, beginning in 2002, as a multi-sport athlete who additionally had opportunities to earn money outside of sport, through modeling contracts (Table 1). Bloom was awarded a scholarship to play football for the University of Colorado in 2001, and in 2002 he recorded the longest touchdown reception in school history, completed a punt return touchdown in the Big 12 championship games, and participated in the 2002 Winter Olympics as a skier (Freedman, 2003; Gouveia, 2003). Following the Olympic Games, Bloom accepted his admission in order to continue his education play football at the University of Colorado. However, he declined the scholarship offer in order to continue receiving sponsorship money from Dynastar, Oakley, and Under Armour for his skiing as well as a modeling contract with Tommy Hilfiger. However, the NCAA denied a waiver request from the University of Colorado, allowing Bloom to continue his receiving this outside income while playing collegiate football. Bloom responded, with the support of the University of Colorado, by suing the NCAA and seeking an injunction to play collegiate football while still accepting sponsorship money.
(Freedman, 2003; Gouveia, 2003). In the court case, the judge denied Bloom’s case for an injunction on the basis that an injunction would harm the NCAA’s ability to regulate student-athletes, and therefore, would not serve the public interest (Freedman, 2003; Gouveia, 2003). In this case, the courts essentially aided in legislating NCAA rules and promoting amateurism.

While the case of Jeremy Bloom focused on amateurism principles related to compensation, the case Andrew Oliver was focused on agent representation. A few hours before Andrew Oliver was scheduled to pitch in a postseason game for Oklahoma State University, he was subjected to questioning and declared ineligible on the basis that he had a lawyer had been present during previous negotiations with a Major League Baseball (MLB) team (Johnson, 2010; Lockhart, 2010). In contrast to other sports, baseball players can be drafted out of high school, yet instead, play college if they do not sign a professional contract. Oliver provides an example of this case, as the Minnesota Twins drafted him out of high school in the seventeenth round of the 2006 MLB amateur draft. As a result of the confusing negotiation process, Oliver retained a lawyer to serve as a sport advisor, who was present at one meeting with a Twins representative. Oliver decided not to sign a professional contract with the Twins and enrolled at Oklahoma State University; however, this lawyer being present at one meeting was enough for him to be ruled ineligible (Johnson, 2010; Lockhart, 2010). While it became increasingly likely the NCAA was going to lose the case, they settled with Oliver out of court for $750,000 just before the trial date (Johnson, 2010; Lockhart, 2010). The Oliver case had two meaningful outcomes, the first of which has evolved into allowing baseball players to have representation during their negotiations with professional teams (NCAA, 2018a). The second outcome was the end of the restitution rule, through which the NCAA threatened schools with sanctions if they abided by a temporary court order benefiting a college athlete if that order was later modified or removed. While the Oliver
A Critical Discourse Analysis of the NCAA

The case marked significant wins in the fight against amateurism that struck down the restitution rule and now allows baseball players to have agent representation, the positive outcomes have not been able to spread across other sports or other issues with amateurism.

Another related issue that athletes have challenged in the courts is the rights of publicity for college athletes (matters concerning the distribution of personal images), which was raised by former University of California, Los Angeles (UCLA) basketball player, Ed O’Bannon (Table 1). A friend showed O’Bannon the EA Sports video game “NCAA Basketball 09,” which in addition to 2008-09 NCAA basketball teams, contained previous top teams, including the 1994-95 UCLA team. During the 1994-95 college basketball season, UCLA won the national championship with O’Bannon winning awards as the best player in the NCAA during the regular season and the postseason. The 1994-95 UCLA team in the video game contained a player exactly resembling O’Bannon on look, height, weight, dexterity, and number. Thus, this video game, and others like it (e.g., EA Sports NCAA Football (1993-2014), EA Sports NCAA Basketball (1998-2010), and EA Sports MVP: NCAA Baseball (2006-2007)) used exactly player images for profit, while the individuals represented in the game were not compensated. In July 2009, O’Bannon responded by filing a lawsuit against the NCAA and the Collegiate Licensing Company, citing violations of the Sherman Antitrust Act, which deprived him of his right of publicity (Wong, 2010; Edelman, 2014a). Five years later, in 2014, O’Bannon won the case, as Judge Claudia Wilken ruled an amateurism model that bars payments to collegiate athletes violate antitrust laws. She further ordered schools should be allowed to offer full cost-of-attendance (COA) checks to athletes (i.e., living expenses), which were not previously part of the NCAA scholarship system (Edelman, 2014a). As a direct result of this case, NCAA video games are no longer in operation, and athletes are now able to receive small COA checks to help with
daily living expenses. However, while the video games are no longer in operation, the NCAA
still owns the right of publicity of its scholarship athletes in all sports by forcing them to sign
away the ownership of their name, image, and likeness in order to participate in collegiate
athletics (Wong, 2010; Lush, 2015).

While other athletes later joined Ed O’Bannon in creating a class-action lawsuit, he,
Andrew Oliver, and Jeremy Bloom all challenged NCAA as the only athletes involved in their
cases. In contrast, many Northwestern football players took on the NCAA and the National
Labor Relations Board (NLRB) seeking unionization (Table 1). Ramogi Huma, a former UCLA
football player, became a collegiate athlete advocate while still participating by creating the
National College Players Association (NCPA), a nonprofit advocacy group for collegiate
athletes. A few years later, in 2014, Huma and co-founder Luke Bonner (former University of
Massachusetts, Amherst basketball player) created the College Athletes Players Association
(CAPA) as the first collegiate athlete union geared towards football and men’s basketball
players. Shortly after that quarterback, Northwestern University quarterback Kain Colter led his
team in seeking unionization under CAPA when he and Huma formally asked Northwestern
football players to sign their union cards (Edelman, 2017). The NLRB Regional Director ruled in
favor of CAPA and the Northwestern football players, stating that college athletes are employees
with the right to unionize. The NCAA immediately came out against collegiate athlete
unionization, and it was soon formally challenged by Northwestern University. As the case
reached the NLRB, the outcomes were two-fold. First, the NLRB ruled that Northwestern
University football players were indeed employees by the Director of Region 13 (Staurowsky,
2014a; Edelman, 2017; D’Aquila & Rudolph, 2014) and the NLRB board. Second, the
Northwestern football players’ union bid was rejected on the basis that they were the only group
seeking unionization in the Big 10 conference and the NCAA (Edelman, 2017). Ultimately, this marked an official recognition of Northwestern football players as employees, something that could additionally be applied across universities and sports, and left the possibility of unionization open on a larger scale.

Table 1: Summary of Challenges to Amateurism

<table>
<thead>
<tr>
<th>Individual</th>
<th>Amateurism Issue Challenged</th>
<th>Major Outcomes</th>
</tr>
</thead>
</table>
• Ruled that injunction against NCAA would harm their ability to regulate student-athletes |
| Andrew Oliver (2008-2009) | Agent Representation | • Oliver settled for $750,000  
• Baseball players can now be represented during contract negotiations  
• End of restitution rule |
| Ed O’Bannon (2009-2014) | Right of Publicity | • O’Bannon wins case, NCAA is violating antitrust laws  
• COA checks now allowed  
• NCAA video games stop, by they still own athletes’ names, images, and likenesses |
• Unionization denied on basis they are only team  
• Possibility for unionization still open |

“Clashing Models” of College Sport Reform

Beginning with the creation of the NCAA resulting from the violence of intercollegiate football (Byers & Hammer, 1995; Sack & Staurowsky, 1998), individuals have been looking to
reform efforts to address the different issues with college sport. College sport reform efforts have addressed issues including academic, eligibility, recruiting, enforcement, commercialization, and professionalization. Historically, most reform attempts have failed (for an extensive discussion on the history of college sport reform see Smith, 2011). In modern-day college sport, Sack (2009) has outlined the three models for addressing college sport reform. These three “clashing models” have unique approaches to addressing reform and akin to Sack (2009), they are not being mentioned for evaluation, but to explain the notable differences in how individuals view college sport reform. The three models for college sport reform are academic capitalism, intellectual elitism, and athletes’ rights (Sack, 2009).

**Academic Capitalism.** Academic capitalism refers to a model often embraced by the NCAA, its member institutions, and university presidents and athletic directors, is primarily concerned with profit. Myles Brand, NCAA president from 2002-2009, notably embraced the academic capitalist model with his belief that college sport is dependent on commercialism (Sack, 2009; Southall & Staurowsky, 2013). The academic capitalist movement is additionally rooted in the idea that collegiate athletes are inherently amateurs participating in sport as a hobby, while the athletic scholarship merely is in effect to further their education. As the goal of this model is commercialism, many NCAA member institutions have lowered initial eligibility requirements while spending more on academic support for collegiate athletes (Sack, 2009). Lastly, the research agenda of academic capitalists is focused on the academic progress of athletes, brand equity, and how to increase in-person and broadcast consumption (Sack, 2009).

**Intellectual Elitism.** The next model, intellectual elitism, differs from the academic capitalism model in viewing the increased commercialization of college sport as having a primarily negative impact on the American education system. Intellectual elitists are grounded in
high importance on education (Sack, 2009). Many intellectual elitists view athletic scholarships as marketing towards students who place athletics over education and argue that coaches having control over awarding scholarships, as opposed to professors, places further emphasis on sport and lowers the importance of education (Sack, 2009). College sport reform groups based in the intellectual elitist model include Rutgers 1000, the Drake Group, the Knight Commission, and the Coalition on Intercollegiate Athletics (COIA). Reforms from the model include shifting athletic scholarships to be need-based, increasing initial eligibility requirements for athletes to that of other students, and increasing the importance of education by allowing athletes to choose their majors and ensuring athletic competitions do not conflict with class (Sack, 2009). Research under the intellectual elitist address role conflict for athletes, if athletes are being educated or kept eligible, and academic clustering, the placing of many athletes in few majors (Sack, 2009).

**Athletes’ Rights.** The third and final model, athletes’ rights, is primarily concerned with advocating to improve quality of life for collegiate athletes (Sack, 2009). Athletes’ rights supporters view amateurism as a myth, with athletic scholarships functioning as contracts for hire and athletes being denied fundamental employee rights (Sack, 2009). They additionally critique how everyone within the college sport system, except athletes, can benefit financially from their position. This model views athletes’ as students and employees, who should be given the same opportunities as both other university students and university employees (Sack, 2009). An example of an athletes’ rights advocate is former collegiate athlete Ramogi Huma, who founded the NCPA and CAPA to pursue improved compensation and unionization efforts. Reforms under the athletes’ rights model are mainly concentrated with more equitable compensation for collegiate athletes and fixing the antitrust violations by the NCAA (Sack, 2009). Athletes’ rights research has commonly been in law journals, examining courts’ and the
NCAA’s handling of issues such as compensation, antitrust, and Title IX. Additional athletes’ rights research has focused on collegiate athlete experiences, although more research could be done in this area (Sack, 2009). These three “clashing models” differ significantly, but provide the context for reform and statements from the NCAA (academic capitalist) and the statements from the Drake Group and Knight Commission (intellectual elitist) that will be analyzed in this study, as well as how I will complete the analysis (athletes’ rights).

**NCAA Amateurism Research**

The first of two primary issues present in the current study is amateurism. Byers and Hammer (1995) and Sack and Staurowsky (1998) headline the literature critiquing amateurism. In 1951, Walter Byers became the first executive director of the NCAA, and he held this position until 1988. Under Byers, the NCAA experienced massive financial growth from television and advertising contracts. Additionally, their enforcement over recruiting practices and player compensation expanded as well. Towards the end of his tenure as executive director, Byers began to shift his opinion on the direction of the NCAA, and in 1995, he, along with Charles Hammer wrote *Unsportsmanlike Conduct: Exploiting College Athletes*. Byers and Hammer (1995) detail the invention of the term "student-athlete" as a “mandate substitute” for other similar terms, such that the NCAA and its member institutions would not have to provide long term disability payments to players injured while playing their sport and making money for their university and the NCAA (p. 69). Furthermore, Byers and Hammer (1995) detail how college sport has become "a nationwide money-laundering scheme" by disallowing boosters to provide money directly to players and instead going to the university without the players receiving any compensation (p. 73). Byers and Hammer (1995) suggest that Congress enact legislation for the deregulation of the NCAA as a monopoly operated by nonprofit universities. As stated by Byers
and Hammer (1995), "collegiate amateurism is not a moral issue; it is an economic camouflage for monopoly practice" (p. 376).

In addition to Byers and Hammer (1995), *College Athletes for Hire: The Evolution and Legacy of the NCAA’s Amateur Myth* by Sack and Staurowsky (1998) represents another seminal critique of amateurism. Sack and Staurowsky (1998) address two primary topics, the professionalization and commercialization of college sports and the eventual inclusion of women's athletics in the NCAA. Sack and Staurowsky (1998) argue that the NCAA and Division I member institutions value the financial gain made from athletes as opposed to providing them with an education. Sack and Staurowsky (1998) discuss the creation of athletic scholarships in 1956, ended amateurism, and turned collegiate athletes into employees. Furthermore, in 1973, the length of scholarship was reduced from four years to one, and the continuation of the scholarship through one’s time in college became dependent on athletic contributions. Since this scholarship functions as a contract and athletes are university employees, Sack and Staurowsky (1998) believe they should be eligible for workers’ compensation, highlighting multiple workers' compensation cases involving injured collegiate athletes who were subject to employer-employee control by their respective universities. In addition to their examination of the amateurism myth, Sack and Staurowsky (1998) discuss the patriarchal values of the late 1800s that dominated higher education and posited that female athletes should be students first and athletes second, while their male counterparts had priority placed on their athletics. This practice remained in place, as the NCAA did not include women’s athletics in their organization until the early 1980s. Moreover, Sack and Staurowsky (1998) explain that while Title IX has increased opportunities available to women in sport, it has also led to increased professionalization and commercialization of women's sport. One outcome of this development is an increased number
of men coaching women as a result of improved salaries, which follows the amateurism myth by placing the financial outcomes for the university over the need of the collegiate athletes as athletes, students, and individuals. Sack and Staurowsky (1998) conclude by proposing that the NCAA become amateur by removing freshman eligibility and providing scholarships based on need or end the amateurism myth and allow collegiate athletes to earn financially based on their athletic ability through sponsorships and having ownership of their names, images, and likenesses.

Additional research on amateurism has discussed the regulations on collegiate athletes (Smith, 2000), a comparison of the regulations of collegiate athletes to the regulations of surrogate mothers (Rush, 1989), and comparison of collegiate athletes to indentured servants of the 18th century (Schwarz & Belzer, 2012). The commonality of this research on collegiate athlete regulation is that the NCAA exploits athletes while limiting their ability to create a long-term, sustainable financial situation. Additional research on amateurism has discussed the collegiate athletes’ right of publicity (Afshar, 2014; Gerrie, 2018) and the myth of amateurism in varying capacities (Davis 1994; McCormick & McCormick, 2006; Schwarz, 2011; Schwarz & Trahan, 2017; Sheetz, 2016; Southall & Staurowsky, 2013; Staurowsky & Sack, 2005; Wheeler, 2004). Davis (1994) explains the growing impact of the commercial/education model in collegiate sport compared to the previous amateur/education model, while McCormick and McCormick (2006), Sheetz (2016), and Wheeler (2004) critique amateurism more broadly.

Schwarz (2011) and Schwarz and Trahan (2017) provide a comprehensive breakdown of the myths preventing collegiate athletes from being compensated equitably based on fair market value and how the NCAA, the public, and the courts have utilized these misnomers. These myths purport that equitably paying college athletes would create competitive imbalance, decrease the
popularity of the sport, and myths rooted in racism that paying collegiate football and basketball players would not be able to manage money (Schwarz, 2011; Schwarz & Trahan, 2017).

Schwarz (2011) and Schwarz and Trahan (2017) debunk these myths and others. Staurowsky and Sack (2005) argue against the use of the term student-athlete as it is not only a myth but a term fabricated by the NCAA to avoid paying workers’ compensation (Byers & Hammer, 1995). Based on their recommendation, I use the term collegiate athlete instead. Lastly, Southall and Staurowsky (2013) provide a critical discourse analysis (CDA) of the NCAA collegiate model and their redefinition of amateurism to fit commercial practices. Furthermore, Southall and Nagel (2008), Southall et al. (2008) and Southall, Southall, and Dwyer (2009) assess the institutional logics of college sport from a particular event, the 2006 NCAA Division I men’s basketball championship tournament and the 2009 NCAA Division I FBS football postseason respectively using content and semiotic televisual analyses. These articles have expanded amateurism research by focusing on specific events. As such, the current study takes a similar approach by seeking to expand the literature conducting a critical discourse analysis of an event that has triggered specific responses by the NCAA.

**Race and College Sport Research**

Although amateurism in sport has its roots in Ancient Greece, it was also present in the U.S. before intercollegiate sporting competitions began. The history of amateurism in sport in the U.S. has its roots in exploiting African Americans during chattel slavery with slaves and slave owners competing in hunting and quarter horse racing competitions (Wiggins, 2014; Cooper, 2019). Horse racing became America’s first national spectator sport, with slaves who served as horse trainers, groomers, and riders receiving elevated status, as slave owners wanted to ensure their health in order to earn an exploitative profit (Wiggins, 2014). In addition to amateurism, the
second of two primary issues present in the current study is race and college sport, specifically the profit generation by predominately White NCAA executives, university athletic directors and presidents, and men’s collegiate basketball coaches compared to the profit suppression of predominately Black men’s collegiate basketball players (Lapchick et al., 2017a; Lapchick et al., 2017b; Harper, 2018). Race and college sport is a complex topic that has been researched from multiple viewpoints including experiences of athletes (Singer, 2016; Carter-Francique et al., 2013; Yearwood, 2018), racism and stereotyping within college sport media and fan groups (Gill, Jr., 2011; Eastman & Billings, 2001; Love & Hughey, 2015), and racism from an institutional perspective (Hawkins 2010; Nwadike, et al., 2016; Williams Jr., 2015; Singer, Harrison, & Bukstein, 2010). Singer (2016) conducted a narrative case study of three elite African American male football athletes at a predominantly White institution of higher education (PWIHE) with a major athletics department. This study explored these individuals’ secondary schooling experience and how racism impacted their holistic development. Ultimately, it was the participants in the study who first initiated a discussion of racism during the focus group, with two participants' academic underperformance being directly impacted by culturally irrelevant organizational practices. The third participant's academic success provides an example of a counternarrative to the expectation of academic underperformance by African American male athletes (Singer, 2016).

Similarly, Carter-Francique et al. (2013) conducted a study to understand Black college athletes’ perceptions of academic success and the impact of social support at PWIHE using a qualitative narrative interview approach. The majority of participants’ perceptions of academic success were composed of noncognitive themes of personal effort, balancing with their role as athletes, retaining information, applicability to life, compared to the cognitive themes of grades
and graduation utilized by the NCAA. Additionally, social support served an indispensable role in coping with stress, the participants’ cited academic advisers, tutors, peers, and teammates as providing both informational and instrumental support, while they did not mention faculty or nonathlete peers as providing support (Carter-Francique et al., 2013). In contrast to the experiences of athletes, Eastman and Billings (2001) analyzed the commentary of men’s and women’s college basketball. They found that “traditional prejudices” about Black athletes and “concomitant flattering” about White athletes are pervasive across both men’s and women’s college basketball (Eastman & Billings, 2001, p. 198).

Additionally, gender serotypes that favor men’s college basketball over women’s college basketball were present as well (Eastman & Billings, 2001). Lastly, Nwadike et al. (2016) approach the institutional impacts of NCAA Bylaws on Black male collegiate athletes through the NCAA, moving the initial eligibility GPA requirement to 2.3 for the fall of 2016. In doing so, the NCAA is disparately impacting more incoming African American male collegiate athletes than any other population, as almost half of African American male collegiate athletes will now struggle to maintain eligibility (Nwadike et al., 2016). Furthermore, the NCAA is ignoring the Black male collegiate basketball and football players, who are the primary individuals exploited for their profit potential by the NCAA and its member universities (Nwadike et al., 2016). The current study seeks to build upon the study by Nwadike et al. (2016) in analyzing how NCAA policies disproportionately impact Black male college athletes.

**Theoretical Framework**

The current study utilizes two primary theories to examine how both amateurism and racism are present in the NCAA response to the FBI investigation into men’s college basketball. While the case is continuing in the legal courts and the court of public opinion, the current study
analyses several responses released by the NCAA through the lenses of escalation of commitment and interest convergence. These theories provide the background necessary in order to conduct a comprehensive and accurate critical discourse analysis.

**Escalation of Commitment.** As stated by Staw (1976) although, “intuitively, one would expect individuals to reverse decisions or to change behaviors which result in negative consequences… [it may occur that] when a person's behavior leads to negative consequences we may find that the individual will, instead of changing his behavior, cognitively distort the negative consequences to more positively valenced outcomes” (p. 27). Therefore, escalation of commitment (Staw, 1976), refers to when individuals or organizations do not change behavior as a result of disadvantageous outcomes and instead commit more forcefully to that initial behavior. Participants in Staw’s (1976) study made decisions before and after receiving further information. Half of the participants were provided with information that showed the success of their chosen funds compared to unchosen funds, while the other half were given conflicting information. Ultimately, when participants were provided with information that they made an initial investment decision with a negative outcome, they still showed an exceedingly high commitment to that initial decision making it again a second time (Staw, 1976). Staw (1976) concludes that individuals who undergo escalation of commitment are engaging in self-justification, by feeling the need to create a sense “of rationality to their own behavior” (Staw, 1976, p. 40).

Escalation of commitment has been studied further in business and management research through commitment to a failing course of action (Staw, 1981), a theoretical analysis (Brockner, 1992), commitment towards software projects (Keil et al., 2000), and escalating commitment during software development (Schmidt & Calantone, 2002). Brockner (1992) expands on the
previous work of Staw (1976, 1981), by asserting that a comprehensive research base for escalation of commitment goes beyond self-justification theory, towards understandings at the individual, interpersonal, group, and organizational levels. While the context of the present study cannot assess the NCAA’s escalation of commitment at the individual, interpersonal, and group levels, it will provide an organizational level analysis. In sport management research, escalation of commitment has been studied through determinants of commitment in university athletic departments in the U.S. (Hutchinson, Nite, & Bouchet, 2015) and de-escalation of commitment in university athletic departments in the U.S. (Hutchinson & Bouchet, 2014; Bouchet & Hutchinson, 2012). Hutchinson et al. (2015) discuss how organizational status and organizational status attainment as an influential athletic program can escalate commitment for university athletic departments. In contrast, Hutchinson and Bouchet (2014) and Bouchet and Hutchinson (2012) explore factors that can lead to a de-escalation of commitment, such as a reframing of the issue, a change in executive staff, and shifting organizational vision. While escalation of commitment in sport research is focused on university athletic departments, it applies to the NCAA’s escalating commitment towards amateurism. This is because the NCAA is committing to a system that has directly led to them losing money through the legal process and losing athletes who choose not to attend college or leave with college early in order to pursue better financial opportunities.

**Interest Convergence.** Interest convergence, as posited by Bell (1980), refers to a phenomenon through which White individuals seek to create an illusion of racial equity when there is a direct benefit to them (the White dominant group) while marginally benefitting a subordinate group (i.e., Blacks). Thus, the interest of Whites and Blacks/African Americans converge, and social change can more easily occur. However, when White individuals do not see
a direct benefit to racial equity, the interests of Whites and Blacks diverge and change moves slowly or does not occur (Bell, 1980). Bell (1980) explains that Brown v. Board of Education (1954) was not the first challenge to school segregation; however, it marked a time in which interest convergence occurred, and Whites saw a benefit towards ending legalized segregation for three reasons. First, the Brown v. Board of Education decision improves the perception of the U.S. in developing centuries in the fight against Communism. Next, it “offered much needed reassurance to American blacks that the precepts of equality and freedom so heralded during World War II might yet be given meaning at home” (Bell, 1980, p. 524). Lastly, Whites realized legalized segregation was a significant barrier towards profit potential in the South. As a result of this analysis, interest convergence has become a vital tenet within critical race theory (CRT) (Crenshaw, Gotanda, Peller, & Thomas, 1996; Delgado & Stefancic, 2017).

Interest convergence has been studied in sport as tenet of a CRT examination of Black sport experiences in the U.S. (Hawkins, Carter-Francique, & Cooper, 2017), its implications for culturally responsive and racially-conscious policy in college sport (Cooper et al., 2017), its role in college sport more broadly (McCormick & McCormick, 2012), its impact on collegiate athletes (Donnor, 2005; Harper, 2009), and as part of the integration of MLB (DeLorme & Singer, 2010). As McCormick and McCormick (2012) discuss that, in line with Bell (1980), the racial integration of NCAA football and men’s basketball occurred when Whites’ interest converged with the interests of African Americans. Although some northern universities were legitimately seeking to be more racially equitable, the primary motivation was to make athletic teams more competitive against southern rivals with the integration of Black athletes, because of the economic possibilities. Before this racial integration, northern universities were limiting athletic opportunities to a significant percentage of eligible participants and thus limiting their
potential for athletic success. Thus, the interest of these universities to integrate their athletic teams converged with the interests of Black athletes to participate on these teams (McCormick & McCormick, 2012).

Additionally, while the increased racial integration of NCAA teams has led to increased opportunities for African American athletes to attend college, these athletes are subject to the exploitation of amateurism, as their work still benefit mainly White NCAA and universities executives and coaches (McCormick & McCormick, 2012). Further, Donnor (2005) argued for the use of legal cases to expand on the understanding of interest convergence. While Donnor (2005) focused on the educational experiences of Black college football players, he argued that the inclusion of the legal literature facilitated a deeper understanding of racial issues in society. Building on the recommendations of Donnor (2005) and institutional interest convergence of the college sport by McCormick and McCormick (2012), the current study relied heavily on legal articles to shape the context around race, and thus, sought to explain how the interest convergence was present in the NCAA to the FBI investigation into men’s college basketball.
Chapter 3: Methods

While not all discourse analysis is critical, the difference between the two is that a noncritical approach to discourse analysis “tend[s] to treat social practices solely in terms of patterns of social interaction,” compared to a critical approach to discourse analysis that “go[es] further and treat[s] social practices not just in terms of social relationships… also [as] social practices in terms of their implications for things like status, solidarity, distribution of social goods, and power (Gee, 2004, p. 32-33). CDA makes sense for this study, because it requires a critical approach and because it is situated multidisciplinary in both sport and education. This study used the dialectal-relational approach to critical discourse analysis by Fairclough (2013, 2016), which is explained further in the Data Analysis section. This study required a critical approach because of the NCAA’s dominant position over collegiate athletes and how this position affords them the power to control the values of collegiate sport and the distribution of social and economic goods. Rogers (2004) explains that CDA is useful in educational research because it can be used to “describe, interpret, and explain relationships among language and important educational issues” (p. 1). Critical discourse analysis has been used in sport research to assess the NCAA collegiate model (Southall & Staurowsky, 2013), media representations of women’s exercise (McGannon & Spence, 2012), and youth sport policies in Turkey (Açıkgöz, Haudenhuys, & Aşçı, 2019). As it pertains to the current study, a critical discourse analysis provides a critical approach in analyzing power and race relations in sport (McDonald & Birrell, 1999; Birrell, 1989).

Critical discourse analysis is rooted in “rhetoric, text linguistics, anthropology, philosophy, social psychology, cognitive science, literary studies and sociolinguistics, as well as in applied linguistics and pragmatics” (Wodak & Meyer, 2016, p. 2). While these disciplines are
broad, CDA is naturally heterogeneous in its use across academic disciplines and with diverse theoretical applications (Wodak & Meyer, 2016). Fairclough and Wodak (1997) offer eight foundational principles of CDA: 1) CDA addresses social problems, 2) power relations are discursive, 3) discourse constitutes society and culture, 4) discourse does ideological work, 5) discourse is historical, 6) a sociocognitive approach is needed to comprehend how relations between texts and society are mediated, 7) discourse analysis is interpretive and explanatory and utilizes systematic methodology, and 8) CDA is a socially committed scientific paradigm. Further, Gee (1996) explains the difference between lowercase “d” and capital “D” discourse. Little “d,” discourse refers to the language part of what is said (e.g., grammar, vocabulary, sentence structure), whereas, “D,” Discourse refers to the values, beliefs, and ideologies represented within that language (Gee, 1996).

**Sampling and Data Collection**

The study utilized a four-pronged sampling criteria for documents chosen: 1) they must have been related to FBI investigation into men’s college basketball, 2) they must have been able to aide in answering the research questions, 3) they must have been a document from the NCAA, the selected college sport reform groups, or the selected public media outlets, and 4) they must have been available to the public. This sampling criterion ensured the documents selected moved the research forward and were be available to me as the researcher. In terms of sampling methods, this study used purposeful and convenience methods in order to gather the required documents for analysis. As purposeful sampling involves sampling based on what the researcher is seeking to investigate (Patton, 2015; Merriam & Tisdell, 2016), this sampling method allowed for the selection of specific documents that fit the research purpose and help answer the research questions. Moreover, purposeful sampling is an appropriate sampling method for studies that
emphasize creating an in-depth understanding (Patton, 2015). The research questions and critical discourse analysis used in this study demand an in-depth understanding of the response by the NCAA and the response by non-NCAA entities. More specifically, the type of purposeful sampling used is convivence sampling. Convivence sampling involves creating a sample that is convenient for research based on time, location, availability, or a variety of other factors (Merriam & Tisdell, 2016). For this research project, the central aspect of convenience was public availability and accessibility of reports, statements, and journalistic articles.

The documents collected were divided into three categories: 1) documents from the NCAA, 2) documents from college sport reform groups, and 3) articles from journalistic sources (See Table 2). The documents from the NCAA were composed of the CCB official report, charter, remarks by the chair, and a recruiting and college choice study, as well as webpages detailing the enacted reforms (six webpages), and official statements from the NCAA (seven statements). I collected these documents from the NCAA official website in order to understand the full scope of the NCAA response to the FBI investigation. The CCB report showed the reform recommendations suggested by that commission, the enacted reforms showed what the NCAA put in to practice, and the statements from Emmert showed how the head of the NCAA personally responded. Next, two academic reform groups for college sports, the Knight Commission (six statements) and the Drake Group (three statements), provided their response through their websites as well. The statements and suggestions by these groups provided the first aspect in creating a comparison to the NCAA response in order to answer the second research question. Additional reform groups, the Coalition on Intercollegiate Athletics (COIA) and the College Athletes Players Association (CAPA) that focus more on college athletes’ rights, were

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3 The homepage for this set of webpages can be found at (NCAA committed, n.d.). The individual webpages can be found at (NCAA, 2018b; NCAA, 2018c; NCAA, 2018d; NCAA, 2018e; NCAA, 2018f; NCAA, 2018g).
researched as well, but they did not provide publicly available statements. The third and final category of documents came from journalistic articles (five articles from each outlet) to aide in understanding the response of non-NCAA entities and analyze what the public has been consuming related to the topic. There were two sport-based (ESPN and Sports Illustrated) and two non-sport-based journalistic outlets (The New York Times and The Washington Post) selected. I believe that these three categories and the respective selection of documents provided the saturation and redundancy necessary to achieving the appropriate sample size in collection and analysis (Lincoln & Guba, 1985; Merriam & Tisdell, 2016).

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<th>Data Source</th>
<th>Data Type</th>
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<td>Official Statements</td>
<td>7</td>
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<tr>
<td>College Sport Reform Group Documents</td>
<td>Non-NCAA Response</td>
<td>Knight Commission</td>
<td>Official Statements</td>
<td>6</td>
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Total Items of Discourse: 46

Data Analysis
The data analysis occurred through the dialectal-relational approach to critical discourse analysis (Fairclough, 2013, 2016). This approach to critical discourse analysis breaks the analysis into three stages: the textual analysis, the discursive analysis, and the social analysis (Fairclough 2013, 2016). The textual analysis is concerned with the actual text and linguistic tendencies, such as vocabulary, grammar, and sentence structure (Fairclough 2013, 2016). This analysis provided a foundational overview of the syntax used for each document. The textual analysis was used to help refine codes for the second and third round of coding and does not have any results presented. Next, the discursive analysis, during which the documents were interpreted based on the purpose behind the statements, the level consistency in the discourse, and the explicit and implicit meanings of the text (Fairclough 2013, 2016). This stage marks a necessary separator for interpretation between the three categories of documents. The NCAA documents were analyzed concerning the first and second research questions, whereas the non-NCAA entity documents were analyzed in comparison to the NCAA documents and answering the third research question.

I conducted the discursive analysis, both inductively and deductively. The first round of discursive analysis coding was conducted inductively using line-by-line coding and constant comparison techniques in order to identify similar themes that were present in the discourse (Fairhurst & Putnam, 2018). Fairhurst and Putnam (2018) suggest an integrative methodology that combines Organizational Discourse Analysis (ODA) and Grounded Theory (GT). While this method was not used, the present study has elements of grounded theory present that are considered commonalities between GT and ODA:

1) Emergent and unfolding from coding and abstracting to categories, 2) Relies on rich, thick details and descriptions (e.g., ethnography, interview transcriptions, archive), 3)
Stays close to the data (i.e., “in-vivo” coding in early stages), and 4) Iterates between data and analysis (links coding to developing categories (Fairhurst & Putnam, 2018, p. 3).

Following the initial round of discursive analysis coding, the themes were grouped into seven major categories, with assistance from a peer debriefer, referred to as the seven dialectical techniques of intercollegiate athletic stakeholders. The seven dialectical techniques are ambiguity, avoidance, credibility, deontological ethics, emotional appeal, explanatory, and grandstanding. Definitions for the seven dialectical techniques are in Table 3. As Lietz, Langer, and Furman (2006) state, “Peer debriefing involves the process of engaging in dialog with colleagues outside of a research project who have experience with the topic, population or methods being utilized” (p. 451). During this peer debriefing process, the critical discussion between myself and my peer debriefer (an English Ph.D. student) grouped the themes during the inductive round of coding. This debriefing led to the creation of the concept, terms, and definitions of the seven dialectical techniques of intercollegiate athletic stakeholders. After these techniques were identified, a second round of discursive analysis was conducted deductively to code each item of discourse concerning the seven dialectical techniques. Lastly, the social analysis seeks to understand how the interpretation of the discourse relates to dominant ideologies and power. For this study, ideology and power referred to the racial ideology that exploits majority Black/African American athletes, and the upholding of amateurism and benefitting majority White, male NCAA executives and collegiate presidents and athletic directors. The social analysis was conducted deductively during the third round of coding to address three key principles, each relating to one of the three research questions: escalation of commitment, interest convergence, and checks and balances. These codes are explained in detail in Chapter 4.
Table 3: The Seven Dialectical Techniques of Intercollegiate Athletic Stakeholders

<table>
<thead>
<tr>
<th>Technique</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambiguity</td>
<td>The use of vague language to evade unpleasant details</td>
</tr>
<tr>
<td>Avoidance</td>
<td>The deferring of blame to another entity or organization</td>
</tr>
<tr>
<td>Credibility</td>
<td>The use of language that attempts to convince readers through an appeal to status as a trusted authority</td>
</tr>
<tr>
<td>Deontological Ethics</td>
<td>An ethical grounding that places morality under a series of defined rules (DeSensi &amp; Rosenberg, 2010)</td>
</tr>
<tr>
<td>Emotional Appeal</td>
<td>The use of language that evokes emotion in order to sway the reader</td>
</tr>
<tr>
<td>Explanation</td>
<td>Either the statement of facts or the use of institutional logics to provide an argument</td>
</tr>
<tr>
<td>Grandstanding</td>
<td>The use of language that asserts an organization as trustworthy through self-promotion</td>
</tr>
</tbody>
</table>

Limitations

The first limitation is that discourse analyzed only reflects the intellectual elitist and academic capitalist model from Sack (2009). The reason for this is because the NCAA falls under the academic capitalist model, and the college sport reform groups in this study (The Knight Commission and The Drake Group) fall under the intellectual elitist model. Documents from the college sport reform groups under the athletes’ rights model were not publicly available. Although the athletes’ rights model is not examined to the same extent as the academic capitalist and intellectual elitist models, my subjectivity aligns with athletes’ rights advocates, so I wrote this study from that perspective. As an athletes’ rights advocate, I believe the NCAA and its member institutions are exploiting collegiate athletes for profit while they do not have basic employee rights (see Appendix A: Subjectivity Statement for a more in-depth explanation of my subjectivity relating to this study). Further, the documents that were publicly available to analyze
do not comprise the entirety of the discourse on this topic. Although the full scope of the
discourse is not able to be analyzed, the scope of the study still provides the rich and thick data
and data saturation necessary in qualitative research (Tracy, 2010; Merriam and Tisdell, 2016).

**Delimitations**

The first delimitation is that I alone conducted the critical discourse analysis, and it may
lack the objectivity some desire. In order to diminish this delimitation, peer debriefing was
utilized to confirm or change the results of the analysis (Lietz et al., 2006; Morse, 2015; Patton,
2015). Peer debriefing was specifically utilized during the discursive analysis rounds of coding
and the creation of the seven dialectical techniques, as discussed in the “Data Analysis” section.
Additionally, I provide a full subjectivity statement with my biases related to the study
(Appendix A). Further, the goal of this study is to provide a critical analysis, which requires an
inherently critical view. The next delimitation is that I chose to utilize only documents, without
interviews or observations. Although interviews and observations would create additional
discourse that could be beneficial to the study, the breadth of the documents used provides the
rich and thick data necessary for external validity in qualitative research (Lincoln & Guba, 1985;
Tracy, 2010; Merriam and Tisdell, 2016). The last delimitation is my ability as a researcher,
which is restricted to my research-experience level. Thus, I conducted the critical discourse
analysis at the level of a master’s student and not an experienced researcher.
Chapter 4: Findings

Three key principles utilized in the social analysis round of coding, the discourse concerning the dominant ideologies and power of this specific context, each align with a research question. These principles are referred to as the three key principles of intercollegiate athletic stakeholders. Therefore, this chapter has been organized to address the three categories of documents and answer the research questions stated above. The three principles are 1) the NCAA’s escalation of commitment towards amateurism, 2) reforms occurring as a result of interest convergence, and 3) the checks and balances provided by reform groups and public media. Following the theoretical framework, escalation of commitment is used to examine the first principle, and interest convergence is used to examine the second principle. A theoretical perspective is not used to examine the third principle, but instead, it serves as a comparison to the principles one and two. There was no theoretical perspective used to examine the third principle because it is used as a supplemental principle to refine the understanding of how escalation of commitment and interest convergence are utilized in the discourse. Coding results for the NCAA and non-NCAA entity discourses are in Tables 6, 7, and 8. While Tables 6 and 8 display the exact coding results, Table 7 displays the magnitude of the usage of each code. I calculated the magnitudes by finding the lower quartile, middle quartile or median, and upper quartile for the set of codes. Additionally, the full coding is in the codebook in Appendix B.

NCAA Response

As stated in Chapter 3, the NCAA documents analyzed refer to seven official NCAA statements, the enacted reforms, and the CCB official report, charter, remarks by the chair, and recruiting and college choice study. Within the set of NCAA documents, all seven dialectical
techniques were used to varying degrees. Illustrative examples of NCAA use of each dialectical technique are provided in Table 4 and are expanded upon in the following table.

<table>
<thead>
<tr>
<th>Technique</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambiguity</td>
<td>“Creating the right relationship between the universities and colleges of the NCAA and its national office to promote transparency and accountability” (Emmert, 2017)</td>
</tr>
<tr>
<td>Avoidance</td>
<td>“The Commission calls on the National Basketball Association (NBA) and the National Basketball Players Association (NBPA) again to make 18-year-olds eligible for the NBA draft, so that high school players who are drafted may proceed to the NBA” (Commission on college basketball, 2018)</td>
</tr>
<tr>
<td>Credibility</td>
<td>“Dr. Rice [the CCB chair] and the members of the commission were clear. The collegiate model should be strengthened and preserved” (Emmert, Peterson, &amp; Kaler, 2018a)</td>
</tr>
<tr>
<td>Deontological Ethics</td>
<td>“University of Kansas men’s basketball student-athlete Silvio De Sousa must sit out the remainder of the 2018-19 season and the 2019-20 season because his guardian received payment from a university booster and agent and agreed to receive additional funds from the same person” (NCAA, 2019)</td>
</tr>
<tr>
<td>Emotional Appeal</td>
<td>“We need to do right by student-athletes” (Emmert, 2017)</td>
</tr>
<tr>
<td>Explanation</td>
<td>“We thus offer these recommendations to try and get back on course. Some may disagree with the recommendations made here. Our focus has been to strengthen the collegiate model – not to move toward one that brings aspects of professionalism into the game.” (Rice, 2018)</td>
</tr>
<tr>
<td>Grandstanding</td>
<td>“This week, we delivered on a promise made just months ago to make profound and meaningful changes to college basketball” (Emmert, Peterson, &amp; Kaler, 2018b)</td>
</tr>
</tbody>
</table>
The first dialectical technique, ambiguity, was coded 58 times across 11 of the 17 documents. The use of ambiguous language by the NCAA helped to assert their response to the FBI investigation into men’s college basketball as prompt and impactful. However, these ambiguous statements contain little to no detail. The example provided in Table 4 helps provide the illusion that the NCAA is seeking to create significant change following the investigation. That said, further reading shows that no explanation or definition is provided on the meaning of the phrase “the right relationship” or how to reach this relationship. Ambiguous language allowed the NCAA to use persuasive words to create the appearance of a proactive and detailed response, while in reality, the response is reactive and equivocal. Similar to ambiguity, the NCAA utilized avoidance 149 times across 13 of the 17 documents. The use of avoidant language by the NCAA helped them deflect blame for the issues that resulted in the FBI investigation and arrests to the other entities such as the NBA, shoe companies (primarily Nike, Under Armour, and Adidas), and the AAU. In doing so, the NCAA was also failing to take accountability for their policies that disallow additional compensation beyond a scholarship and COA check that led to the de jure elicit payments. Avoidance was ubiquitously used in the CCB official report, as illustrated in Table 4. The end to the so-called “one-and-done rule” that requires individuals to be 19-years-old to be eligible for the NBA draft has led to a pervasive trend of athletes playing one year in college before leaving for the NBA draft (Billings, 2012). Academic capitalists, intellectual elitists, and athletes' rights advocates widely agree upon the end of this rule. However, the heavy reliance on ending this rule by the CCB and NCAA shows avoidant language by attempting to maintain the NBA is responsible for an issue created by outdated NCAA rules.
In contrast to ambiguity and avoidance, the NCAA relies on credibility, as coded 208 times across 15 of the 17 documents. The credibility language used in the NCAA documents allowed them to uphold their position as the authority and governing body for college sport. They did this by reaffirming their authority through implicit meanings of language. As shown by the example in Table 4, the NCAA used implicit credibility language in a joint statement on the formation of the CCB by Emmert, NCAA Board of Governors chair, G. P. “Bud” Peterson, and Division I Board of Directors chair, Eric W. Kaler. In this statement, the NCAA is promoting its credibility by stating that an independent commission is dedicated to upholding the model for collegiate athletics they created. The use of the credibility dialectal technique allowed the NCAA to promote its effectiveness as the governing body for college sport. Relatedly, the NCAA depends on deontological ethics, as utilized 163 times across all 17 documents. The NCAA used the dialectical technique of deontological ethics to create an ethical stance with their policies as the moral governor. For example, the NCAA used deontological ethics in determining the eligibility of Silvio De Sousa, a collegiate basketball player for the University of Kansas, as stated in Table 4. The facts of the case go on to explain that De Sousa’s guardian received $2,500 and agreed to receive an additional $20,000. Ultimately, Silvio De Sousa was suspended for two seasons because his guardian received $2,500, while Bill Self, University of Kansas head men’s basketball coach, was proven to know about this payment and was not suspended (Wetzel, 2018). De Sousa was suspended for two seasons because NCAA rules disallow athletes from receiving compensation for their athletic ability, regardless of whether the punishment is considered appropriate for the de jure crime. The reliance on deontological ethics means the NCAA pays little attention to particular contexts and uses their policies as the deciding factor in their legislating practices.
Comparatively, the NCAA used an emotional appeal, as referenced 35 times across 9 of the 17 documents. Although used the least often of the seven dialectical techniques, the purpose of emotional appeal by the NCAA was to foster strong emotions from the reader in order to create an agreement. The primary emotions created were empathy and anger. Empathy was utilized when Emmert spoke about the creation of the CCB, as quoted in Table 4. This excerpt draws the reader to feel empathy towards the NCAA as an organization that is doing everything they can for the athletes. In contrast, anger was utilized when Emmert asserted that the allegations present in the investigation “suggest an extraordinary and despicable breach of that trust.” In this case, the goal of evoking anger is to rile up the emotions of the reader to gain unwavering support. While used less often than the other dialectical techniques, the use of emotional appeal by the NCAA has the most-directed goal of fostering an intense reaction from the reader.

Differentiating from the emotional appeal, the NCAA depended on the explanation dialectal technique, as coded 264 times across 14 of the 17 documents. The explanatory language used in the NCAA documents served the dual purpose of stating facts and explaining intent through their institutional logics. Remarks by CCB chair Dr. Condoleezza Rice are shown in Table 4 to provide one instance in which the NCAA discourse used explanatory language. Firstly, this statement shows the use of explaining facts such as the facts that they are offering the recommendations and that some may disagree with them. Comparatively, institutional logics refer to the set of practices, values, and beliefs which govern individuals and organizations (Alford & Friedland, 1985; Friedland & Alford, 1991; Southall & Nagel, 2008; Southall et al., 2008; Southall et al., 2009; Southall & Staurowsky, 2013; Thornton, Ocasio, & Lounsbury, 2012). In following the institutional logics of the NCAA’s collegiate model, the CCB states they
are shaping their recommendations to align with NCAA practices. The NCAA uses the explanation dialectical technique allows for non-controversial, honest discourse in addition to the use of what they consider to be logical. Lastly, the NCAA used the grandstanding dialectical technique 158 times across 13 of the 17 documents. The grandstanding language used by the NCAA allowed them to expand upon their credibility by promoting their accomplishments. Another joint statement from Emmert, Peterson, and Kaler, this time following the enacted reforms, is quoted in Table 4. This statement touts its accomplishments in order to increase support from the reader. However, the enacted reforms will not make the promised “profound and meaningful changes to college basketball” (Emmert, Peterson, & Kaler, 2018b). This concept is explored further in answering the first and second research questions.

**Research Question #1: The Collegiate Model.** The first research question was: How does the NCAA response to the FBI investigation into men’s college basketball solidify or alter the current collegiate model? Although the collegiate model recognizes that collegiate athletes earn scholarships as compensation for their athletic skill, amateurism is still maintained through the limiting of equitable compensation and athletes’ rights (Byers & Hammer, 1995; Sack & Staurowsky, 1998). A critical discourse analysis of the NCAA documents shows the NCAA utilized the seven dialectical techniques to solidify the collegiate model. Although reforms were enacted, the collegiate model was not altered. Ultimately, the NCAA’s commitment towards amateurism was coded through explicit or implicit discourse 156 times across 16 of the 17 documents. As discussed in the literature review, the NCAA has a long history of promoting ideals of amateurism while benefitting commercially, most notably from football and men’s basketball. While the commercialization is most present in these sports, creating the most accessible argument for compensating these athletes more equitably, the classification of
collegiate athletes as students and not employees has allowed the NCAA to avoid providing legitimate employee rights (e.g., workers’ compensation, right of publicity) to all collegiate athletes. In the NCAA documents that were analyzed in this study, the NCAA solidified the collegiate model by affirming their stance that collegiate athletes are students by rarely discussing employment in favor of enforcement and outside entities.

The discourse present in the NCAA documents solidifies the collegiate model through the inclusion of increased enforcement and the reliance on outside entities. Firstly, within the recommendations from the CCB and the enacted reforms, the NCAA showed their desire to create a more effective enforcement plan. For example, the NCAA now mandates that “as a term of employment, school presidents and athletics staff must commit contractually to full cooperation in the investigations and infractions process” (NCAA, 2018f). While enacting and enforcing policies such as this will be notably difficult, stronger enforcement policies reinforce the collegiate model by ignoring compensation and employee rights. Instead, choosing to focus on enforcement and pay little attention to classifying athletes as employees further solidifies the NCAA’s commitment to amateurism. Next, the NCAA showed reliance on other organizations such as “agreements with apparel companies on expectations for accountability and transparency regarding their involvement in youth basketball…. [including] annual disclosures… NCAA certification[s]… and report[ing] potential NCAA rule violations” (NCAA, 2018e). While the apparel companies’ involvement in youth basketball has undoubtedly increased professionalization and played a significant role in the FBI investigation, NCAA policies can do little to change this. In youth basketball, the NCAA has no power to determine the role of the apparel companies. Instead, the NCAA could have focused on adjusting their involvement in youth basketball that increases professionalization of minors and leads to the de jure elicit
payments and subsequent investigation. The discourse utilized by the NCAA in response to the FBI investigation into men’s college basketball reaffirms the collegiate model by focusing heavily on enforcement policy and relying on outside entities to enact change.

In applying escalation of commitment, it first needs to be stated that the NCAA amateurism rules have been directly responsible for a number of negative consequences for the organization such as lawsuits that have directly challenged these principles and contributed to negative public relations (Freedman, 2003; Gouveia, 2003; Johnson, 2010; Lockhart, 2010; Wong, 2010; Edelman, 2014a; Staurowsky, 2014a; Edelman, 2017; D’Aquila & Rudolph, 2014; Pierce, 2018; Windsor, 2018). This case provided the NCAA with an opportunity to shift their loyalty away from amateurism because of its damaging impacts. Instead, their commitment to amateurism escalated. For example, while discussing the creation of the CCB, Emmert, Peterson, and Kaler (2018a) stated that the provided “recommendations will ensure integrity in the game, strengthen accountability in college sports and demonstrate a commitment to the well-being of student-athletes.” While the integrity of and accountability by the NCAA were certainly questioned publicly as a result of this investigation, focusing on these tenets as opposed to athlete rights’ strengthens the collegiate model, which resulted in the de jure elicited payments in the first place. Ultimately, the NCAA used this case as an opportunity to escalate their commitment towards a failing model because this model is part of their deontological ethics.

**Research Question #2: Dominant Racial Ideology.** The second research question was: How does the NCAA response to the FBI investigation into men’s college basketball reflect and reinforce the dominant racial ideology in the United States? The dominant racial ideology in the U.S. and NCAA Division I men’s basketball is one that promotes White racism/capitalism, asserting White superiority and Black inferiority. One tactic that is commonly present in
American history and the current NCAA discourse is the abstract liberalism frame of color-blind racism. Abstract liberalism refers to the framing of race-related issues through tenets of liberalism, such as “equal opportunity” and “individual choice.” In practice in the U.S., this means that policies may not be explicitly racist, but the ignoring of race results in policies that negatively impact Blacks/African Americans (Bonilla-Silva, 2018; Cooper et al., 2017).

Dominant racial ideology has been present in the fabric of the U.S., with policies systematically providing long-term wealth generation opportunities for Whites, while drastically disadvantaging Blacks (Rothstein, 2017; Baradaran, 2017; Coakley, 2015). As discussed in the literature review, the history of amateurism in the U.S. dates back to Black athletes during chattel slavery, while White slave owners enjoyed commercial benefits. This racism has continued through amateurism in college sport, as primarily White NCAA executives, university athletic directors and presidents, and men’s collegiate basketball coaches profit from the work of primarily Black men’s collegiate basketball players (Lapchick et al., 2017a; Lapchick et al., 2017b; Harper, 2018). A critical discourse analysis of the NCAA documents shows that the NCAA utilized the seven dialectical techniques to reflect and reinforce dominant racial ideology implicitly. The NCAA’s reflecting and reinforcing of dominant racial ideology was coded through implicit discourse that was present 121 times across all 17 of the documents. In contrast to the solidifying of the collegiate model, which utilized explicit and implicit meanings to assert collegiate athletes’ position as amateurs, the presence of dominant racial ideology occurs solely implicitly.

The discourse present in the NCAA documents reflects and reinforces the dominant racial ideology in the U.S. by creating caveats for possible empowerment within the current system and asserting that collegiate athletes cannot be defined as employees. Firstly, there was potential for the slight altering of the collegiate model and subsequent empowering of men’s collegiate
basketball players, but all those possibilities came with caveats. For example, a new reform states that agent agreements for prospective collegiate athletes and collegiate athletes must be “terminated when the student enrolls in or returns to college” (NCAA, 2018c). While allowing agents during NBA draft evaluation is a step, agent representation for active collegiate athletes is still prohibited. This prohibition limits the athletes’ ability to gain valuable advice, which may lead to a higher rate of collegiate athletes transferring or playing professionally overseas. As the NCAA is against these two options, which create the appearance of chaos and may diminish their profitability, respectively (Ketchings, 2015; Heekin & Burton, 2014), the empowering of athletes through agent representation is restricted to only the NBA draft evaluation process.

Further, the NCAA continued to promote the idea the collegiate athletes cannot be employees as the CCB official report states, “transformative changes are necessary, but the goal should not be to turn college basketball into another professional league” (Commission on college basketball, 2018). This statement shows ignorance to and distorts the fact that the NCAA has a television contract for their men’s basketball championship tournament valued at $19.6 billion from 2010-2032 (Battaglio, 2016), a contract that is akin to professional sports if nothing else. However, stating that NCAA Division I basketball is not a professional league that allows the NCAA to continue the illusion that these athletes are not employees. The word “employee” is not used in any of the NCAA documents about athletes, not even to mention they are not employees. By ignoring the fact that collegiate athletes function as employees, the NCAA and its member institutions can avoid providing employee rights, further limiting athlete empowerment. In the context of men’s college basketball, the collegiate athletes whose employee rights are ignored are predominately Black (Lapchick et al., 2017a; Harper, 2018). In summation, the discourse utilized by the NCAA in response to the FBI investigation into men’s college
basketball reflects and reinforces dominant racial ideology by limiting Black athlete empowerment through creating caveats to potential helpful reforms and ignoring the issue of classifying collegiate athletes as employees.

Applying interest convergence to the NCAA response will supplement the findings for the second research question. Such as Bell (1980) explains how the interests of Whites and Blacks converged in the passing of Brown v. Board of Education, the interests of predominately White NCAA executives, university presidents, and university athletic directors converged with the interests of predominately Black men’s collegiate basketball players. While the interest in college sport reform is more evident for Black men’s collegiate basketball players, the White individuals profiting from their work converged with this interest when there was a threat to their profit because of the investigation. Thus, the NCAA responded by creating an independent commission and enacting a series of basic rules changes instead of genuine reforms. However, the rule changes passed are also explained by interest convergence as they are likely to be ineffective in providing legitimate rights to men’s collegiate basketball players. This response shows interest convergence because these reforms will not shift the earning potential of the mostly White individuals profiting from the work of mostly Black men’s basketball players. Although the creation of rules changes or reforms show converging interests between the predominantly Black athletes and the predominantly White individuals profiting, the reality is that the ineffectiveness of these rule changes still follow dominant racial ideology by still allowing for the exploitation of primarily Black men’s collegiate basketball players.

Non-NCAA Entity Response

As stated in Chapter 1, non-NCAA entities are operationally defined as intellectual elitist reform groups the Knight Commission and the Drake Group as well as sport-based (ESPN and
Sports Illustrated) and non-sport-based (The New York Times and The Washington Post) public media. Furthermore, the documents analyzed for non-NCAA entities were composed of six Knight Commission statements, three Drake Group statements, and five articles for each public media organization, for a total of 29 documents. While there were differences between the reform groups and public media discourse, this combines them both under the umbrella term “non-NCAA entity,” and thus, the results will be discussed mostly through their similarities.

Unlike the NCAA documents, not all seven dialectical techniques were used by the non-NCAA entities. Again, the exact results of the coding are shown in Tables 6, 7, and 8 and can be viewed further in the codebook in Appendix B. Examples of non-NCAA entity use of each dialectical technique is provided in Table 5 and are expanded upon following the table.

<table>
<thead>
<tr>
<th>Technique</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambiguity</td>
<td>N/A</td>
</tr>
<tr>
<td>Avoidance</td>
<td>N/A</td>
</tr>
<tr>
<td>Credibility</td>
<td>“The Drake Group (TDG), whose mission is to defend academic integrity in higher education from the corrosive aspects of commercialized college sports, found, in response to the recently released report by the Independent Commission on College Basketball chaired by Dr. Condoleezza Rice, that the Commission got some things right, but missed the mark on several key issues regarding reform in college sports” (The drake group, n.d.)</td>
</tr>
<tr>
<td>Deontological Ethics</td>
<td>“The second broad recommendation is for the NCAA, conferences and/or institutions to develop standards to emphasize coaches’ responsibilities as educators” (Cartwright &amp; Duncan, 2018) (Knight Commission)</td>
</tr>
<tr>
<td>Emotional Appeal</td>
<td>“The post-verdict scene was a somber one, with Gatto sharing a long embrace with his wife, both appearing to heave with emotion. The 25-year-old Dawkins pressed his head...”</td>
</tr>
</tbody>
</table>
into his father’s chest during an enduring hug, the father comfortingly rubbing the back of his son’s neck while visibly wrestling with the news himself” (Greene, 2018) (Sports Illustrated)

<table>
<thead>
<tr>
<th>Explanation</th>
<th>“There’s so much money involved, someone’s going to get it. And unless and until players receive some sort of compensation that’s commensurate with their value to the school, there is going to be corruption. Sometimes it will violate NCAA rules. Sometimes it will violate the law” (Svrluga, 2017) (The Washington Post)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grandstanding</td>
<td>“The Rice Commission adopted a longstanding recommendation of the Knight Commission to add independent directors to the NCAA Board of Governors, the organization’s highest-ranking governing body” (Knight commission, 2018)</td>
</tr>
</tbody>
</table>

Firstly, and notably, non-NCAA entities did not use the dialectical techniques of ambiguity and avoidance. There are two main reasons for this. One, unlike the NCAA, the ethics and behavior of college sport reform groups and public media are not receiving public scrutiny as a result of this investigation. This fact means they can write without needing to consciously or subconsciously remind the public they operate ethically. Two, also unlike the NCAA, their actions did not directly lead to the de jure elicit payments and the subsequent investigation. Therefore, they do not need to use vague language or deflect the responsibility to another entity.

While ambiguity and avoidance, were not present in the non-NCAA entity discourse, credibility was coded 91 times across 24 of the 29 documents. The credibility language used in the non-NCAA entity allowed both reform groups and public media to affirm their position as trustworthy sources to speak on college sport. Compared to the NCAA’s use of implicit language in this instance, non-NCAA entities were more explicit in their use of credibility language. For example, the quote in Table 5, shows The Drake Group exhibiting transparency by stating their
A Critical Discourse Analysis of the NCAA

organizational mission concerning the CCB recommendations. The use of the credibility dialectal technique allowed the non-NCAA entities to assert their position as reliable sources that are critiquing a complex topic. Comparatively, non-NCAA entities had minor usage of deontological ethics, as referenced 53 times across 15 of the 29 documents. Similar to the NCAA, non-NCAA entities used the dialectical technique of deontological ethics to emphasize their organizational policies. For example, deontological ethics were used by the Knight Commission in the recommendation made to Dr. Condoleezza Rice, the CCB chair, stated in Table 5. This specific recommendation pays special attention to improving the educational aspects of collegiate basketball, which aligns with the Knight Commission’s alignment with Sack’s (2009) “clashing models” as intellectual elitist. This discourse falls within deontological ethics; improving higher education is a significant purpose of the Knight Commission. While non-NCAA entities use deontological ethics in a similar way to the NCAA, they are not dependent on it, as shown through their minor use.

In contrast, non-NCAA entities used the emotional appeal dialectical technique 94 times across 21 of the 29 documents. Non-NCAA entities used emotional appeal much more often than the NCAA, primarily because this is a common technique in journalism (Stephens, 2014), which is present in the non-NCAA entity analysis through public media. Where the NCAA employed more even use of empathy and anger, non-NCAA entities utilized empathy far more often, an example of which is shown in Table 5. This passage from Sports Illustrated goes beyond empathy, painting a picture in the mind of the reader. The imagery used by non-NCAA entities increases the effectiveness of the emotional appeal by creating an experience for the reader that goes beyond reading. In stark contrast from the emotional appeal, non-NCAA entities depended heavily on the explanation dialectal technique, as coded 465 times across all 29 documents. The
A Critical Discourse Analysis of the NCAA

explanatory language used in the non-NCAA entity documents, akin to the NCAA documents, both stated facts and explained intent through institutional logics. The example in Table 5, from The Washington Post, explains fact through the mention of the money involved in Division I men’s collegiate basketball. Furthermore, the institutional logics are evident in the explanation that de jure eliciting payments are an unavoidable consequence of this money. This concept marks a distinction between the reform groups and the public media, where the institutional logics of the reform groups are organizational, and the institutional logics of public media are based individually depending on the author.

To conclude, non-NCAA entities used the grandstanding dialectical technique 44 times across only 10 of the 29 documents. This usage marks another distinction between reform groups and public media, with reform groups utilizing grandstanding far more than public media. However, when used, both groups in the non-NCAA entity category used grandstanding in the same way as the NCAA. The example shown in Table 5, from the Knight Commission for college sport reform following the CCB official report, shows grandstanding by their mentioning that adding independent directors has been a “longstanding recommendation” (Knight commission, 2018). This statement serves the purpose of promoting their accomplishments to amplify their authority with the reader and the NCAA. The other uses of grandstanding by non-NCAA entities follow this path of reveling in accomplishments to increase trustworthiness.

**Research Question #3: Non-NCAA Entity Comparison.** The third research question was: What are the responses from non-NCAA entities regarding the FBI investigation compared to the NCAA response? From a discursive perspective, while the non-NCAA entities’ use of dialectal tools has similarities with NCAA use, there are more differences (Table 6). The similarities lie in the use of credibility and grandstanding. Both the NCAA and non-NCAA
entities employ these two techniques throughout their documents in similar frequency and with the same purpose of increasing trustworthiness. However, the similarities end there. The first, and most notable difference, is that non-NCAA entities have no use of ambiguity or avoidance, compared to moderate use by the NCAA. The reason for this is because, unlike the NCAA, non-NCAA entities do not need to circumvent or deflect blame in their responses to the FBI investigation into men’s college basketball.

Further, non-NCAA entities have minimal use of deontological ethics, while the NCAA relied more heavily on this dialectical technique. When used, this tool was used similarly, but the NCAA’s need to justify their discourse in response to the investigation resulted in more frequent usage. Next emotional appeal was used far more often and far more efficiently by non-NCAA entities because of the public media’s inclusion in this category and the usage of this technique in journalism (Stephens, 2014). Lastly, explanation was utilized considerably more often by non-NCAA entities compared to the NCAA. This discourse allowed for greater transparency in terms of both factual information and institutional logics. In conclusion, non-NCAA entities’ frequency and purpose of usage of the seven dialectical techniques varied from the NCAA because they did not create the environment that led to de jure elicit payments and the ensuing FBI investigation into corruption in Division I men’s collegiate basketball.

Table 6: Seven Dialectical Techniques Coding Results

<table>
<thead>
<tr>
<th>Dialectical Technique</th>
<th>NCAA (Total Codes)</th>
<th>NCAA (Number ofDocuments, out of 17)</th>
<th>Non-NCAA Entities (Total Codes)</th>
<th>Non-NCAA Entities (Number ofDocuments, out of 29)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambiguity</td>
<td>58</td>
<td>11</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Avoidance</td>
<td>149</td>
<td>13</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Credibility</td>
<td>208</td>
<td>15</td>
<td>91</td>
<td>24</td>
</tr>
</tbody>
</table>
Table 7: Seven Dialectical Techniques Coding Magnitude

<table>
<thead>
<tr>
<th>Document Category</th>
<th>Code Range</th>
<th>Use Descriptor</th>
</tr>
</thead>
<tbody>
<tr>
<td>NCAA</td>
<td>0-58</td>
<td>Infrequent</td>
</tr>
<tr>
<td></td>
<td>58-156</td>
<td>Moderate</td>
</tr>
<tr>
<td></td>
<td>156-208</td>
<td>Frequent</td>
</tr>
<tr>
<td></td>
<td>208+</td>
<td>Very Frequent</td>
</tr>
<tr>
<td>Non-NCAA</td>
<td>0</td>
<td>Infrequent</td>
</tr>
<tr>
<td></td>
<td>0-53</td>
<td>Moderate</td>
</tr>
<tr>
<td></td>
<td>53-94</td>
<td>Frequent</td>
</tr>
<tr>
<td></td>
<td>94+</td>
<td>Very Frequent</td>
</tr>
</tbody>
</table>

In addition to the use of the seven dialectical techniques, non-NCAA entities employed contrasting usage of the three key principles of intercollegiate athletic stakeholders compared to the NCAA (Table 8). The NCAA usage of the first and second principles are explained in greater detail earlier in this chapter. Further, while the NCAA used escalation of commitment and interest convergence pervasively, they did not employ checks and balances. Comparatively, non-NCAA entities primarily used checks and balances coupled with minimal usage of escalation of commitment and interest convergence. While only using the first and second principles sparsely, it is worth recognizing that the pervasive ideals of amateurism and racism that undergird escalation of commitment and interest convergence were still present in the non-NCAA entity response, albeit far less often than the NCAA response. In contrast, both reform groups and public media engaged in frequent usage of checks and balances on the NCAA response. The
non-NCAA entities were able to provide a checks and balance of the NCAA response through critiques and recommendations provided in responses of their own.

Table 8: The Three Key Principles of Intercollegiate Athletic Stakeholders Coding Results

<table>
<thead>
<tr>
<th>Principle</th>
<th>NCAA (Total Codes)</th>
<th>NCAA (Number of Documents, out of 17)</th>
<th>Non-NCAA Entities (Total Codes)</th>
<th>Non-NCAA Entities (Number of Documents, out of 29)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Escalation of Commitment</td>
<td>156</td>
<td>16</td>
<td>34</td>
<td>8</td>
</tr>
<tr>
<td>Interest Convergence</td>
<td>121</td>
<td>17</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Checks and Balances</td>
<td>0</td>
<td>0</td>
<td>212</td>
<td>29</td>
</tr>
</tbody>
</table>
Chapter 5: Discussion

The purpose of this study was to critically analyze the NCAA’s response to the FBI investigation into men’s college basketball through the solidifying of amateurism and the role of race. The findings analyzed the explicit and implicit meaning of NCAA discourse in this context and how that discourse relates to the key principles of escalation of commitment towards amateurism and interest convergence leading to and shaping the NCAA response. The critical discourse analysis showed that NCAA has attempted to avoid blame while affirming its organization as a credible manager of intercollegiate athletics through the seven dialectical techniques of intercollegiate athletic stakeholders. Again, I created these dialectical techniques with a peer debriefer (an English Ph.D. student) following an inductive round of coding. Subsequently, these techniques were used deductively for the second round of coding. By using these techniques, the NCAA discourse showed circumvention of accountability by deflecting blame onto other entities such as the NBA, AAU, and apparel companies. Furthermore, they affirmed their role as the primary governing body for intercollegiate athletics by using discourse to promote their accomplishments and institutional logics.

This study adds another layer to college sport research analyzing amateurism principles and the presence of racism in college sport. Additionally, I believe this study adds to the sport management research at large by providing a critical analysis of organizational response with the dual-layers of institutional logics and dominant racial ideology. In terms of amateurism research, more generally, previous literature has examined NCAA discourse and how they have achieved “spontaneous consent” for their collegiate model through their hegemonic influence, which creates the tacit agreement from the masses (Southall & Staurowsky, 2013). The present study expands upon this outcome, as the NCAA discourse utilized the seven dialectical techniques as a
way to generate reader and public support. Further previous work on NCAA institutional logics at specific commercial events have shown the existence of a dominant logic that is responsible for creating particular outcomes (Southall & Nagel, 2008; Southall et al., 2008; Southall et al., 2009). This study is consistent with this finding, whereby the dominant logic present in the NCAA discourse is their commitment to amateurism and the commercial model. Moreover, it expands by providing a critical analysis of how this dominant logic is present within the NCAA’s organizational response. Lastly, concerning amateurism, the current study explains how the NCAA discourse has been used to ignore the fact that collegiate athletes function as employees. This outcome adds to legal literature that has outlined how collegiate athletes are employees from a legal perspective (McCormick & McCormick, 2006; Afshar, 2014; Gerrie, 2018).

The first research question was: How does the NCAA response to the FBI investigation into men’s college basketball solidify or alter the current collegiate model? Related to their escalation of commitment towards amateurism and the current collegiate model, the NCAA showed their willingness to commit to a failing collegiate model that was directly responsible for the de jure elicit payments. While the commercial model is failing the athletes and creating a system where corruption is ubiquitous, it has also led to massive profit for the NCAA and its member institutions (Kahn, 2007; Van Rheenen, 2012; Berkowitz, 2018). This study found that as a result, even with the negative public relations and potential legal issues surrounding an FBI investigation, the NCAA was steadfast in their commitment towards amateurism.

The outcomes from this research question expand on research using escalation of commitment in sport. Firstly, escalation of commitment research in sport has primarily discussed escalation of commitment within specific athletic departments (Bouchet & Hutchinson, 2012;
Hutchinson & Bouchet, 2014; Hutchinson et al., 2015). The present study expands on this literature by utilizing escalation of commitment to analyze the organizational practice of the NCAA as a whole. Secondly, Hutchinson et al. (2015) studied determinants of commitment in university athletic departments in the U.S. One significant finding from Hutchinson et al. (2015), was the “emergence of organizational status as a social determinant of escalating commitment” (p. 64). Before this study, organizational status was not discussed in terms of its effect on escalation of commitment (Hutchinson et al., 2015). However, all ten athletic departments examined by Hutchinson et al. (2015) acknowledged the importance of organizational status towards increasing their commitment to intercollegiate athletics. The present study is consistent with these findings, as the NCAA’s belief in their organizational status as the authority on college athletics had a significant role in their response to the FBI investigation through the use of the credibility and deontological ethics dialectic techniques. As a result, the NCAA’s public reputation and organizational status were essential to their escalating commitment towards amateurism.

Lastly, Bouchet and Hutchinson (2012) and Hutchinson and Bouchet (2014) explore de-escalation of commitment. Bouchet and Hutchison (2012) found four primary reasons for the University of Chicago de-escalating their commitment to athletics: change in presidents, shifting academic visions, the financial condition of the athletic department, and change in coaches. For the NCAA, although the FBI investigation created a crisis, none of these same reasons discussed by Bouchet and Hutchison (2012) were present. There has not been a change in leadership, with Mark Emmert serving as NCAA president since 2010 (NCAA president, n.d.), the NCAA is in excellent financial health (Battaglio, 2016; Berkowitz, 2018), and as the study found, their organizational vision did not change, with further escalating commitment towards the collegiate
A Critical Discourse Analysis of the NCAA

model. Analyzing eight athletic departments de-escalation of commitment towards athletics, Hutchinson and Bouchet (2014) found that “in clarifying the magnitude of the problem, each institution reframed the problem regarding their current athletic commitment” (p. 158). This finding would help explain how the NCAA reaffirmed their commitment to the collegiate model by reframing the problems that arose from the FBI investigation in terms of their current level of commitment to upholding amateurism.

Additionally, the NCAA discourse revealed the use of reinforcing dominant racial ideology in terms of abstract liberalism, through interest convergence. The second research question, which was: How does the NCAA response to the FBI investigation into men's college basketball reflect and reinforce the dominant racial ideology in the United States? The interest in creating reform in intercollegiate basketball for primarily Black collegiate men’s basketball players and primarily White individuals profiting from their work converged in the public release of this investigation threatening the financial potential of the NCAA and its member institutions. While the interests of these two groups in creating reform converged at this moment, the NCAA response showed that reform would limit the benefits provided to the mostly Black men’s collegiate basketball players. These reforms are likely to be mostly ineffective, while restricting the power provided to athletes by ignoring the question of employee status (Medcalf, 2018; Wolken, 2018; The drake group, n.d., Knight commission, 2018).

These findings show that within their discourse, the NCAA is unwilling to take accountability, will uphold the virtue of amateurism for as long as possible, and created the reforms under color-blind racism by creating a negative and disproportional impact on a primarily Black community. The NCAA reflected and reinforced of dominant racial ideology in their response through implicit discourse that was present 121 times across all 17 of the NCAA
documents. The NCAA mainly did this by using abstract liberalism and framing race-related issues as color-blind and operating within meritocratic values such as “equal opportunity” and “individual choice” (Bonilla-Silva, 2018; Cooper et al., 2017). However, when considering the racial demographic disparity between majority Black men’s college basketball players and majority White coaches, athletic directors, and NCAA executives (Lapchick et al., 2017a; Lapchick et al., 2017b; Harper, 2018), and the economic imbalance between these diverging groups that have been discussed through the study, the issues present are inherently race-related. The NCAA discourse in their response to the FBI investigation limits Black athlete empowerment under the guise of this color-blind approach by qualifying potentially significant reforms and ignoring collegiate athlete employee status.

Further, the study expands the literature on race and college sport. Previous literature has examined racism and racial implications of NCAA initial eligibility policy for incoming collegiate athletes (Nwadike et al., 2016). Nwadike et al. (2016) found that race was explicitly discussed in creating this policy. The current study adds to the literature because although race was not explicitly discussed, it is implicitly present in the NCAA response to the FBI investigation. As stated prior, the NCAA discourse had 121 implicit references to interest convergence and race across all 17 of the NCAA documents. The NCAA’s reflecting and reinforcing of dominant racial ideology was coded through implicit discourse that was present 121 times across all 17 of the documents. Interest convergence and the upholding of dominant racial ideology are implicitly present in this discourse, because as discussed, these reforms do not improve the empowerment, livelihood, or earning potential of the primarily Black men’s collegiate basketball players. This analysis of racism in the NCAA discourse adds to sport
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management literature by addressing the implicit presence of dominant ideologies that exist within an organizational discourse.

Further, this study expands upon the use of the interest convergence tenet of critical race theory for implications for culturally responsive, race-conscious, and racially equitable leadership in college sport (Cooper et al., 2017). In Cooper et al. (2017), “the authors call for a shift from abstract liberalism and color-blind racism towards a culturally responsive and race-conscious leadership approach whereby race is centralized” (p. 227). In this call, Cooper et al. (2017) explain that the current discourse by the NCAA has been mostly empty rhetoric, as opposed to legitimately valuing racial diversity. This present study supports this outcome, as the NCAA discourse was found to reflect and reinforce dominant racial ideology through interest convergence. Relatedly, in conducting a narrative case study of three elite Black male football athletes at a PWIHE, Singer (2016) found two participants’ academic underperformance being directly impacted by culturally irrelevant organizational practices. While this study does not address athlete perception or experience related to the NCAA response, it does explore how the NCAA had a culturally irrelevant organizational response. The outcomes from Singer (2016) and other related studies on culturally irrelevant (Hawkins 2010; Nwadike, et al., 2016; Williams Jr., 2015; Singer, Harrison, & Bukstein, 2010) and culturally relevant (Carter-Francique, 2013; Cooper, 2013; Bimper, Harrison, & Clark, 2012) organizational practices in college sport further emphasize the disadvantageous outcomes that can occur as a result of the implicit racism present in the culturally irrelevant NCAA discourse. This study adds to this literature by examining how the NCAA’s response in organizational crisis took a color-blind approach and was culturally irrelevant for the athletes that comprise the organization.
The findings analyzed another layer, which is the response of non-NCAA entities compared to the NCAA. This analysis helped answer the third research question, which was:

What are the responses from non-NCAA entities regarding the FBI investigation compared to the NCAA response? Again, non-NCAA entities refer to intellectual elitist college sport reform groups The Drake Group and The Knight Commission as well as sport-based public media organizations ESPN and Sports Illustrated and non-sport-based public media organizations The New York Times and The Washington Post. Non-NCAA entities employed similar use of the seven dialectical techniques to the NCAA only in terms of establishing credibility. However, non-NCAA entities did not attempt to avoid blame and showed considerably more transparency in their institutional logics with more explicit language.

While not pervasive, the use of escalating commitment towards amateurism and interest convergence was still present in the non-NCAA entity response. I posit that escalating commitment towards amateurism and interest convergence was still present in the non-NCAA response, specifically in the reform organization, because opposition to this is not part of the intellectual elitist practice. Intellectual elitists are grounded in improving education systems, and their reforms include need-based athletic scholarships and increased initial eligibility requirements for athletes (Sack, 2009). As a result, intellectual elitists are not actively against the collegiate model and do not discuss issues racial inequity in the same way as athletes’ rights advocate, leading to a slight presence of escalating commitment towards amateurism and interest convergence.

Lastly, differentiating entirely from the NCAA, the non-NCAA entities showed a willingness to provide checks and balances by criticizing the NCAA response and offering their recommendations. The principle of checks and balances serves an essential purpose in explaining the role of non-NCAA entities in the context of this study. In terms of non-NCAA entities,
checks and balances are representative of both the college sport reform groups and their goal to change the current model and journalistic outlets. In democratic countries, such as the U.S., journalism serves a vital role in providing transparency through checks and balances (Christians, Glasser, McQuail, Nordenstreng, & White, 2009; Wilkins & Christians, 2009; Karlsson, 2010), such as those provided by the discourse of the journalistic outlets analyzed in this study.

Morse (2015) highlights four concepts that increase rigor in qualitative research: credibility, transferability, dependability, and confirmability. This study utilized techniques Morse (2015) suggests to achieving credibility, including prolonged and peer debriefing. In critical discourse analysis, “the overarching objective… is to understand how a discourse performs its various functions and effects to construct a certain reality” (Greckhamer & Cilesiz, 2014, p. 425). I felt that following three rounds of coding, I had engaged enough with the discourse to understand the reality constructed by the NCAA and non-NCAA entities. Further, I engaged in a peer debriefing process with an English Ph.D. student to assess my interpretations create the concept, terms, and definitions of the seven dietetical techniques of intercollegiate athletic stakeholders. As noted by Morse (2015) and Tracy (2010), qualitative research relies on transferability. The seven dialectical techniques outlined in this study are transferable in analyzing future discourse from the NCAA or other sport organizations. Specific to college sport, these findings can be compared to NCAA discourse across sport and topics. I believe this study offers a thick description (Morse, 2015) that makes the seven dialectical techniques of intercollegiate athletic stakeholders transferable to future critical discourse analyses. In terms of dependability and confirmability, the study used data triangulation (Morse, 2015) with data sources from the NCAA, college sport reform groups, and journalistic outlets.

Conclusion
This study offers a critical analysis of the NCAA response to the FBI investigation into men’s college basketball. As the critical discourse analysis revealed, the NCAA shaped their discourse using the seven dialectical techniques of intercollegiate athletic stakeholders to avoid accountability, deflect blame, and promote credibility. Further, their escalation of commitment towards amateurism and response because of interest convergence highlights how they solidified the current collegiate model and implicitly promoted dominant racial ideology. More specifically, the NCAA response solidified the collegiate model through the heavy use of discourse related to enforcement and relying on outside entities to enact change. Moreover, this response reflected and reinforced dominant racial ideology implicitly through abstract liberalism and color-blind racism, which ignored the inclusion of race when addressing race-related issues.

Lastly, to address the third research question, non-NCAA entities were far more transparent and provided checks and balances for the NCAA response. Non-NCAA entities primarily used the seven dialectical techniques of intercollegiate athletic stakeholders differently from the NCAA, by being more explicit with their positionality.

**Implications for Policy and Research**

I provide policy recommendations in order to address the policy issues the NCAA missed in their response and enacted reforms. First, I provide recommendations for what the present missed in addressing each research question. Answering the first research found the NCAA solidified the current collegiate model by escalating their commitment towards amateurism because of their deontological ethics and organizational status. However, as the newly enacted reforms continue to take effect, follow up studies can determine the long-term impact of this response on the collegiate model. Subsequently, answering the second research found that the NCAA’s response implicitly included racism through limiting athlete empowerment and
ignoring employee status of athletes. The coding in answering this question found the influence of interest convergence and abstract liberalism in the framing of the NCAA response. That said, I think the "White racial frame," which is a White-generated view through which Whites are considered superior and honorable compared to racial non-Whites considered inferior and dishonorable (Feagin, 2013), would be influential in further analyzing dominant racial ideology in the NCAA response. Utilizing the “White racial frame” as a follow-up to this study would allow for an even richer analysis of the implicit racism present in the NCAA discourse. Lastly, answering the third research question found non-NCAA entities provided checks and balances for the NCAA, the non-NCAA entity response could be analyzed more critically. Since the college sport reform groups in the study represent the intellectual elitist model, these responses could be further critiqued for their shortcomings in attempting to create the best environment for the athletes.

In terms of policy, I recommend that the NCAA officially classify all collegiate athletes as employees. This recommendation is based on the fact that the de jure elicit payments occurred because men’s collegiate basketball players are not compensated equitably and do not have employee rights. As opposed to focusing on compensating collegiate athletes, the classification of all collegiate athletes as employees focuses more on employee rights. Providing employee rights such as workers’ compensation and a grievance process will allow collegiate athletes to be treated more fairly by their respective institutions. Edelman (2014c, 2017), Staurowsky (2014b), and Zielinski (2015) have discussed these examples of employee rights. Further, previous studies have outlined how collegiate athletes are considered employees from a legal perspective (McCormick & McCormick, 2006; Afshar, 2014; Gerrie, 2018) and how the NLRB affirmed this in recognizing Northwestern football players as employees (Staurowsky, 2014a; Edelman, 2017;
D’Aquila & Rudolph, 2014). In the present study, the NCAA continued to promote their belief that college athletics are inherently amateur and not professional. While the multi-billion dollar NCAA Division I men’s basketball tournament contract shows that the NCAA as an amateur sport organization is a myth, the court cases that resulted from the FBI investigation are principally legislation of NCAA rules (Hobson & Armstrong, 2018).

Along with the above possibilities for further answering the research questions and policy recommendations, recommendations for additional future research are provided. The seven dialectical techniques outlined in this study are transferable in analyzing discourse from sport organization responding to a crisis. In this study, these techniques arose from the NCAA discourse in their response to an organizational crisis. Specific to college sport, NCAA discourse should be analyzed across sport and across topics to address issues of racial and gender equity. For example, the NCAA discourse on Title IX and issues of gender equity in coaching, the discourse on female representation within media coverage of college athletics, and the discourse on lack of both racial and gender equity in leadership positions (e.g., athletic directors and conference commissioners). Research that focuses on discourse relating to racial and gender equity can help provide insights and recommendations to make college sport more equitable.
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commission-on-college-basketball-missed-an-opportunity-to-recommend-comprehensive-reform/


Appendix A: Subjectivity Statement

My interest in sport research began as a result of the ethical dilemmas I faced while interning for a sport agency, scouting at events for elite-level youth baseball players attended by hundreds of professional scouts, agents, college coaches, and corporate sponsor representatives. This experience not only launched my interest in research, but my belief that athletes are often treated as profitable commodities, not human beings. I became interested in understanding the factors that led to the systematic commodification of athletes, specifically within Major League Baseball (MLB). Additionally, my coursework as an undergraduate and graduate sport management student, studying social, legal, and organizational issues in sport, has led to my inherently critical view of sport entities as related to their treatment of athletes and social responsibility. Following the public announcement of the arrest of ten individuals connected to the National Collegiate Athletic Association (NCAA) Division I men’s basketball by Federal Bureau of Investigation (FBI) on charges financial charges including bribery, wire fraud, and money laundering, the NCAA had several responses to create reform. However, these reforms do not enact change.

I was raised with and still experience multiple forms of privilege as a White, upper-middle-class male with parents who are supportive personally, professionally, and economically. These forms of privilege allowed me to pursue an out-of-state higher education and secure two internships in the sport industry without a formal interview. Although my economic privilege is more apparent, my racial and gender privilege meant my ability to succeed and my level of knowledge were never questioned. However, I did not examine this privilege until I began my training as a researcher from an advisor specializing in sport sociology, shaping my epistemological and theoretical perspectives. In my position as a novice researcher, I bring a
constructivist epistemology, with the understanding that knowledge and phenomena are constructed based on their respective social contexts. Furthermore, I take a critical theorist perspective with the belief that this social construction occurs through power. Specifically, I have a critical race and feminist theorist worldview in believing that race and gender heavily influence power.

This topic is important to me because I am an avid consumer of and former employee in collegiate athletics. I have been able to experience firsthand how power influences the socially understood notions of collegiate athletics and amateurism. As a result of this experience, in alignment with Sack’s (2009) “clashing models” for college sport reform, I consider myself an athlete advocate. As such, the goal of this study and my research, in general, is to benefit the athletes. My background, coupled with my epistemological and theoretical worldview impact my subjectivity on this study, because I will be viewing the NCAA investigation response through a critical lens that posits the White males in power in the NCAA have socially constructed the collegiate sport environment to firstly provide themselves with benefits. Additionally, I will be viewing the NCAA response to this investigation with the lens that those who most need reform to provide support, the collegiate athletes, are effectively ignored. This subjectivity statement, in which I have explained my approach to how the world is socially constructed through power, will help maintain credibility has I have allowed the reader to understand my biases.
Appendix B: Codebook

Ambiguity

Files\CCB1 - Charter - § 4 references coded [ 10.23% Coverage]

Reference 1 - 1.98% Coverage

The Commission is strongly encouraged to identify bold legislative, policy and structural modifications to improve the integrity of our processes and the well-being of our student athletes.

Reference 2 - 1.12% Coverage

Further, the boards stand ready and are committed to implement appropriate meaningful and lasting changes.

Reference 3 - 2.24% Coverage

The NCAA’s relationship with the NBA and the challenging effect the NBA’s so-called “one and done” rule has had on college basketball, including how the NCAA can change its own eligibility rules to address that dynamic.

Reference 4 - 4.89% Coverage

Creating the right relationship between the universities and colleges of the NCAA and its national office to promote transparency and accountability. The commission will be asked to evaluate whether the appropriate degree of authority is vested in the current enforcement and eligibility processes, and if the collaborative model provides the investigative tools, cultural incentives and structures to ensure exploitation and corruption cannot hide in college sports.

Files\CCB2 - Commission Remarks (As Prepared) by Dr. Condoleezza Rice - § 4 references coded [ 3.44% Coverage]

Reference 1 - 1.08% Coverage

First, we must separate the collegiate track from the professional track by ending one-and-done. We call on the NBA and the NBPA, who exclusively have the power here, to once again make 18-year-olds eligible for the NBA draft so that high school players who are drafted may proceed directly to the NBA. Should the NBA and NBPA decide not to do so – the Commission will reconvene and consider other measures, including freshman ineligibility and/or the “lock-up” of scholarships for a specified period of time.

Reference 2 - 0.65% Coverage

Elite high school and college basketball players tend to misjudge their professional prospects. Erroneously entering the NBA draft is not the kind of misjudgment that should deprive student-athletes of the valuable opportunity to enter college or to continue in college while playing basketball.

Reference 3 - 0.23% Coverage

The Commission also believes in the provision of resources to make the promise of a college education real.

Reference 4 - 1.47% Coverage

That said, most Commissioners believe that the rules on name, image, and likeness should be
taken up as soon as the legal framework is established. It is hard for the public, and frankly for me, to understand what can be allowed within the college model – for the life of me I don’t understand the difference between Olympic payments and participation in Dancing with the Stars – and what can’t be allowed without opening the door to professionalizing college basketball. Personally, I hope that there will be more room in the college model today for this kind of benefit to students without endangering the college model itself. And let me just say that I hope Arike wins Dancing with the Stars.

Files\CCB3 - Official Report - § 33 references coded [ 5.42% Coverage]

Reference 1 - 0.08% Coverage

goal should not be to turn college basketball into another professional league. Rather, we must change fundamentally the current culture and rules to address the effect that money has had on college basketball, the NCAA and its member institutions.

Reference 2 - 0.06% Coverage

We must emphasize that only the NBA and the NBPA can change the one-and-done rule. If they choose not to do so by the end of 2018, the NCAA must still find a way to address this situation.

Reference 3 - 0.09% Coverage

In sum, student-athletes should have more information about their professional prospects and more flexibility to test those prospects and return to school. This change and other related changes should make it easier for them to do so without losing their collegiate eligibility.

Reference 4 - 0.15% Coverage

As described below, in its specific recommendations about non-scholastic basketball, the Commission urges additional efforts at educating high school players about their professional and collegiate prospects, NCAA eligibility rules, their health and more. Student-athletes must have the information they need to understand their real choices and be better positioned to take advantage of either the collegiate or the professional path they choose.

Reference 5 - 0.15% Coverage

In the current uncertain legal setting, however, the Commission has decided to focus its recommendations on supporting the college model. It seeks to address the charge of player exploitation in other ways – specifically, by opening and keeping open a player’s professional pathway, by welcoming the return of undrafted players, by funding degree completion by athletes who return to school, by providing benefits that allow student-athletes to be both students and athletes

Reference 6 - 0.04% Coverage

The NCAA will have to incur substantial costs for several of these recommendations. But it will be money well spent.

Reference 7 - 0.12% Coverage

In addition, these and all NCAA investigators must exercise reasonable prosecutorial discretion and common sense so that resources are focused on serious infractions and punishment is appropriately calibrated and consistently administered. There are multiple examples of minor
infractions that are not worth the time and effort that the NCAA now spends on them.

Reference 8 - 0.17% Coverage

Relatedly, the Commission recommends a significant expansion in individual accountability for rules violations for coaches, athletic directors and college presidents. The NCAA must amend its rules to require colleges to include in contracts with administrators and coaches individual contractual obligations to cooperate with NCAA investigations, including financial disclosure, and individual agreement to submission to NCAA enforcement proceedings, decisions and discipline, up to and including discharge.

Reference 9 - 0.08% Coverage

Moreover, the Commission recommends that the NCAA enact a rule requiring coaches, athletic directors, and college presidents to certify annually that they have conducted due diligence and that their athletic programs comply with NCAA

Reference 10 - 0.11% Coverage

Coaches are the public focus of blame for NCAA violations. For too long, college presidents and administrators have not been viewed as accountable for the conduct of their athletic programs. That will have to change. College presidents and highlevel administrators cannot be permitted to turn a blind eye to the infractions in those programs.

Reference 11 - 0.23% Coverage

Virtually all of the top recruits for each collegiate recruiting class participate in non-scholastic basketball. The Commission recommends that the NCAA take short and long-term actions to reform non-scholastic basketball and disassociate the NCAA and its member institutions from the aspects of non-scholastic basketball where transparency and ethical behavior cannot be assured. As part of this effort, the Commission recommends that the NCAA partner with USA Basketball, the NBA, the NBPA and others to create and administer new resources and programs for youth basketball development, including substantial regional camps for collegiate prospects in July where NCAA coaches would evaluate players.

Reference 12 - 0.19% Coverage

Further, the NCAA’s rules already require NCAA-certified events to have educational components; the NCAA must immediately implement and enforce that requirement more effectively. All benefits provided to participants and their families, including travel, meals, accommodations, gear of any sort, and any other benefit, must be disclosed to the NCAA, along with the source of their provision. The NCAA must enforce the requirement that such benefits be reasonable and appropriate and assure that these restrictions are not circumvented by delaying the timing or providing the benefits to another.

Reference 13 - 0.23% Coverage

It appears, however, that they do not have effective controls in place in their 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 be concerned about how their money is used in non-scholastic basketball. We expect that these companies will insist that all employees provide detailed accountability about such expenditures and cooperate with new NCAA rules about
financial transparency and accountability.

Reference 14 - 0.38% Coverage

With respect to the longer term, the Commission recommends that with a goal of 2019, the
NCAA work with USA Basketball, the NBA and the NBPA and others to establish and
administer new youth basketball programs. We would expect the NCAA to devote significant
resources and attention to these programs. Briefly, the Commission proposes that youth
basketball players be identified and developed at three levels: Level 1, players with National
Team potential; Level 2, players with Highest Collegiate potential; and Level 3, players with
Collegiate potential. At each level, players would have to be identified, developed and evaluated
by appropriate stakeholders. Critically, that development would include not only basketball, but
also academic and life skills, health and collegiate eligibility. One centerpiece of this program
would be NCAAadministered regional non-scholastic basketball events in July that NCAA
coaches would exclusively attend. The Commission also recommends that the NCAA – in
collaboration with USA Basketball, the NBA, the NBPA, the WNBA and the WNBPA –
consider similar initiatives to enhance the development of young women basketball players.

Reference 15 - 0.27% Coverage

On September 26, 2017, the United States Attorney’s Office for the Southern
District of New York announced the arrest of ten persons for involvement in fraud and
corruption schemes related to college basketball – four NCAA Division I college basketball
coaches, the head of Global Sports Marketing – Basketball and two individuals affiliated with a
major athletic apparel company, and three athlete advisors. The first scheme involved allegations
that college coaches took cash payments from athlete advisors to steer play
ners and their families
to the advisors making the payments. The second scheme involved allegations that a senior
executive at a sports apparel company worked with athlete advisors to funnel payments to high-
school players and their families to obtain their
commitment to attend universities sponsored by
the apparel company.

Reference 16 - 0.16% Coverage

However, the Commission recognizes that some humility is required in light of past failures and
the size of the challenge. Stakeholders do not agree about either the causes or the potential
solutions to the current challenges that face pre-professional basketball. The Commission
believes that these challenges will persist unless all stakeholders accept responsibility for the
credibility of the game, the reputations of the schools who field teams and the integrity of the
athletes who compete.

Reference 17 - 0.06% Coverage

Finally, many high school and collegiate student-athletes do not receive the
information and assistance they need to accurately determine whether and when to pursue
professional basketball.

Reference 18 - 0.16% Coverage

In support of the allegation that the NCAA’s investigative powers are insufficient, many
stakeholders noted that when the U.S. Attorney’s Office announced the charges that prompted
the NCAA to establish this Commission, no one in the relevant community expressed surprise
and many stated that “everyone knows” that these kinds of payments occur. Where an entire
community is aware of substantial rule breaking and the governance body fails to act, the result is cynicism and contempt.

Reference 19 - 0.20% Coverage

Indeed, Division I coaches complain that they are dependent on non-scholastic coaches, leagues and events for opportunities to view players, giving those third parties even more leverage over high school players. In the interim, high school players are playing non-scholastic basketball sponsored by apparel companies who provide those high school players with gear, travel and experiences. Division I coaches seek to increase their direct contact with high school players at critical junctures, and to limit their dependence on non-scholastic coaches, leagues and apparel companies for access to high school players.

Reference 20 - 0.17% Coverage

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 basketball is largely unregulated.

Reference 21 - 0.16% Coverage

In the context described above, however, a player may be strongly tempted to break NCAA rules and enter into a relationship with an agent or attend a particular college in order to be paid. Similarly, coaches and other college representatives may be strongly tempted to pay players, family members and others who can influence players to attend particular schools. As illustrated by the recent charges brought by the U.S. Attorney’s Office, this possibility is not merely theoretical.

Reference 22 - 0.29% Coverage

In sum, numerous players provide value to their schools and to third parties who may benefit from their success, and they and/or their families may receive offers of financial support for choices that they make. Some players and/or their families may be in challenging financial circumstances; others may become accustomed to receiving financial support and benefits even before attending a college or university. Studentathletes are currently restricted in their ability to earn income related to their status as student-athletes while matriculating. See, e.g., NCAA Division I Bylaw 12.1.2 (Amateur Status). Thus, players or their families may be offered and receive money the NCAA rules prohibit them from taking, and coaches and others associated with NCAA member institutions may be involved in those payments or themselves take payments to influence players in a variety of ways.

Reference 23 - 0.09% Coverage

The Commission is not naïve. It understands that implementation of this recommendation will not eliminate the problems described above, most notably thirdparty payments to athletes to attend particular colleges and the resulting potential for corruption of collegiate programs.

Reference 24 - 0.28% Coverage

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 that one-and-done year in college. The concern is that, with the end of one-and-done, misguided high school players will assume that their NBA careers will start at 18 without a backup plan to attend college. College students, too, misunderstand their prospects. In addition, the families of players lack objective, credible sources of information about the professional and collegiate paths. All of these students need timely, reliable and trusted sources of information about their likelihood of professional success.

Reference 25 - 0.11% Coverage

Players and families desperate for information are entering into relationships with agents, sometimes as early as the player’s sophomore year of high school. The NCAA should bring these conversations into the light and allow elite players to discuss their prospects with agents whom it certifies under NCAA-approved standards.

Reference 26 - 0.24% Coverage

The Commission understands that contact with agents can lead to illicit payments and other rule violations. It thus recommends serious consequences for NCAACertified agents who participate in violations of NCAA rules. For example, such agents should lose their NCAA certification and be barred from non-scholastic basketball events certified by the NCAA (see Section 3, infra). In addition, agents who the NCAA decertifies may not pass along representation of their student-athlete clients to other agents at the same agency. Such agents should also be reported to the NBPA. Finally, a student-athlete who enters into an agreement, or whose family members enter into an agreement, with a non-certified agent should lose his eligibility.

Reference 27 - 0.14% Coverage

The Commission also recommends that the NCAA work with the NBA and the NBPA to establish additional venues for representatives of those entities to meet with collegiate players and provide information about professional status and opportunities. The NBA and the NBPA have unique credibility with collegiate athletes. Players would make more informed choices about college if they had additional opportunities to hear from the NBA and its players.

Reference 28 - 0.19% Coverage

The NCAA is certainly not blameless for its failure to address the corruption in college basketball that led to the recent prosecutions, but the primary failures belong to the individuals at colleges and universities who allowed their programs to be corrupted, averting their eyes to keep the money flowing. With enhanced individual accountability, the Commission believes that more college presidents and athletic directors will find it beneficial to adopt and enforce comprehensive compliance programs. See also NCAA Constitution 2.1 (Principle of Institutional Control and Responsibility).

Reference 29 - 0.06% Coverage

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.

Reference 30 - 0.30% Coverage

The Commission further recommends that the NCAA enforce existing
requirements and impose additional prerequisites for certification of non-scholastic basketball events. Current NCAA rules require as a condition of certification that nonscholastic basketball events contain an educational component. That requirement is not effectively administered and enforced – a missed opportunity. Moreover, the NCAA should enforce limits on the paid travel and other benefits associated with the events, and require commercially standard charges for admission (where allowed) and programs (rather than allowing individualized expensive arrangements for college coaches). Further, the certification should specifically state that NCAA enforcement personnel have unfettered access to any event, including physical access to the venue and the ability to inspect all financial documentation associated with the event.

Reference 31 - 0.09% Coverage

While the NCAA, USA Basketball, the NBA and the NBPA should work out the details, the Commission believes that there is a role for each organization to play at each of the three Levels—although the degree to which each organization takes a leadership role should naturally vary by level.

Reference 32 - 0.27% Coverage

In conclusion, the Commission received extensive commentary about the corruption prevalent in youth basketball organized outside the high school academic setting. We believe that the only way to mitigate the influence of third parties (who may not be working in the best interest of young, talented players) is to introduce financial transparency and accountability to all such entities, establish NCAA youth development programs and provide regulated access to expert player evaluation for students and their families. Individually, none of these reforms is sufficient, but taken together the Commission hopes they will improve the corrosive culture of youth basketball. Protecting, educating and developing youthful players – from the time they first enter high school – is likely to be among the most challenging and important tasks ahead.

Reference 33 - 0.10% Coverage

The Commission is committed to completing the task that its recommendations will start. It must have a chance to review the responsive draft legislation and action plan, to provide its viewpoint and, hopefully, its affirmation of the NCAA’s plan to help ensure the success of this important effort to renew college basketball.

Files\NCAA1 - Emmert Challenges Members to Confront Issues - § 3 references coded [4.94% Coverage]

Reference 1 - 1.59% Coverage

“We tend to say, ‘No it’s not me; it’s that other school,’” Emmert said. “But the fact is that’s just a little too convenient for all of us. It’s a little too easy. … When we have issues like those, we have to stand up together and say, ‘We have to fix that.’”

Reference 2 - 1.73% Coverage

Standing behind college sports’ stated values should not be looked at as being out of touch with modern-day realities, he said. Rather, it’s about leading college sports ahead through the foundation that has provided its respected position within higher education.

Reference 3 - 1.62% Coverage
“People don’t want words; they want to see action,” Emmert said. “We’ve got to fix it together. Nobody thinks it’s going to be easy. In fact, I think it’s going to be really hard. But we’ve got to get on with it. We’ve got to put our actions where our words are.”

Today, the NCAA Board of Governors and Division I Board of Directors unanimously endorsed a series of recommendations from the Commission on College Basketball. These recommendations will ensure integrity in the game, strengthen accountability in college sports and demonstrate a commitment to the well-being of student-athletes.

Division I Council members will forward impactful final changes to the DI Board and the Board of Governors for approval by our August meetings.

Independent Investigation and Adjudication of Complex Cases. NCAA to establish independent investigative and adjudicative body.

Enlist Apparel Companies in Transparency and Accountability Efforts. Boards of public apparel companies should implement financial transparency and accountability with respect to their investments in non-scholastic basketball.

"The nature of the charges brought by the federal government are deeply disturbing and these bribery allegations, if true,"

Add fresh perspective and independent judgment to NCAA decision-making at the highest level of policymaking and in investigations and case resolution.

The NCAA’s relationship with the NBA, and the challenging effect the NBA’s so-called “one and done” rule has had on college basketball, including how the NCAA can change its own eligibility rules to address that dynamic.
Creating the right relationship between the universities and colleges of the NCAA and its national office to promote transparency and accountability.

Files\Reforms1 - Flexibility for Going Pro and Getting a Degree - § 3 references coded [ 9.14% Coverage]

Reference 1 - 2.41% Coverage

Depending upon future action by the NBA and the National Basketball Players Association to permit high school students to enter the draft, high school basketball players can be represented by an agent beginning July 1 before their senior year in high school, provided they have been identified as an elite senior prospect.

Reference 2 - 4.81% Coverage

Division I schools will be required to pay for tuition, fees and books for basketball players who leave school and return later to the same school to earn their degree. Former student-athletes will be eligible for financial assistance to complete their first degree if they were on scholarship and fewer than 10 years have passed since they left school. Additionally, students must have been in school for two years before leaving. Former student-athletes also must meet all the school’s admissions and financial aid requirements and must have exhausted all other funding options to be eligible, as well as meet all NCAA academic requirements.

Reference 3 - 1.92% Coverage

The NCAA is establishing a fund for schools that are otherwise unable to provide financial aid for basketball players to return to school. The fund will be available to schools defined as limited-resource by the NCAA Division I Academic Performance Program.

Files\Reforms3 - Independent Investigators and Decision-Makers - § 1 reference coded [ 7.80% Coverage]

Reference 1 - 7.80% Coverage

Changes to the investigations and infractions process create independent groups to prevent conflicts of interest. Cases deemed complex will be eligible for this independent process. Examples of complex cases include alleged violations of core NCAA values, such as prioritizing academics and the well-being of student-athletes; the possibility of major penalties; or adversarial behavior. Multiple parties will be able to request a case be deemed complex: school representatives, NCAA Division I Committee on Infractions members or NCAA enforcement staff.

Files\Reforms5 - Stronger Accountability, Penalties - § 1 reference coded [ 12.08% Coverage]

Reference 1 - 12.08% Coverage

University presidents and chancellors will be personally accountable for their athletics program following the rules. Presidents and chancellors join all athletics staff members in affirming the athletics program meets obligations for monitoring rules compliance, which is required to be eligible for the postseason. Also, schools are required to cooperate fully during NCAA investigations and take appropriate corrective action.

Avoidance

Files\CCB1 - Charter - § 3 references coded [ 5.96% Coverage]
The relationship of the NCAA national office, member institutions, student-athletes and coaches with outside entities, including:

Apparel companies and other commercial entities, to establish an environment where they can support programs in a transparent way but not become an inappropriate or distorting influence on the game, recruits or their families.

The NCAA’s relationship with the NBA and the challenging effect the NBA’s so-called “one and done” rule has had on college basketball, including how the NCAA can change its own eligibility rules to address that dynamic.

The Commission found that talking to the stakeholders was, at times, like watching a circular firing squad – the problem, the issue, and ultimately the fault was always that of someone else.

First, we must separate the collegiate track from the professional track by ending one-and-done. We call on the NBA and the NBPA, who exclusively have the power here, to once again make 18-year-olds eligible for the NBA draft so that high school players who are drafted may proceed directly to the NBA. Should the NBA and NBPA decide not to do so – the Commission will reconvene and consider other measures, including freshman ineligibility and/or the “lock-up” of scholarships for a specified period of time.

Elite high school and college basketball players tend to misjudge their professional prospects. Erroneously entering the NBA draft is not the kind of misjudgment that should deprive student-athletes of the valuable opportunity to enter college or to continue in college while playing basketball.

We can’t, however, do this alone. The NBA and NBPA must act in order to make this recommendation work. Players today who enter the draft and are not drafted are free agents under the NBA’s current rules and can sign with an NBA team at any time. The Commission is now requesting that the NBA and NBPA agree that players who are not drafted, and then return to school, lose their eligibility to play in the NBA until they re-enter through the next draft.

again call on the NBPA to work with the NCAA to report to each other agents’ violations of their respective rules.

I want to take a moment to address the issue of allowing student athletes to earn some financial
benefit from the marketing of their name, image, and likeness. I know this is an issue on the minds of many, and the Commission thought long and hard about this. In the end, we respected the fact that the legal ramifications of NCAA action on name, image, and likeness are currently before the courts. We don’t believe that the NCAA can legislate in this area until the legal parameters become clearer.

Reference 7 - 1.47% Coverage

That said, most Commissioners believe that the rules on name, image, and likeness should be taken up as soon as the legal framework is established. It is hard for the public, and frankly for me, to understand what can be allowed within the college model – for the life of me I don’t understand the difference between Olympic payments and participation in Dancing with the Stars – and what can’t be allowed without opening the door to professionalizing college basketball. Personally, I hope that there will be more room in the college model today for this kind of benefit to students without endangering the college model itself. And let me just say that I hope Arike wins Dancing with the Stars.

Reference 8 - 0.71% Coverage

The NCAA must have jurisdiction to address academic fraud and misconduct to the extent that it affects student-athletes’ eligibility. Member institutions can no longer be permitted to defend a fraud or misconduct case on the ground that all students, not just athletes, were permitted to “benefit” from that fraud or misconduct.

Reference 9 - 0.50% Coverage

The corruption we observed in college basketball has its roots in youth basketball. Put frankly, youth basketball in this country is ungoverned space. There are good programs – but there are too many that condone illicit behavior.

Reference 10 - 0.78% Coverage

The Commission recommends the NCAA take short and long-term actions to reform nonscholastic basketball and disassociate itself and its member institutions from the aspects of non-scholastic basketball where transparency and ethical behavior cannot be assured. We believe non-scholastic basketball must be reformed by making its finances transparent.

Reference 11 - 0.50% Coverage

Turning to the apparel companies, it is time that the money flowing from apparel companies and other third parties into non-scholastic basketball be disclosed and accounted for in order to address the corruption we see in the sport.

Reference 12 - 1.02% Coverage

The Commission today calls on the apparel companies to significantly increase their transparency and accountability efforts. These are public companies. It appears to us, however, that apparel companies may not have effective controls in place for their spending in non-scholastic basketball. These public companies should be concerned about how their money is being used. I have served on quite a few public boards, and I can tell you, this should be an area of concern.

Reference 13 - 0.69% Coverage

Today the Commission is sending letters to the boards of directors of the major apparel
companies calling on their boards to publicly support and implement financial transparency and accountability for all of their employees – and those who seek to act on behalf of the apparel companies in non-scholastic basketball.

Reference 14 - 0.45% Coverage

With respect to the longer term, the Commission recommends that, with a goal of 2019, the NCAA work with USA Basketball, the NBA, the NBPA and others to establish and administer new youth basketball programs.

Reference 15 - 0.80% Coverage

When those institutions and those responsible for leading them short-circuit rules, ethics and norms in order to achieve on-court success, they alone are responsible. Too often, these individuals hide behind “Indianapolis” when they are the ones most responsible for the degraded state of intercollegiate athletics, in general, and college basketball in particular.

Files\CCB3 - Official Report - § 100 references coded [ 17.81% Coverage]

Reference 1 - 0.08% Coverage

We the commissioners believe that this is a final opportunity to turn the course of college basketball in the right direction. Every stakeholder will have to accept responsibility for what has happened in the past and commit to a new future if we are to succeed.

Reference 2 - 0.12% Coverage

Future stars and their families know their value – and can be tempted to monetize their worth as soon as possible since they will not be compensated in college. Some agents, summer coaches and other third parties act as intermediaries and facilitators. In other words, the environment surrounding college basketball is a toxic mix of perverse incentives to cheat.

Reference 3 - 0.16% Coverage

The NCAA’s investigative and enforcement functions were designed for a simpler time, when rule violations did not put so much at stake. As a result, the NCAA, as an enforcement entity, has little credibility with the public and its members, and what it has continues to dwindle. There are multiple cases of compromised academic standards and institutional integrity to keep the money and talent flowing. The NCAA and its member institutions have been unable to adequately deter or punish bad behavior.

Reference 4 - 0.08% Coverage

goal should not be to turn college basketball into another professional league. Rather, we must change fundamentally the current culture and rules to address the effect that money has had on college basketball, the NCAA and its member institutions.

Reference 5 - 0.08% Coverage

The Commission calls on the National Basketball Association (NBA) and the National Basketball Players Association (NBPA) again to make 18-year-olds eligible for the NBA draft, so that high school players who are drafted may proceed to the NBA.

Reference 6 - 0.04% Coverage

The NCAA lacks the legal power to change one-and-done on its own; the power to make this
change lies exclusively with the NBA and the NBPA.

Reference 7 - 0.13% Coverage

The one-and-done regime may have provided some benefits for the NBA and the NCAA in the past, but all stakeholders agree that the downsides now outweigh any benefits. One-and-done has played a significant role in corrupting and destabilizing college basketball, restricting the freedom of choice of players, and undermining the relationship of college basketball to the mission of higher education.

Reference 8 - 0.15% Coverage

Elite high school players with NBA prospects and no interest in a college degree should not be “forced” to attend college, often for less than a year. These uniquely talented players are the focus of agents, apparel companies, investment advisors, college coaches and others seeking to profit from their skills and offering them cash and other benefits in hope of future gain. If they are allowed to turn professional, some of the pressure on the collegiate model will be reduced.

Reference 9 - 0.06% Coverage

Moreover, the recent commitment of the NBA to improve the G League may enhance its appeal as a professional option for elite players who are 18 and do not wish to attend college.

Reference 10 - 0.12% Coverage

We fear that, should the NBA and the NBPA make 18 the minimum age for entry into the NBA, the growing trend of reclassification will accelerate, creating a new generation of 17-year-old one-and-done players. The Commission urges the NCAA to monitor this situation and to enact appropriate rule changes if that potential abuse occurs with the end of one-and-done.

Reference 11 - 0.06% Coverage

We must emphasize that only the NBA and the NBPA can change the one-and-done rule. If they choose not to do so by the end of 2018, the NCAA must still find a way to address this situation.

Reference 12 - 0.13% Coverage

The Commission also recommends imposing two additional conditions on this retention of eligibility: The player must return to the same school, and the player must request an evaluation from the NBA’s Undergraduate Advisory Committee before entering the draft. The NBA has unique credibility with elite players who should have the benefit of the NBA evaluation in deciding whether to enter the draft.

Reference 13 - 0.14% Coverage

The Commission again seeks assistance from the NBA and NBPA to make this recommendation work. Players who enter the draft and are not drafted are free agents under the NBA’s current rules, and can sign with an NBA team at any time. To avoid this outcome, the Commission requests that the NBA and NBPA agree that players who are not drafted, and then return to school, lose their eligibility to play in the NBA until they re-enter through the next draft.

Reference 14 - 0.09% Coverage

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.

Reference 15 - 0.10% Coverage

The NCAA is frequently criticized for not permitting payment to student-athletes, on the ground that these young people are engaged in an activity that generates billions of dollars and yet they do not benefit. The debate is longstanding; views are entrenched; and both sides make important points.

Reference 16 - 0.32% Coverage

The Commission is familiar with the related debate about whether student-athletes should earn some financial benefit from the marketing of their names, images and likenesses (NIL). Many argue that allowing these payments would be analogous to the receipt of funds by collegiate Olympians and thus consistent with the collegiate model, particularly if students did not receive the funds until after college. The NCAA is a defendant in litigation involving such payments, which appears to raise fundamental questions about whether these and similar payments are consistent with the collegiate model. The court stated that “[t]he difference between offering student-athletes education-related compensation and offering them cash sums untethered to educational expenses is not minor: it is a quantum leap. Once that line is crossed, we see no basis for returning to a rule of amateurism and no defined stopping point.” O’Bannon v. NCAA, 802 F.3d 1049, 1078 (9th Cir. 2015) (emphasis added).

Reference 17 - 0.14% Coverage

If a college or university is using a student-athlete’s NIL for commercial purposes, the school must ask that student-athlete for consent, which must be voluntarily given. See also NCAA Bylaw 12.5 (Promotional Activities) (describing permissible and nonpermissible uses). When the legal parameters relevant to this issue are clearer,12 the Commission also believes that the NCAA should reconsider its treatment of student-athletes’ NIL.

Reference 18 - 0.17% Coverage

Relatedly, the Commission recommends a significant expansion in individual accountability for rules violations for coaches, athletic directors and college presidents. The NCAA must amend its rules to require colleges to include in contracts with administrators and coaches individual contractual obligations to cooperate with NCAA investigations, including financial disclosure, and individual agreement to submission to NCAA enforcement proceedings, decisions and discipline, up to and including discharge.

Reference 19 - 0.08% Coverage

Moreover, the Commission recommends that the NCAA enact a rule requiring coaches, athletic directors, and college presidents to certify annually that they have conducted due diligence and that their athletic programs comply with NCAA

Reference 20 - 0.11% Coverage

Coaches are the public focus of blame for NCAA violations. For too long, college presidents and administrators have not been viewed as accountable for the conduct of their
athletic programs. That will have to change. College presidents and highlevel administrators cannot be permitted to turn a blind eye to the infractions in those programs.

Reference 21 - 0.26% Coverage

Finally, among other substantive rules changes, the Commission recommends that the NCAA revise and clarify its role in addressing academic fraud or misconduct by member institutions and make application of those rules consistent. The NCAA must have jurisdiction to address academic fraud and misconduct to the extent it affects student-athletes’ eligibility. Member institutions cannot be permitted to defend a fraud or misconduct case on the ground that all students, not just athletes, were permitted to “benefit” from that fraud or misconduct. Coaches, athletic directors and university presidents must be held accountable for academic fraud about which they knew or should have known. The standards and punishment for academic fraud must be clarified and then enforced consistently.

Reference 22 - 0.23% Coverage

Virtually all of the top recruits for each collegiate recruiting class participate in non-scholastic basketball. The Commission recommends that the NCAA take short and long-term actions to reform non-scholastic basketball and disassociate the NCAA and its member institutions from the aspects of non-scholastic basketball where transparency and ethical behavior cannot be assured. As part of this effort, the Commission recommends that the NCAA partner with USA Basketball, the NBA, the NBPA and others to create and administer new resources and programs for youth basketball development, including substantial regional camps for collegiate prospects in July where NCAA coaches would evaluate players.

Reference 23 - 0.34% Coverage

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 coaches attend. In order for the NCAA to certify a non-scholastic basketball event, the owners, event operators, sponsors, and coaches for the event must agree to financial transparency about all events they run, including those that are not certified by the NCAA. This requirement includes agreement (i) to be subject to audit and to provide all required IRS and other tax filings upon request; (ii) to disclose all sources of financing and other payments and the recipients of all funds provided for or collected in relation to the event; and (iii) to disclose any financial relationship between the event sponsors and coaches with any administrator, coach or booster at any NCAA school. The money flowing from apparel companies and other third parties into non-scholastic basketball must be disclosed and accounted for, in order to address the corruption arising from non-scholastic basketball.

Reference 24 - 0.30% Coverage

Currently, non-scholastic basketball is an ungoverned space with coaches, players and their families, agents and sponsors exchanging money and goods in the hope of future benefits and without accountability. Of particular importance to the Commission are the cases in which non-scholastic basketball event operators and coaches seek benefits from colleges and college coaches in exchange for influencing their players’ college choices. To recruit effectively, many NCAA coaches need to attend non-scholastic basketball events in which large numbers of elite players participate. In turn, these events, leagues and teams attract high school players by giving them the opportunity to be seen and evaluated annually by college coaches. Thus, using its
certification requirement, the NCAA has some leverage to impose the financial transparency requirements and other reforms that the Commission recommends above.

Reference 25 - 0.23% Coverage

It appears, however, that they do not have effective controls in place in their 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 be concerned about how their money is used in non-scholastic basketball. We expect that these companies will insist that all employees provide detailed accountability about such expenditures and cooperate with new NCAA rules about financial transparency and accountability.

Reference 26 - 0.38% Coverage

With respect to the longer term, the Commission recommends that with a goal of 2019, the NCAA work with USA Basketball, the NBA and the NBPA and others to establish and administer new youth basketball programs. We would expect the NCAA to devote significant resources and attention to these programs. Briefly, the Commission proposes that youth basketball players be identified and developed at three levels: Level 1, players with National Team potential; Level 2, players with Highest Collegiate potential; and Level 3, players with Collegiate potential. At each level, players would have to be identified, developed and evaluated by appropriate stakeholders. Critically, that development would include not only basketball, but also academic and life skills, health and collegiate eligibility. One centerpiece of this program would be NCAA administered regional non-scholastic basketball events in July that NCAA coaches would exclusively attend. The Commission also recommends that the NCAA – in collaboration with USA Basketball, the NBA, the NBPA, the WNBA and the WNBPA – consider similar initiatives to enhance the development of young women basketball players.

Reference 27 - 0.22% Coverage

In sum, the NCAA and NCAA coaches may no longer associate with nonscholastic basketball events that are not financially transparent and otherwise compliant with NCAA requirements regardless of when they are held. Moreover, in light of the recommendation that players be permitted to choose a professional pathway at an earlier time, the NCAA and others should devote significant resources to earlier development, including education, for players in youth basketball. The corruption we observe in college basketball has its roots in youth basketball. The reforms recommended by the Commission will be fruitless unless the NCAA gives serious attention to regulating summer programs.

Reference 28 - 0.28% Coverage

The NCAA has often failed to carry out its responsibilities to “maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body.” NCAA Constitution 1.3.1 (Basic Purpose). But, the NCAA is not really Indianapolis: It is the sum total of its member institutions. When those institutions and those responsible for leading them short-circuit rules, ethics and norms in order to achieve on-court success, they alone are responsible. Too often, these individuals hide behind the NCAA when they are the ones most responsible for the degraded state of intercollegiate athletics, in general, and college basketball in particular. The Commission makes these recommendations to
support fulfillment of the NCAA’s purposes and to impose accountability on institutions and individuals undermining their achievement.

Reference 29 - 0.27% Coverage

On September 26, 2017, the United States Attorney’s Office for the Southern District of New York announced the arrest of ten persons for involvement in fraud and corruption schemes related to college basketball – four NCAA Division I college basketball coaches, the head of Global Sports Marketing – Basketball and two individuals affiliated with a major athletic apparel company, and three athlete advisors. The first scheme involved allegations that college coaches took cash payments from athlete advisors to steer players and their families to the advisors making the payments. The second scheme involved allegations that a senior executive at a sports apparel company worked with athlete advisors to funnel payments to high-school players and their families to obtain their commitment to attend universities sponsored by the apparel company.

Reference 30 - 0.45% Coverage

After the announcement of these charges, the NCAA’s President, Mark Emmert, stated that it is “very clear the NCAA needs to make substantive changes to the way we operate, and [to] do so quickly.” Statement from Pres. Mark Emmert, Oct. 11, 2017. He continued: “[w]hile I believe the vast majority of coaches follow the rules, the culture of silence in college basketball enables bad actors, and we need them out of the game. We must take decisive action. This is not a time for half-measures or incremental change.” As a first step, he announced that the NCAA Board of Governors, the Division I Board of Directors and the NCAA President had established an independent Commission on College Basketball, chaired by Dr. Condoleezza Rice. The Commission was to “examin[e] critical aspects of a system that clearly is not working” and focus on three areas:

• The relationship between the NCAA national office, its members, their studentathletes and coaches and third parties, including apparel companies, nonscholastic basketball and athlete agents and advisors.

• The relationship between the NCAA and the NBA, including the challenging effect of the NBA’s current age eligibility rule which created the one-and-done phenomenon in men’s college basketball.

• The creation of the right relationship between the NCAA’s member institutions and its national office to promote transparency and accountability.

Reference 31 - 0.26% Coverage

Before going further, however, the Commission believes it is important to confront the uncomfortable fact that the challenges identified in this report have been part of the landscape of pre-professional basketball for many years, and that others have previously made serious efforts to address them with only limited success. To be sure, these challenges have become more prominent in the past decade as elite basketball – pre-college, in-college and post-college – has become exponentially more lucrative. The fact remains, however, that today’s issues have been around a long time, and their existence is widely acknowledged. Virtually all stakeholders and others providing information to the Commission at some point uttered the
discouraging phrase: “Everyone knows what’s been going on.”

Reference 32 - 0.08% Coverage

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 compliance.

Reference 33 - 0.16% Coverage

However, the Commission recognizes that some humility is required in light of past failures and the size of the challenge. Stakeholders do not agree about either the causes or the potential solutions to the current challenges that face pre-professional basketball. The Commission believes that these challenges will persist unless all stakeholders accept responsibility for the credibility of the game, the reputations of the schools who field teams and the integrity of the athletes who compete.

Reference 34 - 0.31% Coverage

Many who number among elite players while in high school believe and expect that they will play professional basketball. See Executive Summary (ES) Section 1.B. Many third parties – e.g., agents, apparel companies and other athlete advisors – see some high school players’ potential for a professional career, and the potential for earnings for themselves, and are willing to invest in a significant number of players in the hope that some will be drafted and yield returns. Thus, the incentives for third parties to make improper payments to players and others with influence over players exist beyond the small group of players who may be one-and-done, and extend into the slightly larger group of players who will play additional years of college basketball before playing professionally. Nonetheless, it is fair to say that substantial third-party attention, including financial attention, will focus on one-and-done players and a relatively small additional group.

Reference 35 - 0.24% Coverage

For a subset of these players who have no intention of spending more than a year or two in college or whose time is fully consumed by basketball, maintaining academic eligibility to play may be a challenge. If that player is good enough, however, the school may be strongly motivated to assist that student-athlete in maintaining his eligibility. This situation creates another opening for corruption – the manipulation and dilution of academic standards by school officials, along with other academic misconduct. A series of recent cases involve this phenomenon. Other cases illustrate the lack of clarity about the NCAA’s rules and the likely punishment for academic misconduct, as well as inconsistency in the NCAA’s application of the rules.

Reference 36 - 0.23% Coverage

The one-and-done phenomenon has provided some benefits to colleges and universities and to elite high school basketball players. Schools achieve national notice and prominence with athletic success and championships due to the presence of these players, with associated financial and reputational benefits. As for players, many believe that they will have the opportunity to play professional basketball if they can draw the attention of professional coaches and scouts. Playing Division I men’s basketball allows players to make a name for themselves among professional leagues and teams. Further, these players receive some of the educational and other benefits
associated with a year in college.

Reference 37 - 0.06% Coverage

Finally, many high school and collegiate student-athletes do not receive the information and assistance they need to accurately determine whether and when to pursue professional basketball.

Reference 38 - 0.16% Coverage

In support of the allegation that the NCAA’s investigative powers are insufficient, many stakeholders noted that when the U.S. Attorney’s Office announced the charges that prompted the NCAA to establish this Commission, no one in the relevant community expressed surprise and many stated that “everyone knows” that these kinds of payments occur. Where an entire community is aware of substantial rule breaking and the governance body fails to act, the result is cynicism and contempt.

Reference 39 - 0.14% Coverage

Stakeholders further suggested that the Commission consider whether the substantive content of certain NCAA rules is contributing to the problems identified above. Stakeholders identified numerous issues with the NCAA’s current rules governing eligibility, amateurism and recruiting. As noted above, they also expressed the view that the consequences for rule violators were insufficient in many instances and excessive in others.

Reference 40 - 0.24% Coverage

Still other stakeholders, including a number of agents, took the position that allowing agents to have contact with high school students will result 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 violations to the NBPA or other unspecified rule changes).

Reference 41 - 0.16% Coverage

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 nonscholastic settings, and those players cannot officially visit colleges and universities until late in their junior year. See generally NCAA Division I Bylaws, Art. 13.

Reference 42 - 0.20% Coverage

Indeed, Division I coaches complain that they are dependent on non-scholastic coaches, leagues and events for opportunities to view players, giving those third parties even more leverage over high school players. In the interim, high school players are playing non-scholastic basketball sponsored by apparel companies who provide those high school players with gear, travel and experiences. Division I coaches seek to increase their direct contact with high school players at critical junctures, and to limit their dependence on non-scholastic coaches, leagues and apparel companies for access to high school players.
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 basketball is largely unregulated.

While an elite basketball player is in high school, he will virtually always develop a relationship with a non-scholastic basketball team and coach and with an apparel company – most likely one of Nike, Adidas or Under Armour. Specifically, apparel companies sponsor elite high school teams that participate in NCAA-certified and other events around the country, including all-star games, camps, and other so-called elite experiences. In addition, Nike sponsors the USA Basketball Men’s Developmental National Team. By funding non-scholastic basketball, the apparel companies receive valuable input about their products, important exposure and credibility through their products’ use, and an opportunity to form early relationships with future college and professional athletes. In connection with participating in these events and experiences, elite players (and their families) may receive luxury travel, gear and other benefits. Sometimes the apparel companies pay the non-scholastic basketball coaches for working with these teams and/or participating in their events.

In addition to coaching, experience, gear and travel, these non-scholastic basketball teams and events offer players exposure, including to Division I coaches. For example, Division I coaches attend and recruit at the NCAA-certified events which are held in April and July each year. Many summer coaches have ongoing relationships with Division I coaches. They can thus bring “their” players to the attention of Division I coaches and potentially influence players to attend particular schools, including schools where “their” apparel company is a sponsor.

That said, virtually all stakeholders expressed the view that currently, nonscholastic 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 accountability or transparency about many of the sources and expenditures of those 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. Almost all elite basketball players participate in non-scholastic basketball. Thus, as noted above, many players and their families are accustomed to being paid before they attend college.

Many stakeholders further observed that non-scholastic event operators and coaches are sometimes paid to influence student-athletes on their teams to attend particular schools or to work with particular agents and advisors. Players and their families often are not aware of these relationships, and thus not aware that the coach has a financial interest in the player’s decisions about school or representation. Further, college coaches seeking to recruit a
player with a relationship to a non-scholastic basketball event operator or coach may have to pay or provide benefits to that operator or coach to be successful in recruiting that player.

Reference 48 - 0.19% Coverage

Even putting non-scholastic basketball aside, an elite high school player will develop relationships with a variety of other third parties who may affect his college eligibility and career. Most notably, as already discussed, many of these players will have relationships with agents, often through a “runner” for an agent who is hoping (and perhaps paying) to secure the player as a future client. Sometimes a player’s family members have substantial influence with the player; and they, too, may be paid by agents or other third parties hoping to develop relationships with a future professional.

Reference 49 - 0.11% Coverage

The player will also be on a team associated with and loyal to a particular apparel company, and be at the center of a web of other influences and loyalties beyond family and friends, often including an agent. Of course, the college coach too may have a contract with an agent or apparel company. This context makes college recruiting complex and challenging.

Reference 50 - 0.16% Coverage

In the context described above, however, a player may be strongly tempted to break NCAA rules and enter into a relationship with an agent or attend a particular college in order to be paid. Similarly, coaches and other college representatives may be strongly tempted to pay players, family members and others who can influence players to attend particular schools. As illustrated by the recent charges brought by the U.S. Attorney’s Office, this possibility is not merely theoretical.

Reference 51 - 0.12% Coverage

This situation is exacerbated for elite players who have solid professional prospects in the NBA, and thus potential future earnings in the tens or hundreds of millions. Apparel companies and agents will be highly motivated to start paying a player (and those who may influence the player) even before he attends college to develop as deep a relationship as possible.

Reference 52 - 0.15% Coverage

Many of these incentives for third-party conduct are present not only when high school players enter college, but also when college players consider transferring to another institution. As noted above, roughly 40% of freshmen in Division I men’s basketball depart the institution they choose to attend by the end of their sophomore year. Third parties influence many of these transfers. The question of improper influence, accordingly, clearly extends to transfers.

Reference 53 - 0.29% Coverage

In sum, numerous players provide value to their schools and to third parties who may benefit from their success, and they and/or their families may receive offers of financial support for choices that they make. Some players and/or their families may be in challenging financial circumstances; others may become accustomed to receiving financial support and benefits even before attending a college or university. Studentathletes are currently restricted in their ability to earn income related to their status as student-athletes while matriculating. See, e.g., NCAA Division I Bylaw 12.1.2 (Amateur Status). Thus, players or their families may be
offered and receive money the NCAA rules prohibit them from taking, and coaches and others associated with NCAA member institutions may be involved in those payments or themselves take payments to influence players in a variety of ways.

Reference 54 - 0.18% Coverage

The Commission recognizes that Division I men’s college basketball is just one part of a much larger ecosystem that includes Youth, High School, Non-Scholastic and Professional Basketball. Stakeholders include student-athletes, parents and extended families, coaches, trainers, agents and other advisers, apparel companies, colleges and universities, professional leagues and players’ associations and others. In making its recommendations, the Commission sought to take into account these other parts of the basketball ecosystem.

Reference 55 - 0.21% Coverage

The Commission concludes that requiring elite high school players whom the NBA would draft to attend college contributes significantly to the corruption of college basketball and higher educational institutions generally. Holding college players with professional prospects captive, and depriving them of the opportunity to earn professional salaries, also fuels the firestorm of complaints that the NCAA and its member institutions are exploiting college players. Only the NBA and the NBPA can change this rule. Thus, the Commission calls on the NBA and the NBPA promptly to negotiate NBA eligibility for players who are 18 years old.

Reference 56 - 0.31% Coverage

Before 2006, extraordinary high school graduates such as Kevin Garnett, Kobe Bryant and LeBron James bypassed college and went directly to the NBA. Numerous other high school players, however, were drafted and struggled. The NBA began to push for a minimum age requirement – to provide teams with more time to evaluate developing young talent – and this effort succeeded in 2006. Starting with the 2006 draft, elite basketball players graduating from high school who are capable of playing in the NBA have not been eligible to do so because they are not 19 years old. Thus, to complete at a high level, these players must either attend a Division I school with a high quality basketball program or play professional basketball overseas. The vast majority do not view the international professional option as viable and choose to attend college. The Commission concludes that elite high school athletes should be able to choose a professional pathway if one is available.

Reference 57 - 0.22% Coverage

In the Commission’s view, preventing young athletes capable of and preferring to play in the NBA from doing so, and pushing them into enrolling in college for a single year (or less), is doing more harm than good for college basketball and college. The potential earning power of marquee college players who can win championships for their schools is an irresistible draw for third-party attention and money, most notably from athlete advisors. Their game-changing potential for a college team creates the strongest motivation for improper payments from third parties and violations of NCAA rules by school administrators, coaches and other persons associated with member institutions.

Reference 58 - 0.30% Coverage

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 cutthroat. Agents and other advisers seek to enter into relationships with potential professionals when those players are in high school and in college, and they do so by paying the players and those with influence over the players, including family members and coaches, in violation of NCAA rules. Agents and other advisers also appear to have (and many actually have) valuable information and access to opportunities, such as coaching, training and exposure to college coaches. Agents and other advisers thus form early relationships with potential professional players and their “influencers,” and players and their “influencers” become accustomed to being paid.

Reference 59 - 0.11% Coverage

Eliminating one-and-done players from college basketball will remove the group of most likely future professionals, and the associated potential for corrupt payments from agents. Allowing collegiate players who become clear professional prospects to depart when they choose to do so should similarly lessen the temptation to cheat while in college.

Reference 60 - 0.19% Coverage

Student-athletes, of course, are not the only ones subject to these financial temptations. The potential financial benefits that these players bring to a college can also corrupt the school’s academic program and standards; schools might offer special benefits to these athletes in violation of NCAA rules or dilute the education of all students. Finally, the matriculation of players virtually certain to attend school for a short time primarily to play Division I basketball is a public acknowledgement that certain student-athletes will not, as a practical matter, be college students.

Reference 61 - 0.09% Coverage

The Commission is not naïve. It understands that implementation of this recommendation will not eliminate the problems described above, most notably thirdparty payments to athletes to attend particular colleges and the resulting potential for corruption of collegiate programs.

Reference 62 - 0.20% Coverage

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 be most effective in combination with the other recommendations it is making, including reformed and improved NCAA investigative and adjudicative processes, higher penalties for infractions, and new requirements for financial transparency and accountability in member institutions’ athletic programs and in non-scholastic basketball.

Reference 63 - 0.20% Coverage

If the NBA and the NBPA were to adopt the “baseball rule,” we believe that the challenges created by the presence of one-and-done players would simply migrate to older future NBA players unhappily captive in their second and third collegiate years. Holding players with NBA opportunities hostage also feeds the narrative of collegiate player exploitation, putting pressure on the NCAA’s commitment to the collegiate model. Players with professional earning power should have the freedom to choose a professional path. The Commission believes that student-athletes should be encouraged but not forced to remain in college.
The Commission is optimistic that the NBA and the NBPA will agree with its assessment. If the NBA and the NBPA are unable to negotiate an end to one-and-done by the end of 2018, however, the Commission will reconvene and reassess the viability of some of these alternative tools. The current situation is unacceptable.

We recognize that this regime has some downsides. Under current collectively bargained rules, a player who declares for the draft, but is not drafted, is a free agent and may sign with any NBA team at any time, including the middle of the next college season. To address this problem, the Commission requests that the NBA and the NBPA agree that players who are not drafted become ineligible for the NBA until they enter the draft again.

In addition, if players remain in the draft until it occurs, college coaches will not know until June which players are eligible for, or remain on, their rosters for the next season. However, the NBA draft is two rounds and involves only 60 players. Data show that international players will take approximately 40% of these slots. Thus, this uncertainty implicates very few players (around 36), and we believe that college coaches are sufficiently experienced and knowledgeable to accurately predict whether a young player is, in fact, likely to be drafted. Student-athletes may make some decisions that cost them collegiate eligibility, but the Commission recommends that these points of no return be modified in light of current realities.

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 that one-and-done year in college. The concern is that, with the end of one-and-done, misguided high school players will assume that their NBA careers will start at 18 without a backup plan to attend college. College students, too, misunderstand their prospects. In addition, the families of players lack objective, credible sources of information about the professional and collegiate paths. All of these students need timely, reliable and trusted sources of information about their likelihood of professional success.

Players and families desperate for information are entering into relationships with agents, sometimes as early as the player’s sophomore year of high school. The NCAA should bring these conversations into the light and allow elite players to discuss their prospects with agents whom it certifies under NCAA-approved standards.

The Commission understands that contact with agents can lead to illicit payments and other rule violations. It thus recommends serious consequences for NCAACertified agents who participate in violations of NCAA rules. For example, such agents should lose their NCAA certification and be barred from non-scholastic basketball events certified by the NCAA (see Section 3, infra). In addition, agents who the NCAA decertifies may not pass along representation of their student-athlete clients to other agents at the same agency. Such agents should also be reported to the
NBPA. Finally, a student-athlete who enters into an agreement, or whose family members enter into an agreement, with a non-certified agent should lose his eligibility.

Reference 70 - 0.14% Coverage

The Commission also recommends that the NCAA work with the NBA and the NBPA to establish additional venues for representatives of those entities to meet with collegiate players and provide information about professional status and opportunities. The NBA and the NBPA have unique credibility with collegiate athletes. Players would make more informed choices about college if they had additional opportunities to hear from the NBA and its players.

Reference 71 - 0.32% Coverage

The Commission has already expressed its view that student-athletes receive valuable benefits by pursuing a degree and participating in intercollegiate sports. In addition to the economic benefits detailed above, college sports is a valuable part of a college education, as illustrated by numerous student-athletes who study, train and compete with no thought or possibility of “going pro.” But the Commission shares the concerns of those who believe that the athletes generating these billions in revenues for NCAA colleges and universities and their coaches and administrators often are not receiving the benefit of the college education that they are promised. This problem is compounded when players with professional options are not permitted to leave college and play professionally. The Commission likewise believes that the large sums of money and the prestige that accompany college basketball championships can corrupt colleges’ admission standards, academic offerings and integrity.

Reference 72 - 0.13% Coverage

Finally, the Commission is also aware of many voices suggesting that allowing student athletes to earn some financial benefit from the marketing of their names, image and likenesses (NIL) is consistent with the collegiate model, particularly if students do not receive those funds until after college. Notably, the NCAA is a defendant in litigation involving the NCAA’s refusal to allow students to do so.

Reference 73 - 0.12% Coverage

The court stated that “[t]he difference between offering student-athletes education-related compensation and offering them cash sums untethered to educational expenses is not minor: it is a quantum leap. Once that line is crossed, we see no basis for returning to a rule of amateurism and no defined stopping point.” O’Bannon v. NCAA, 802 F.3d 1049, 1078 (9th Cir. 2015) (emphasis added).

Reference 74 - 0.13% Coverage

A number of members of the Commission were drawn to the idea of reforms in this arena. However, given the lack of legal clarity on this matter, the Commission was concerned about the unintended consequences of such changes. See ES Section 1.D. The Commission recommends that if the legal context changes or clarifies, the NCAA should remain open to rule changes addressing student-athletes and NIL.

Reference 75 - 0.29% Coverage

In sum, the Commission recognizes that the money generated by Division I basketball makes its task extremely difficult. Nonetheless, the Commission recommends changes intended to expand the professional opportunities of high school athletes who do not wish to attend college, to blunt
the incentives to corrupt major college sports, to increase the likelihood that colleges, coaches and administrators participating in corruption will be punished, and to help student-athletes receive the college education they are promised. To meet the latter obligation, the NCAA must establish a substantial fund to assist its member institutions in fulfilling their commitment to student-athletes and mandate that its members establish degree completion programs. This recommendation will be expensive; but in today’s world, it is necessary to provide meaning to the phrase student-athlete.

Reference 76 - 0.05% Coverage

Colleges with comprehensive, effective compliance programs should see their penalties mitigated; those without such programs may see their penalties enhanced.

Reference 77 - 0.10% Coverage

In its current enforcement structure, the NCAA addresses individuals who participate in rules violations through punishments imposed on member institutions. The Commission recommends a significant expansion in individual accountability for rules violations for presidents, administrators and coaches:

Reference 78 - 0.09% Coverage

As noted, the NCAA must require member institutions’ contracts with their coaches, athletic directors and other administrators associated with the athletic department to provide that these individuals must cooperate with NCAA investigations and enforcement proceedings.

Reference 79 - 0.07% Coverage

The NCAA must require member institutions’ contracts with these individuals to include agreement to be subject to NCAA enforcement investigations and infractions decisions and discipline, up to and including discharge.

Reference 80 - 0.10% Coverage

certify annually that they have conducted due diligence and that their athletic programs comply with NCAA rules. The NCAA rules should provide for significant penalties for those individuals if they knew or should have known of violations and did not address them, up to and including termination.

Reference 81 - 0.19% Coverage

The NCAA is certainly not blameless for its failure to address the corruption in college basketball that led to the recent prosecutions, but the primary failures belong to the individuals at colleges and universities who allowed their programs to be corrupted, averting their eyes to keep the money flowing. With enhanced individual accountability, the Commission believes that more college presidents and athletic directors will find it beneficial to adopt and enforce comprehensive compliance programs. See also NCAA Constitution 2.1 (Principle of Institutional Control and Responsibility).

Reference 82 - 0.34% Coverage

Finally, in connection with its certification of agents who may engage in sanctioned on-campus meetings with high school and college students, the NCAA must enact rules to ensure that agents who participate in rules violations are punished. As noted above, agents who participate in violations of NCAA rules must lose their certification and be banned from NCAA-certified non-
scholastic basketball events. Decertified agents may not pass along their student-athlete clients to others in their agencies. In addition, the Commission recommends that the NCAA report any agents’ participation in NCAA rule violations to the NBPA. The Commission believes that the NBPA would be willing to punish and potentially decertify agents who participate in violations of NCAA rules. Indeed, the NBPA is currently focused on improving the quality and ethics of the agents it certifies. The NBPA has a large stick and its efforts in increasing the standards for certification and in regulating agents will be invaluable to the NCAA’s efforts to limit the influence of corrupt agents.

Reference 83 - 0.25% Coverage

Finally, the Commission is aware of the Revised Uniform Athlete Agents Act (“RUAAA”) developed by the Uniform Law Commission, in response to an NCAA request that state law address agents’ provision of cash and other economic benefits to studentathletes. Forty-two states, DC, Puerto Rico and the U.S. Virgin Islands have adopted the Uniform Athlete Agents Act and eight have adopted the RUAAA. The Uniform Law Commission provided useful input to the Commission and sought its support in encouraging states to adopt the RUAAA. Unfortunately, while a number of states have enacted state laws regulating sports agents, the Commission is not aware of any significant number of enforcement actions. The Commission encourages States to both enact and enforce state laws regulating sports agents.

Reference 84 - 0.06% Coverage

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.

Reference 85 - 0.05% Coverage

At the elite levels, apparel companies, agents and other sponsors finance leagues, events and teams, without accounting for the expenditure of the funds.

Reference 86 - 0.26% Coverage

The Commission spoke with several apparel companies that sponsor substantial non-scholastic basketball events and leagues as part of their community partnerships and brand marketing. It did not appear to the Commission that any of these entities carefully followed the money or sought a complete understanding of the financial arrangements of the event operators and coaches of non-scholastic basketball for elite players. The Commission learned that non-scholastic basketball event operators and coaches steer elite players to the agents and advisors who pay them or otherwise provide “favors,” and to the collegiate programs with which they develop relationships. In turn, players (and those who influence them) may be paid or receive excessive travel and other benefits to select particular teams or leagues.

Reference 87 - 0.10% Coverage

More specifically, while NCAA coaches are forbidden to attend non-scholastic basketball events not certified by the NCAA, the NCAA’s current criteria for certification are plainly insufficient. The new criteria for certification must include detailed requirements for financial transparency.

Reference 88 - 0.15% Coverage

The Commission notes that during its meetings with representatives of several apparel companies with high profiles in professional and college basketball, all expressed
a commitment to a culture of compliance at their companies. This commitment included respect for and adherence to NCAA rules and a willingness to be transparent about their relationships with college coaches and professional agents and about their expenditures in non-scholastic basketball.

Reference 89 - 0.25% Coverage

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 in light of the recent indictments in the Southern District of New York. Indeed, the Commission looks forward to statements but more importantly actions by these public companies that demonstrate their commitment to integrity and accountability in this space.

Reference 90 - 0.44% Coverage

In this section, the Commission recommends significant changes to the resources and programs available for the development of young, pre-collegiate players, ideally by the summer of 2019. Allowing players to enter the professional ranks earlier brings with it the responsibility to provide appropriate resources for earlier development. We acknowledge that institutional influence—by USA Basketball, the NCAA, and the NBA and the NBPA—has been largely missing in this space for the past 20 years and that nonscholastic basketball has been largely ungoverned. We strongly recommend that the named institutions lend their expertise and, wherever possible, work together to provide an alternative to the individual and corporate influences which currently dominate precollegiate youth basketball particularly in the summer. In the Commission’s view, the NCAA, USA Basketball, the NBA and the NBPA all have significant institutional interests in developing prominent roles in non-scholastic basketball, particularly in the areas of player identification, development and evaluation. There is a great deal of work to be done in the development of pre-collegiate players, and the three institutions should also welcome partners and sponsors willing to work within the standards, disciplines, and accountability these institutions will bring to youth development.

Reference 91 - 0.10% Coverage

It is important to note that the Commission believes developing players at each level will require a 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.

Reference 92 - 0.09% Coverage

While the NCAA, USA Basketball, the NBA and the NBPA should work out the details, the Commission believes that there is a role for each organization to play at each of the three Levels—although the degree to which each organization takes a leadership role should naturally vary by level.

Reference 93 - 0.27% Coverage

Player identification. USA Basketball will be primarily responsible for the identification of those
players with the highest potential for Level 1 (Junior National Teams). The NCAA will be primarily responsible for identification of those players with the highest potential for Levels 2 and 3. The Commission understands that college coaches annually identify the prospects they seek to recruit using electronic databases and recruiting services. Based on these systems, players can be assigned to an appropriate level based on the interest shown in them. As a further step to ensure that players are properly identified, the Commission recommends that USA Basketball, the NCAA, and the NBA and NBPA establish a “collaborative advisory group” to annually review and validate the player identification and player evaluation processes.

Reference 94 - 0.10% Coverage

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 the October 2016 Youth Development Guidelines for safe play published by the USA Basketball and the NBA.

Reference 95 - 0.14% Coverage

Player evaluation. The most important outcome of player evaluation is a realistic assessment of a player’s potential. The Commission recommends that a “collaborative advisory group” among the NCAA, USA Basketball and the NBA and NBPA be established to provide a realistic assessment of professional potential to players in Levels 1 and 2. Importantly, the Commission believes these evaluations must be transparent and accessible.

Reference 96 - 0.09% Coverage

The Commission further recommends that working with USA Basketball, the NBA, the NBPA, the WNBA and the WNBPA, as appropriate, the NCAA also consider creating analogous programs and initiatives for the development of young women basketball players for the collegiate and professional levels.

Reference 97 - 0.27% Coverage

In conclusion, the Commission received extensive commentary about the corruption prevalent in youth basketball organized outside the high school academic setting. We believe that the only way to mitigate the influence of third parties (who may not be working in the best interest of young, talented players) is to introduce financial transparency and accountability to all such entities, establish NCAA youth development programs and provide regulated access to expert player evaluation for students and their families. Individually, none of these reforms is sufficient, but taken together the Commission hopes they will improve the corrosive culture of youth basketball. Protecting, educating and developing youthful players – from the time they first enter high school – is likely to be among the most challenging and important tasks ahead.

Reference 98 - 0.14% Coverage

Finally, to establish additional points of interaction between college coaches and student-athletes, the Commission supports the recommendation that video operators and other “staff” be permitted to coach their teams. The Commission was informed that NCAA schools are not doing enough to develop the next generation of coaches; in any event, this restriction sets artificial limits on relationships between coaching staffs and team members.

Reference 99 - 0.03% Coverage
Some call for action by third parties, such as the NBA, the NBPA, apparel companies and member institutions.

Reference 100 - 0.10% Coverage

The Commission is committed to completing the task that its recommendations will start. It must have a chance to review the responsive draft legislation and action plan, to provide its viewpoint and, hopefully, its affirmation of the NCAA’s plan to help ensure the success of this important effort to renew college basketball.

Elite players are more likely to have played on an AAU team affiliated with an apparel company (84%, versus 56% for non-elite players).

Reference 2 - 0.70% Coverage

Student-athletes who played on an AAU/Club team affiliated with Adidas or Nike are slightly more likely to play on college teams sponsored by the same apparel company.

AAU/Club Adidas and Nike athletes are slightly more likely to play on college teams sponsored by the same apparel company (statistically significant at p<.05 level).

Reference 4 - 0.62% Coverage

Under half of the sample reported having access to accurate information about their chances of playing professionally (43% non-elite, 52% elite).

He closed by challenging the NCAA’s colleges and universities to take ownership of the issues regardless of whether they feel responsible for them and to turn the resolve demonstrated by the Commission on College Basketball into their own resolve.

The Board of Governors will begin to implement Association-wide actions and Division I members now will begin the task of applying the recommendations to Division I rules, policy and structure.

Change will not end with NCAA actions.

The NCAA will work with other organizations – including USA Basketball, apparel companies, the NBA and the NBPA – to make meaningful and lasting changes that will support the
commission’s recommendations.

Reference 4 - 1.04% Coverage

This is about more than basketball. This is about the culture and future of college sports. We all will work together to get it right.

Reference 5 - 0.75% Coverage

End One-and-Done. Separate the collegiate track from professional by ending one-and-done.

Reference 6 - 1.23% Coverage

Section 2: Establish Professional Neutral Investigation and Adjudication of Serious Infractions and Hold Institutions and Individuals Accountable

Reference 7 - 1.77% Coverage

NCAA to amend rules to require colleges to include in contracts with administrators and coaches’ contractual obligations to cooperate with NCAA investigations and agree to submission to NCAA enforcement proceedings.

Reference 8 - 1.08% Coverage

Require coaches, athletic directors and college presidents to certify annually that their athletic programs comply with NCAA rules.

Reference 9 - 0.75% Coverage

Section 3: Mitigating Non-Scholastic Basketball’s Harmful Influence on College Basketball

Reference 10 - 1.89% Coverage

In Cooperation with Partners, Establish NCAA Youth Basketball Programs. With a goal of 2019, we recommend that the NCAA work with USA Basketball, the NBA and the NBPA and others to establish and administer new youth basketball programs.

Reference 11 - 2.79% Coverage

Enact Changes in Rules Governing Recruiting and Coaches’ Interaction with Recruits and Student-Athletes. Reduce the influence of third parties and increase the ability of college coaches to interact with recruits and current players. We endorse adoption of a number of rule changes recommended by the National Association of Basketball Coaches.

Reference 1 - 2.00% Coverage

We learned of these charges this morning

Reference 2 - 4.03% Coverage

Change doesn’t end here. We will continue to work in all of these areas and continue to pursue
collaboration with outside organizations, including the NBA, the National Basketball Players Association, apparel companies and USA Basketball.

Files\NCAA7 - Statement from President Mark Emmert on the Formation of a Commission on College Basketball - § 5 references coded [ 9.78% Coverage]
Reference 1 - 0.99% Coverage

The recent news of a federal investigation into fraud in college basketball
Reference 2 - 1.58% Coverage

The relationship of the NCAA national office, member institutions, student-athletes and coaches with outside entities
Reference 3 - 2.99% Coverage

Apparel companies and other commercial entities, to establish an environment where they can support programs in a transparent way, but not become an inappropriate or distorting influence on the game, recruits or their families.
Reference 4 - 1.35% Coverage

Nonscholastic basketball, with a focus on the appropriate involvement of college coaches and others.
Reference 5 - 2.87% Coverage

The NCAA’s relationship with the NBA, and the challenging effect the NBA’s so-called “one and done” rule has had on college basketball, including how the NCAA can change its own eligibility rules to address that dynamic.

Files\Reforms1 - Flexibility for Going Pro and Getting a Degree - § 2 references coded [ 4.19% Coverage]
Reference 1 - 2.41% Coverage

Depending upon future action by the NBA and the National Basketball Players Association to permit high school students to enter the draft, high school basketball players can be represented by an agent beginning July 1 before their senior year in high school, provided they have been identified as an elite senior prospect.
Reference 2 - 1.78% Coverage

This change is effective if/when the NBA and NBPA make an expected rule change, which would make undrafted student-athletes who return to college after the draft ineligible for the NBA until the end of the next college basketball season.
Files\Reforms2 - Minimizing Harmful Outside Influences - § 3 references coded [ 14.85% Coverage]
Reference 1 - 1.50% Coverage

New rules reduce the leverage of harmful outside influences on high school recruits and college studentathletes.
Reference 2 - 6.46% Coverage

Basketball-related events for high school students will be subject to more rigorous certification
requirements to ensure transparency in operations and finances. This will address issues of corruption and help support student-athletes as they make decisions about their future. The certification criteria will be overseen by the NCAA Division I Men’s Basketball Oversight Committee, and the NCAA Enforcement Certification and Approvals Group will administer the certification program.

Reference 3 - 6.88% Coverage

The NCAA is pursuing agreements with apparel companies on expectations for accountability and transparency regarding their involvement in youth basketball. The NCAA Board of Governors seeks to develop agreements that require apparel companies to make annual disclosures, obtain NCAA certification for all youth basketball activities and report potential NCAA rule violations. Additionally, parties should formalize relationships in areas where interests overlap, such as playing rules and equipment standards.

Files\Reforms4 - More Efficient, Binding Enforcement System - § 1 reference coded [ 2.96% Coverage]

Reference 1 - 2.96% Coverage

As a term of employment, school presidents and athletics staff must commit contractually to full cooperation in the investigations and infractions process.

Files\Reforms5 - Stronger Accountability, Penalties - § 1 reference coded [ 12.08% Coverage]

Reference 1 - 12.08% Coverage

University presidents and chancellors will be personally accountable for their athletics program following the rules. Presidents and chancellors join all athletics staff members in affirming the athletics program meets obligations for monitoring rules compliance, which is required to be eligible for the postseason. Also, schools are required to cooperate fully during NCAA investigations and take appropriate corrective action.

Credibility

Files\CCB1 - Charter - § 1 reference coded [ 0.98% Coverage]

Reference 1 - 0.98% Coverage

Composition. The Commission on College Basketball will be composed of the following members:

Files\CCB2 - Commission Remarks (As Prepared) by Dr. Condoleezza Rice - § 16 references coded [ 12.21% Coverage]

Reference 1 - 0.82% Coverage

This morning, the independent Commission on College Basketball led by Dr. Condoleezza Rice presented its recommendations to address the issues facing men’s collegiate basketball. Dr. Rice and members of the Commission presented their findings to the NCAA’s Board of Governors, Division I Board and Presidential Forum, and Division II and III Presidents’ Councils of the NCAA.

Reference 2 - 0.79% Coverage

Established by the NCAA Board of Governors, the Division I Board of Directors, and the NCAA
President in October 2017, the Commission was tasked with assessing the state of the enterprise and recommending transformational changes to address multiple issues and challenges facing men’s college basketball. Commission members include the following individuals:

Reference 3 - 0.42% Coverage

The Commission has made a number of recommendations that are intended to revive and strengthen the collegiate model and give young men the opportunity to pursue both athletic and academic success.

Reference 4 - 0.96% Coverage

It has been a pleasure to work with the members of this Commission, and I want to thank each of you for your fine service. I can tell you that the hours and hours of work and travel have been, for all of us, a labor of love. Each and every one of us loves the game. We love the dedication and the effort of the young men who play it. We marvel at their talents and skill – their perseverance and their commitment. We believe in the educational value of college sports.

Reference 5 - 1.08% Coverage

The members of this commission come from a wide variety of backgrounds. Some among us played the game at the highest levels; others coached or led programs; others come from the realm of public service; and some of us are educators --- dedicated to teaching and learning as a way of life. That is why it has been painful for us to hear the testimony from multiple constituencies stating that the trust that is intercollegiate athletics in general -- and college basketball in particular -- has often been violated.

Reference 6 - 0.79% Coverage

Given that only 1.2% of college basketball players go on to play in the NBA and that the average NBA career is 4.5 years – the college degree is the real ticket to financial security for most student-athletes. For the exceptionally talented – a professional track may be the best choice – and the choice is always there for those who are fortunate enough to succeed in the NBA.

Reference 7 - 0.72% Coverage

Our recommendations are detailed because the problems in college basketball are complex and the resolution of them requires precise remedies. This Commission has worked hard to devise these recommendations. You can be sure that we will continue to be involved as key regulatory bodies undertake their work to implement these changes.

Reference 8 - 0.89% Coverage

We recommend that the NCAA and its member institutions develop strict standards for certifying agents and allow only those NCAA-certified agents to engage with student-athletes at an appropriate point in their high school careers as determined by the NCAA. The NCAA should appoint a Vice-President level executive who, among other responsibilities, would develop these standards and administer this program.

Reference 9 - 0.23% Coverage

The Commission also believes in the provision of resources to make the promise of a college education real.

Reference 10 - 1.47% Coverage
That said, most Commissioners believe that the rules on name, image, and likeness should be taken up as soon as the legal framework is established. It is hard for the public, and frankly for me, to understand what can be allowed within the college model – for the life of me I don’t understand the difference between Olympic payments and participation in Dancing with the Stars – and what can’t be allowed without opening the door to professionalizing college basketball. Personally, I hope that there will be more room in the college model today for this kind of benefit to students without endangering the college model itself. And let me just say that I hope Arike wins Dancing with the Stars.

Reference 11 - 1.25% Coverage

First, the NCAA should create independent investigative and adjudicative arms to address and resolve complex and serious cases involving violation of NCAA rules. As of now, volunteers who are members of fellow NCAA member institutions resolve these cases, and during our Commission testimony not a single stakeholder supported the current system for handling high-stakes infractions. Today’s current state where an entire community knows of significant rule breaking and yet the governance body lacks the power or will to investigate and act breeds cynicism and contempt.

Reference 12 - 0.90% Coverage

To restore credibility to this process, the investigation, enforcement and resolution of high stakes cases must be placed in the hands of independent professionals. A panel of professional adjudicators, appointed for a term of years, must make final and binding decisions and must have the authority to impose substantial punishments, including the loss of post-season play and the revenues from post-season play.

Reference 13 - 0.50% Coverage

The corruption we observed in college basketball has its roots in youth basketball. Put frankly, youth basketball in this country is ungoverned space. There are good programs – but there are too many that condone illicit behavior.

Reference 14 - 0.69% Coverage

Today the Commission is sending letters to the boards of directors of the major apparel companies calling on their boards to publicly support and implement financial transparency and accountability for all of their employees – and those who seek to act on behalf of the apparel companies in non-scholastic basketball.

Reference 15 - 0.45% Coverage

With respect to the longer term, the Commission recommends that, with a goal of 2019, the NCAA work with USA Basketball, the NBA, the NBPA and others to establish and administer new youth basketball programs.

Reference 16 - 0.25% Coverage

The people who can truly solve these problems are right here in this room. And we, as a Commission, call upon you to do so.
The Independent Commission on College Basketball was established on October 11, 2017, to assess the state of the enterprise and to recommend transformational changes to address multiple issues and challenges.

Reference 2 - 0.08% Coverage

We the commissioners believe that this is a final opportunity to turn the course of college basketball in the right direction. Every stakeholder will have to accept responsibility for what has happened in the past and commit to a new future if we are to succeed.

Reference 3 - 0.05% Coverage

The lifetime financial benefit of a baccalaureate degree can approach $1 million, and can change the recipient’s family for generations. See Section 1.D.

Reference 4 - 0.13% Coverage

There is debate about how to measure the graduation rate for college students, including student-athletes. There is, however, general agreement that the graduation rate for men’s Division I basketball players lags behind that of other student-athletes, perhaps significantly. NCAA schools must take seriously the obligation to help all student-athletes obtain the education they are promised.

Reference 5 - 0.15% Coverage

To this end, the Commission makes a number of recommendations set forth below. To ensure that we take advantage of the current momentum for change, the Commission further calls on the NCAA to draw up its plan to implement the Commission’s recommendations, including draft legislation, by early August 2018. The Commission will promptly reconvene and review the NCAA’s plans to provide its input for the NCAA’s concrete measures to renew college basketball.

Reference 6 - 0.08% Coverage

The Commission seriously considered, but is not recommending, the NBA’s and NBPA’s adoption of a version of the “baseball rule” which would make student-athletes who attend college ineligible for the draft or the G League for two or three years.

Reference 7 - 0.19% Coverage

requiring students who choose the collegiate path to make a long-term commitment to their education, the baseball rule increases the number of student-athletes who ultimately earn degrees. However, it would also keep collegiate players ready for the NBA in school against their will, where they will be potentially disgruntled magnets for corrupt money and the undermining of the collegiate model. Players with professional earning power should be able to choose a professional path. The Commission’s additional recommendations will make it easier for them to return and complete their degrees.

Reference 8 - 0.09% Coverage

Yet, an NCAA Survey we commissioned showed that 59% of Division I players believe that they will play professionally, and NCAA research suggests that 76% of Division I players, 48% of Division II players and 21% of Division III players believe that they have a chance to play at the next level.
A Critical Discourse Analysis of the NCAA

Reference 9 - 0.12% Coverage

A player chagrined to discover that he lacks an NBA future may grow into his collegiate experience and adopt a different plan for the future. This change, along with several others recommended, will demonstrate that the NCAA is serious about the value and importance of college for student-athletes, and committed to helping them attend and work towards a degree.

Reference 10 - 0.22% Coverage

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 pursue a graduate degree. In recent years, graduating student-athletes, including in men’s basketball, increasingly appear to make transfer decisions for reasons other than academics. In 2011, there were 15 men’s basketball graduate transfers; in 2016, there were 87.7 Only 34% of these transfers graduate from their graduate school programs. We heard that recruiting and tampering related to potential graduate transfers is rising.

Reference 11 - 0.14% Coverage

We understand that the NCAA’s Transfer Working Group is currently considering this issue and potential responses, including “locking down” scholarships for the period of a degree program and imposing an enhanced penalty on a team’s Academic Progress Rate if the recipient leaves before completing his graduate program. We ask the NCAA to monitor this issue and develop appropriate legislation to ensure that the rule is serving its intent.

Reference 12 - 0.08% Coverage

The Commission recommends that the NCAA and its member institutions develop strict standards for certifying agents and allow NCAA-certified agents to engage with student-athletes at an appropriate point in their high school careers to be determined by the NCAA.

Reference 13 - 0.12% Coverage

The NCAA must appoint a Vice-President level executive to develop meaningful standards for NCAA certification and administer the program. Among other requirements, the rules should mandate that agents notify colleges when they are retained by a matriculating student-athlete. The program should also educate studentathletes about eligibility rules and requirements.

Reference 14 - 0.09% Coverage

Elite high school and college players need earlier professional advice, including whether to declare for the draft or whether college basketball offers a superior pathway. If NCAA rules do not allow them to receive that advice openly, they will often seek it illicitly.

Reference 15 - 0.05% Coverage

The NCAA rules should provide that student-athletes may meet and contract with NCAA-certified agents and that they will not lose their eligibility by doing so.

Reference 16 - 0.09% Coverage

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
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.

The Commission recommends that the NCAA immediately establish a substantial fund and commit to paying for the degree completion of student-athletes with athletic scholarships who leave member institutions after progress of at least two years towards a degree. Colleges and universities must fulfill their commitments to student-athletes to provide not just a venue for athletic competition, but also an education. They must promise student-athletes that the option to receive an education will be there, even after the athlete is finished with his athletic career. This will be expensive, but it is necessary to restore credibility to the phrase student-athlete.

Many NCAA member institutions already provide Degree Completion Programs. NCAA rules should standardize this offering. The NCAA must also define a category of relatively disadvantaged schools for which this requirement would impose a substantial burden, and create a fund to provide the benefit for students at those institutions, using the revenues of the NCAA Basketball tournament.

One significant counter to that argument is that many Division I student-athletes benefit enormously from engaging in intercollegiate sports. In addition to receiving full scholarships up to the cost of attendance (ranging from $13,392 to $71,585 for in-state students and from $18,125 to $71,585 for out-of-state students depending on the institution),

receive benefits such as academic support, meals, travel, coaching, trainers, career advice and more. The value of these extra benefits may be tens of thousands of dollars annually. The value of their lifetime earnings averages $1 million. As noted above, for student-athletes who receive a degree, the enhanced Again, the Commission agrees that for these benefits to be realized, colleges must make good on their commitment to assist student-athletes in earning their degrees.

In the current uncertain legal setting, however, the Commission has decided to focus its recommendations on supporting the college model. It seeks to address the charge of player exploitation in other ways – specifically, by opening and keeping open a player’s professional pathway, by welcoming the return of undrafted players, by funding degree completion by athletes who return to school, by providing benefits that allow student-athletes to be both students and athletes.
significant punishment on those who undermine the premise that student-athletes must receive an education that is valuable, not a pretense.

Reference 24 - 0.04% Coverage

The NCAA will have to incur substantial costs for several of these recommendations. But it will be money well spent.

Reference 25 - 0.07% Coverage

The Commission recommends that the NCAA create independent investigative and adjudicative arms to address and resolve complex and serious cases (hereafter “complex cases”) involving violations of NCAA rules.

Reference 26 - 0.14% Coverage

No stakeholder supported the current system for handling high-stakes infractions. Many informed us that when the U.S. Attorney’s Office announced the charges that led to this Commission, the reaction was that “everyone knows” that these payments occur. That state of affairs – where the entire community knows of significant rule breaking and yet the governance body lacks the power or will to investigate and act – breeds cynicism and contempt.

Reference 27 - 0.15% Coverage

Complex cases must be thoroughly investigated, and resolved by neutral professional adjudicators, with authority to impose punishment that will have a significant deterrent effect. The investigative arm must be independent and empowered to require the cooperation of witnesses and the production of documents, including financial information, from NCAA member institutions and their employees and contractors, with significant penalties for non-cooperation.

Reference 28 - 0.12% Coverage

In addition, these and all NCAA investigators must exercise reasonable prosecutorial discretion and common sense so that resources are focused on serious infractions and punishment is appropriately calibrated and consistently administered. There are multiple examples of minor infractions that are not worth the time and effort that the NCAA now spends on them.

Reference 29 - 0.07% Coverage

Volunteers who are members of fellow NCAA member institutions should not resolve cases. Instead, a panel of professional adjudicators, appointed for a term of years, must make final and binding decisions and must have the authority

Reference 30 - 0.06% Coverage

To restore credibility to this process, the investigation, enforcement and resolution of high stakes cases must be placed in the hands of independent professionals and neutrals.

Reference 31 - 0.11% Coverage

The Commission recommends that the NCAA enact significant increases in the penalties imposed on institutions and individuals for violations of NCAA rules. Currently, the rewards for violating the rules far outweigh the risks. To reverse this calculation, the Commission recommends a number of changes in the NCAA’s penalty structure.
First, the Commission recommends the following increases in the core penalty structure: (i) increase the competition penalties for Level I violations to allow a five-year post-season ban; (ii) increase the financial penalties for Level I violations to allow loss of all revenue sharing in post-season play, including the NCAA tournament, for the entire period of the ban; (iii) increase the penalties for a show-cause order to allow life-time bans; (iv) increase the penalties for head coach restrictions to allow bans of more than one season; and (v) increase the penalties for recruiting visit violations to allow full-year visit bans.

In addition, the Commission recommends that member institutions that employ a coach or athletic director under a show cause order for a previous violation of NCAA rules be subject to significantly increased penalties if that individual’s program reoffends, up to and including a ban of up to five years from post-season tournaments, including the NCAA tournament, and a loss of revenues from those tournaments for that same period. There must be significant risk associated with employing an individual who is under a show cause order.

Moreover, the Commission recommends that the NCAA enact a rule requiring coaches, athletic directors, and college presidents to certify annually that they have conducted due diligence and that their athletic programs comply with NCAA rules. These individuals will find it much easier to do so if they enact comprehensive compliance programs at their institutions. The costs of compliance may be significant, but they should be small by comparison to the costs of being found in violation of NCAA rules. The NCAA rules should provide for significant penalties for those individuals if they knew or should have known of violations and did not address them, up to and including termination. These penalties should be mitigated or enhanced depending up the presence and effectiveness of the institution’s compliance program.

Coaches are the public focus of blame for NCAA violations. For too long, college presidents and administrators have not been viewed as accountable for the conduct of their athletic programs. That will have to change. College presidents and highlevel administrators cannot be permitted to turn a blind eye to the infractions in those programs.

Finally, among other substantive rules changes, the Commission recommends that the NCAA revise and clarify its role in addressing academic fraud or misconduct by member institutions and make application of those rules consistent. The NCAA must have jurisdiction to address academic fraud and misconduct to the extent it affects student-athletes’ eligibility. Member institutions cannot be permitted to defend a fraud or misconduct case on the ground that all students, not just athletes, were permitted to “benefit” from that fraud or misconduct. Coaches, athletic directors and university presidents must be held accountable for academic fraud about which they knew or should have known. The standards and punishment for academic fraud must be clarified and then enforced consistently.
Virtually all of the top recruits for each collegiate recruiting class participate in non-scholastic basketball. The Commission recommends that the NCAA take short and long-term actions to reform non-scholastic basketball and disassociate the NCAA and its member institutions from the aspects of non-scholastic basketball where transparency and ethical behavior cannot be assured. As part of this effort, the Commission recommends that the NCAA partner with USA Basketball, the NBA, the NBPA and others to create and administer new resources and programs for youth basketball development, including substantial regional camps for collegiate prospects in July where NCAA coaches would evaluate players.

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 coaches attend. In order for the NCAA to certify a non-scholastic basketball event, the owners, event operators, sponsors, and coaches for the event must agree to financial transparency about all events they run, including those that are not certified by the NCAA. This requirement includes agreement (i) to be subject to audit and to provide all required IRS and other tax filings upon request; (ii) to disclose all sources of financing and other payments and the recipients of all funds provided for or collected in relation to the event; and (iii) to disclose any financial relationship between the event sponsors and coaches with any administrator, coach or booster at any NCAA school. The money flowing from apparel companies and other third parties into non-scholastic basketball must be disclosed and accounted for, in order to address the corruption arising from non-scholastic basketball.

Further, the NCAA’s rules already require NCAA-certified events to have educational components; the NCAA must immediately implement and enforce that requirement more effectively. All benefits provided to participants and their families, including travel, meals, accommodations, gear of any sort, and any other benefit, must be disclosed to the NCAA, along with the source of their provision. The NCAA must enforce the requirement that such benefits be reasonable and appropriate and assure that these restrictions are not circumvented by delaying the timing or providing the benefits to another.

It appears, however, that they do not have effective controls in place in their 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 be concerned about how their money is used in non-scholastic basketball. We expect that these companies will insist that all employees provide detailed accountability about such expenditures and cooperate with new NCAA rules about financial transparency and accountability.

With respect to the longer term, the Commission recommends that with a goal of 2019, the NCAA work with USA Basketball, the NBA and the NBPA and others to establish and administer new youth basketball programs. We would expect the NCAA to devote significant
resources and attention to these programs. Briefly, the Commission proposes that youth basketball players be identified and developed at three levels: Level 1, players with National Team potential; Level 2, players with Highest Collegiate potential; and Level 3, players with Collegiate potential. At each level, players would have to be identified, developed and evaluated by appropriate stakeholders. Critically, that development would include not only basketball, but also academic and life skills, health and collegiate eligibility. One centerpiece of this program would be NCAA-administered regional non-scholastic basketball events in July that NCAA coaches would exclusively attend. The Commission also recommends that the NCAA – in collaboration with USA Basketball, the NBA, the NBPA, the WNBA and the WNBPA – consider similar initiatives to enhance the development of young women basketball players.

Reference 43 - 0.22% Coverage

In sum, the NCAA and NCAA coaches may no longer associate with nonscholastic basketball events that are not financially transparent and otherwise compliant with NCAA requirements regardless of when they are held. Moreover, in light of the recommendation that players be permitted to choose a professional pathway at an earlier time, the NCAA and others should devote significant resources to earlier development, including education, for players in youth basketball. The corruption we observe in college basketball has its roots in youth basketball. The reforms recommended by the Commission will be fruitless unless the NCAA gives serious attention to regulating summer programs.

Reference 44 - 0.07% Coverage

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 coaches to interact with recruits and current players.

Reference 45 - 0.40% Coverage

The Commission recommends that the NCAA restructure its highest governance body, the Board of Governors, to include at least five public 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. One of these public members should also serve on the NCAA’s Executive Board. The current Board of Governors includes 16 institutional presidents or chancellors, the chairs of the Division I Council and the Division II and III Management Councils, and the NCAA president. NCAA Constitution 4.1.1 (Composition). Like public companies, major non-profit associations usually include outside board members to provide objectivity, relevant experience, perspective and wisdom. Board members with those qualities will provide valuable insight to the NCAA generally, and as it works towards the restoration of college basketball. The NCAA should promptly identify candidates with the appropriate stature and characteristics, and change its rules to require public voting members on its highest governing body. The Commission will make independent board member recommendations to the NCAA to assist it in assembling a first-rate list of candidates.

Reference 46 - 0.28% Coverage

The NCAA has often failed to carry out its responsibilities to “maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body.” NCAA Constitution 1.3.1 (Basic Purpose). But, the NCAA is not really Indianapolis: It is the sum total of its member institutions. When those institutions and
those responsible for leading them short-circuit rules, ethics and norms in order to achieve on-court success, they alone are responsible. Too often, these individuals hide behind the NCAA when they are the ones most responsible for the degraded state of intercollegiate athletics, in general, and college basketball in particular. The Commission makes these recommendations to support fulfillment of the NCAA’s purposes and to impose accountability on institutions and individuals undermining their achievement.

Reference 47 - 0.45% Coverage

After the announcement of these charges, the NCAA’s President, Mark Emmert, stated that it is “very clear the NCAA needs to make substantive changes to the way we operate, and [to] do so quickly.” Statement from Pres. Mark Emmert, Oct. 11, 2017. He continued: “[w]hile I believe the vast majority of coaches follow the rules, the culture of silence in college basketball enables bad actors, and we need them out of the game. We must take decisive action. This is not a time for half-measures or incremental change.” As a first step, he announced that the NCAA Board of Governors, the Division I Board of Directors and the NCAA President had established an independent Commission on College Basketball, chaired by Dr. Condoleezza Rice. The Commission was to “examin[e] critical aspects of a system that clearly is not working” and focus on three areas:

- The relationship between the NCAA national office, its members, their studentathletes and coaches and third parties, including apparel companies, nonscholastic basketball and athlete agents and advisors.
- The relationship between the NCAA and the NBA, including the challenging effect of the NBA’s current age eligibility rule which created the one-and-done phenomenon in men’s college basketball.
- The creation of the right relationship between the NCAA’s member institutions and its national office to promote transparency and accountability.

Reference 48 - 0.02% Coverage

The NCAA appointed the following additional members of the Commission:

Reference 49 - 0.22% Coverage

The Commission was charged with gathering information and expert opinions for making “transformative recommendations” to the Division I Board of Directors and NCAA Board of Governors on “legislation, policies, actions and structure(s) to protect the integrity of college sports, with a focus on Division I men’s basketball.” Members of the Commission were appointed for an initial six-month term. The Commission’s goal was the completion of its work and a report to the NCAA Boards for action at their April 2018 meetings. This document is that report, and it contains the Commission’s recommendations with respect to the challenges currently facing college basketball.

Reference 50 - 0.26% Coverage

Before going further, however, the Commission believes it is important to confront the uncomfortable fact that the challenges identified in this report have been part of the landscape of pre-professional basketball for many years, and that others have previously made
serious efforts to address them with only limited success. To be sure, these challenges have become more prominent in the past decade as elite basketball – pre-college, in-college and post-college – has become exponentially more lucrative. The fact remains, however, that today’s issues have been around a long time, and their existence is widely acknowledged. Virtually all stakeholders and others providing information to the Commission at some point uttered the discouraging phrase: “Everyone knows what’s been going on.”

Reference 51 - 0.16% Coverage

However, the Commission recognizes that some humility is required in light of past failures and the size of the challenge. Stakeholders do not agree about either the causes or the potential solutions to the current challenges that face pre-professional basketball. The Commission believes that these challenges will persist unless all stakeholders accept responsibility for the credibility of the game, the reputations of the schools who field teams and the integrity of the athletes who compete.

Reference 52 - 0.25% Coverage

From mid-October 2017 through early April 2018, the Commission sought the views of stakeholders. In meetings, the Commission directly heard the views of a number of parties. In addition, the Commission opened a portal and solicited public comment on its work, receiving numerous helpful written responses. The Commission heard directly from the NBA, the NBPA, USA Basketball, numerous NCAA offices and departments, multiple athletic conferences, several apparel companies and agents, college and high school coaches associations, student and faculty associations, athletic directors’ associations, other interested associations and groups, the Uniform Law Commission, athletes and other individuals. The Commission appreciates all of this helpful input into its work.

Reference 53 - 0.02% Coverage

The Commission also benefited from the following briefings:

Reference 54 - 0.30% Coverage

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 had received. The Commission’s discussions were enhanced by the varied and deep experience of its members, including former student-athletes, former professional athletes, coaches, athletic directors, university presidents and provosts and NBA owners. The Commission also benefited from the insights, experience and expertise of its members who are “outsiders,” and brought to bear their unique perspectives from government and the military on the current problems of men’s Division I basketball. Through executive session discussions, the Commission was able to assess how the information it received and the perspectives of stakeholders might affect potential NCAA actions to address the issues identified for the Commission’s consideration.

Reference 55 - 0.29% Coverage

Both Division I men’s basketball and the NBA are multi-billion dollar enterprises. Many individuals and entities earn a living and more by direct and indirect association with these entities. Thus, the financial stakes are high for elite players, 14 coaches, athletic directors, colleges and universities, apparel companies, agents and athlete advisors of all stripes.
Where this much money is at stake, the incentives to break rules are high. To identify issues and craft potential recommended responses, the Commission was asked to focus on three categories of relationships in college basketball: (1) the relationships between college basketball and the NBA and NBPA; (2) the relationships between the NCAA and its member institutions; and (3) the relationships between college basketball and apparel companies, non-scholastic basketball (coaches and leagues), agents and other third parties.

Reference 56 - 0.24% Coverage

For a subset of these players who have no intention of spending more than a year or two in college or whose time is fully consumed by basketball, maintaining academic eligibility to play may be a challenge. If that player is good enough, however, the school may be strongly motivated to assist that student-athlete in maintaining his eligibility. This situation creates another opening for corruption – the manipulation and dilution of academic standards by school officials, along with other academic misconduct. A series of recent cases involve this phenomenon. Other cases illustrate the lack of clarity about the NCAA’s rules and the likely punishment for academic misconduct, as well as inconsistency in the NCAA’s application of the rules.

Reference 57 - 0.23% Coverage

The one-and-done phenomenon has provided some benefits to colleges and universities and to elite high school basketball players. Schools achieve national notice and prominence with athletic success and championships due to the presence of these players, with associated financial and reputational benefits. As for players, many believe that they will have the opportunity to play professional basketball if they can draw the attention of professional coaches and scouts. Playing Division I men’s basketball allows players to make a name for themselves among professional leagues and teams. Further, these players receive some of the educational and other benefits associated with a year in college.

Reference 58 - 0.22% Coverage

In addition, elite high school players currently understand that in order to play Division I basketball, they must meet the eligibility requirements to attend a Division I school. See NCAA Division I Bylaw 14.3 (Freshman Academic Requirements). Because numerous players who will not play professional basketball nonetheless believe that they will, these players gain the benefit of educational levels and opportunities that they might otherwise have forgone. The Commission takes these benefits seriously and, in particular, does not underestimate the transformative possibilities in attaining academic eligibility for college or in spending a year or more in college.

Reference 59 - 0.10% Coverage

The NCAA’s current rules on amateurism place limits on the ability of those players to test the professional market for their services and to obtain assistance from an agent in assessing their potential value. This, in turn, may prevent student-athletes from taking full advantage of their collegiate opportunities.

Reference 60 - 0.11% Coverage

Specifically, the NCAA’s investigative and enforcement powers are limited and often appear inadequate to effectively investigate and address serious violations of NCAA rules in consequential situations. The Commission did not hear from a single stakeholder who supported
the current system in addressing high-stakes infractions.

Reference 61 - 0.16% Coverage

In support of the allegation that the NCAA’s investigative powers are insufficient, many stakeholders noted that when the U.S. Attorney’s Office announced the charges that prompted the NCAA to establish this Commission, no one in the relevant community expressed surprise and many stated that “everyone knows” that these kinds of payments occur. Where an entire community is aware of substantial rule breaking and the governance body fails to act, the result is cynicism and contempt.

Reference 62 - 0.19% Coverage

Virtually all stakeholders, including NCAA staff, expressed the view that the current model for adjudication of NCAA rules violations should not continue. Representatives of member institutions that have crosscutting and potentially self-interested incentives with respect to punishment administer the NCAA’s current adjudication process. While many stakeholders expressed gratitude and respect for the hard work of the volunteers who administer the current infractions process, all expressed the belief that the current system is not working in cases involving serious violations.

Reference 63 - 0.14% Coverage

Stakeholders further suggested that the Commission consider whether the substantive content of certain NCAA rules is contributing to the problems identified above. Stakeholders identified numerous issues with the NCAA’s current rules governing eligibility, amateurism and recruiting. As noted above, they also expressed the view that the consequences for rule violators were insufficient in many instances and excessive in others.

Reference 64 - 0.33% Coverage

Amateurism. The Commission also heard from critics of current NCAA rules regarding amateurism. NCAA rules require that students who play for college teams qualify as “amateurs” and continue to be so qualified throughout their collegiate years. Although there are exceptions and complexities, the Bylaws forbid college athletes to receive compensation in any form in the sport, to accept a promise of pay, to sign a contract or commitment to play professional athletics, to receive consideration from a professional sports organization, to compete on a professional team and to enter into an agreement with an agent. In addition, a student-athlete cannot receive preferential treatment, benefits or services because of his athletic reputation or skill, unless specifically permitted by NCAA rules. NCAA Division I Bylaws 12.1.1.2.1 (Amateur Status After Certification); 12.1.1.1.3 (Eligibility for Practice or Competition), 12.1.2 (Amateur Status); 12.1.2.1.6 (Preferential Treatment, Benefits or Services).

Reference 65 - 0.16% Coverage

Some stakeholders note that many elite players receive some form of payment to play basketball before attending college; that student-athletes are bringing substantial sums into NCAA and collegiate coffers; and that playing Division I men’s college basketball is essentially a full time job that does not leave room for a normal college experience. They conclude for some or all of these reasons that players should receive some recompense (beyond the full value of their education) for playing basketball.

Reference 66 - 0.24% Coverage
Still others believe that the NCAA rules are so focused on pre-professional sports that the NCAA has failed to create a system that makes sense for the majority of studentathletes who will not make a living at their sports. Under these rules, stakeholders assert, student-athletes who accept any “benefit,” no matter how small, risk losing their eligibility to compete. The NCAA’s administration of the “no benefit” rule, see NCAA Bylaw 16.11.2 (Nonpermissible), was criticized as penalizing student-athletes and preventing them from engaging in normal interactions with friends and mentors. Those holding this view suggest that the NCAA should engage in common sense calibration of the “no benefit” rule for particular contexts.

Reference 67 - 0.28% Coverage

Agents. NCAA rules further forbid collegiate athletes to enter into any agreement (oral or written) with agents for purposes of marketing their athletic ability or reputation for financial gain, even if that agreement is limited to future representation. Prohibited marketing includes negotiations with professional teams, seeking product endorsements and efforts to place an athlete at a particular school. The rules likewise forbid family members or other representatives to enter into such an agreement on behalf of an athlete. In addition, athletes may not accept benefits from agents even if those benefits do not have strings visibly attached. NCAA Division I Bylaws 12.3.1 (General Rule); 12.3.1.2 (Representation for Future Negotiations); 12.02.1 (Agent); 12.3.3 (Athletics Scholarship Agent); 12.3.1.3 (Benefits from Prospective Agents).18

Reference 68 - 0.07% Coverage

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.

Reference 69 - 0.16% Coverage

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 nonscholastic settings, and those players cannot officially visit colleges and universities until late in their junior year. See generally NCAA Division I Bylaws, Art. 13.

Reference 70 - 0.20% Coverage

Indeed, Division I coaches complain that they are dependent on non-scholastic coaches, leagues and events for opportunities to view players, giving those third parties even more leverage over high school players. In the interim, high school players are playing non-scholastic basketball sponsored by apparel companies who provide those high school players with gear, travel and experiences. Division I coaches seek to increase their direct contact with high school players at critical junctures, and to limit their dependence on non-scholastic coaches, leagues and apparel companies for access to high school players.

Reference 71 - 0.34% Coverage

Penalties. Finally, most stakeholders believe that the NCAA must have authority to impose harsher penalties on schools, coaches and administrators (including presidents) who violate the rules or know of rules violations and do nothing or who fail to cooperate with NCAA investigators. There was a strong sentiment that the NCAA must have the ability to impose loss
of post-season play, including the NCAA tournament, and loss of revenue from post-season play on those who commit serious infractions and those who decline to cooperate with NCAA investigations. They believe that the availability – and utilization – of these penalties would get presidential and board-level attention at colleges. These persons further note that administrators, athletic directors and coaches who violate the rules often move on to other member institutions, and do not pay a significant price for violations that occur on their watch. Moreover, the institutions that hire individuals who have violated the rules pay no significant price for taking the risk of hiring past offenders.

Reference 72 - 0.17% Coverage

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 basketball is largely unregulated.

Reference 73 - 0.18% Coverage

In addition to coaching, experience, gear and travel, these non-scholastic basketball teams and events offer players exposure, including to Division I coaches. For example, Division I coaches attend and recruit at the NCAA-certified events which are held in April and July each year. Many summer coaches have ongoing relationships with Division I coaches. They can thus bring “their” players to the attention of Division I coaches and potentially influence players to attend particular schools, including schools where “their” apparel company is a sponsor.

Reference 74 - 0.22% Coverage

The Commission heard varying views on whether the NCAA should be more or less or differently involved in non-scholastic basketball. All stakeholders agreed that non-scholastic basketball has provided substantial benefits to many student-athletes – competition, gear, travel and similar enriching experiences, coaching, exposure to college coaches and an opportunity to receive a college scholarship, among other things. In addition, many college coaches use the events at which significant numbers of high school players gather to evaluate potential recruits efficiently and economically. Coaches at less advantaged schools rely on these large gatherings to scout.

Reference 75 - 0.25% Coverage

That said, virtually all stakeholders expressed the view that currently, nonscholastic 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 accountability or transparency about many of the sources and expenditures of those 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. Almost all elite basketball players participate in non-scholastic basketball. Thus, as noted above, many players and their families are accustomed to being paid before they attend college.

Reference 76 - 0.15% Coverage
A number of stakeholders expressed the view that one way to lessen the negative influence of non-scholastic basketball event operators and coaches would be for the NCAA to administer its own regional non-scholastic basketball camps in July and to restrict NCAA coaches to those NCAA camps for July. Coaches would be able to see numerous elite high school players in one location, in theory without the need for an advance blessing from a non-scholastic basketball coach.

Reference 77 - 0.16% Coverage

In the context described above, however, a player may be strongly tempted to break NCAA rules and enter into a relationship with an agent or attend a particular college in order to be paid. Similarly, coaches and other college representatives may be strongly tempted to pay players, family members and others who can influence players to attend particular schools. As illustrated by the recent charges brought by the U.S. Attorney’s Office, this possibility is not merely theoretical.

Reference 78 - 0.29% Coverage

In sum, numerous players provide value to their schools and to third parties who may benefit from their success, and they and/or their families may receive offers of financial support for choices that they make. Some players and/or their families may be in challenging financial circumstances; others may become accustomed to receiving financial support and benefits even before attending a college or university. Studentathletes are currently restricted in their ability to earn income related to their status as student-athletes while matriculating. See, e.g., NCAA Division I Bylaw 12.1.2 (Amateur Status). Thus, players or their families may be offered and receive money the NCAA rules prohibit them from taking, and coaches and others associated with NCAA member institutions may be involved in those payments or themselves take payments to influence players in a variety of ways.

Reference 79 - 0.12% Coverage

As it gathered information and listened to stakeholders, the Commission heard numerous recommendations for specific reforms to address the issues in Division I men’s basketball described above. In assessing both the challenges and the potential reforms, the Commission accepted as its foundational principle the collegiate model of athletic competition.

Reference 80 - 0.31% Coverage

The NCAA’s basic purpose is “to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body and, by so doing, retain a clear line of demarcation between intercollegiate athletics and professional sports.” NCAA Constitution 1.3.1 (Basic Purpose). Member institutions are responsible for controlling their intercollegiate athletics program “in compliance with the rules and regulations of” the NCAA. NCAA Constitution 2.1.1 (Responsibility for Control). “It is the responsibility of each member institution to establish and maintain an environment in which a student-athlete’s activities are conducted as an integral part of the student-athlete’s educational experience.” NCAA Constitution 2.2.1 (Overall Educational Experience). The Commission’s recommendations seek to support and further both the NCAA’s purpose and its members’ acceptance of responsibility for its achievement.

Reference 81 - 0.12% Coverage
The issues currently confronting the NCAA and Division I men’s college basketball are long standing and complex. The Commission believes, however, that implementing the recommendations below will support the integrity of the collegiate game and the NCAA’s member institutions without unduly limiting the individual opportunities of student-athletes.

Reference 82 - 0.08% Coverage
The Commission heard from many stakeholders that agents and associated advisers are the primary source of money used for direct and indirect payments to players and their families and for payments to coaches and other persons of influence with players.

Reference 83 - 0.19% Coverage
Student-athletes, of course, are not the only ones subject to these financial temptations. The potential financial benefits that these players bring to a college can also corrupt the school’s academic program and standards; schools might offer special benefits to these athletes in violation of NCAA rules or dilute the education of all students. Finally, the matriculation of players virtually certain to attend school for a short time primarily to play Division I basketball is a public acknowledgement that certain student-athletes will not, as a practical matter, be college students.

Reference 84 - 0.09% Coverage
The Commission is not naïve. It understands that implementation of this recommendation will not eliminate the problems described above, most notably thirdparty payments to athletes to attend particular colleges and the resulting potential for corruption of collegiate programs.

Reference 85 - 0.20% Coverage
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 be most effective in combination with the other recommendations it is making, including reformed and improved NCAA investigative and adjudicative processes, higher penalties for infractions, and new requirements for financial transparency and accountability in member institutions’ athletic programs and in non-scholastic basketball.

Reference 86 - 0.37% Coverage
The NCAA should provide high school and college players with additional flexibility in retaining collegiate eligibility while assessing their professional prospects. Under current NCAA rules, players may apply for an NBA Undergraduate Advisory Committee evaluation and participate in the NBA Combine, but players lose their collegiate eligibility if they do not remove their names from the draft within ten days after the NBA Combine. NCAA Division I Bylaw 12.2.4.2.1 (Exception – Basketball). It is easy to say that young players should know that they will not be drafted and that they “make their own beds” when they fail to withdraw from the draft. But, this kind of misjudgment is widespread, and the penalty for it should not be so high, if we are serious about the value and importance of college. The quality and value of the college experience increases with the amount of time a student-athlete spends on campus. With the completion of each academic year, a student will face a lower hurdle to earning a degree. Student-athletes who are wrong about their professional prospects should retain
the opportunity to work toward the degree they were promised.

Reference 87 - 0.31% Coverage

The Commission also has concluded that the NCAA should retain one aspect of the current transfer rule, which provides that players who transfer must sit out a season before returning to college basketball competition. NCAA Division I Bylaw 14.5.1 (Residence Requirement – General Principle). Students who transfer face serious disadvantages in completing their degrees, and are less likely to do so. Despite this issue, over the last few years, hundreds of players transfer each year, and the trend is upward. Division I basketball players who transfer overwhelmingly do so in order to be in a better “basketball situation,” without regard for earning their degrees. Moreover, third parties influence many transfers for their own purposes, often without the best interests of the player in mind. Thus, the Commission recommends that the “residence requirement” of the transfer rule remain in place, whatever other changes are made in the NCAA’s transfer rules.

Reference 88 - 0.07% Coverage

he Commission believes that this and other rule changes will provide studentathletes with better information about their likely professional careers and a greater likelihood of ultimately achieving a college degree.

Reference 89 - 0.20% Coverage

The Commission recommends that the NCAA and its member institutions develop strict standards for the certification of agents, and authorize and make opportunities for those certified agents to engage with student-athletes at school at specific times during the calendar year. To implement this requirement, the NCAA must appoint a Vice-President level executive to develop detailed standards for NCAA certification and administer the program. The NCAA’s program should also educate elite student-athletes at member institutions about NCAA eligibility rules and requirements and professional prospects.

Reference 90 - 0.20% Coverage

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 the draft should be allowed to engage NCAA-certified agents and advisors just as high school baseball players may engage agents for advice about the draft. Cf. NCAA Division I Bylaw 12.3.1 (Exception – Baseball and Men’s Ice Hockey – Prior to Full-Time Collegiate Enrollment).

Reference 91 - 0.33% Coverage

Current NCAA rules forbid players, their families and their associates to enter into written or oral agreements with, or to receive benefits from, individuals whom NCAA rules define as “agents.” Yet, virtually all agents with whom the Commission met or their employees. However, the Commission was advised that agents court elite players from an early age, and that many such players are paid, either directly or indirectly.25 advised the Commission not to allow high school or collegiate athletes to enter into agreements
with agents in advance of their professional careers. They generally thought that this would simply increase the influence of corrupt agents at an even earlier age. Instead, agents recommended creating opportunities for “good” agents to talk with high school and collegiate players and make their cases so that players would have all available options before they enter the professional market. The Commission intends NCAA-certification to provide these opportunities for “good” agents.

Reference 92 - 0.11% Coverage

Players and families desperate for information are entering into relationships with agents, sometimes as early as the player’s sophomore year of high school. The NCAA should bring these conversations into the light and allow elite players to discuss their prospects with agents whom it certifies under NCAA-approved standards.

Reference 93 - 0.19% Coverage

The Commission recommends that the NCAA immediately establish a substantial fund and commit to paying for degree completion for student-athletes with athletic scholarships who leave college after progress of two years towards a degree. The NCAA must require Division I programs to establish a Degree Completion Program to support degree completion by student-athletes who compete and complete two years of college and then leave school, but later seek to return to college to finish their education. The NCAA and its member institutions must keep focused on the prize here – a college degree.

Reference 94 - 0.23% Coverage

But, in the current legal circumstances, the Commission decided to address the charge of exploitation by providing individual student-athletes with access to professional opportunities, and ensuring that the student portion of student-athlete is real. Specifically, the Commission recommends allowing student-athletes with a professional pathway to make the choice to leave college every year, creating resources so that they can make an informed choice whether to do so, welcoming back student-athletes whom the NBA does not draft, making a serious financial commitment to degree completion and severely punishing those who undermine the premise that student-athletes must receive a valuable – not a sham – education.

Reference 95 - 0.29% Coverage

In sum, the Commission recognizes that the money generated by Division I basketball makes its task extremely difficult. Nonetheless, the Commission recommends changes intended to expand the professional opportunities of high school athletes who do not wish to attend college, to blunt the incentives to corrupt major college sports, to increase the likelihood that colleges, coaches and administrators participating in corruption will be punished, and to help student-athletes receive the college education they are promised. To meet the latter obligation, the NCAA must establish a substantial fund to assist its member institutions in fulfilling their commitment to student-athletes and mandate that its members establish degree completion programs. This recommendation will be expensive; but in today’s world, it is necessary to provide meaning to the phrase student-athlete.

Reference 96 - 0.29% Coverage

Most significantly, the Commission recommends that the Committee on Infractions appoint a panel of paid independent decision makers, such as lawyers, arbitrators and retired judges. These
decision makers would form a pool from which three adjudicators would be randomly selected to resolve each complex case. Members of the panel would serve for a term of five years (with some shorter and longer terms initially so that the entire panel does not turn over simultaneously). The panel would operate under the rules of the American Arbitration Association or analogous rules; its decisions would be final and binding, subject to review only under the Federal Arbitration Act. Volunteers and members should not decide whether fellow member institutions have violated NCAA rules, nor the appropriate punishment for those violations. It is time for independent adjudication of the NCAA’s complex cases.

Reference 97 - 0.11% Coverage

First, the NCAA should adopt rules authorizing the independent panel of adjudicators to grant preliminary injunctive relief – that is, to forbid or require certain action while the adjudication is taking place – against institutions and individuals where the NCAA’s investigator and advocate demonstrates a substantial likelihood

Reference 98 - 0.06% Coverage

Second, the NCAA should establish reasonable time limits for submission and decision of a case, which must be enforced except in extraordinary circumstances, as determined by the panel.

Reference 99 - 0.16% Coverage

Second, the Commission recommends that the NCAA ensure professional investigation and prosecution of serious violations. There are at least two ways to do so. After its appointment, the independent adjudication panel could create a panel of outside counsel (not the NCAA’s usual counsel who would be in a conflict of interest) to investigate and advocate in complex cases. In the alternative, the NCAA could establish a separate investigation and advocacy office, with rules guaranteeing its independence.

Reference 100 - 0.27% Coverage

The Commission also recommends that the newly formed investigative office (or appointed law firm) and, indeed, all relevant NCAA investigative bodies, be instructed to exercise appropriate enforcement discretion and common sense – that is, to set appropriate priorities for enforcement, to make reasonable decisions about punishment, and not to expend excessive resources on violations that are de minimis. This investigative entity should give serious infractions substantial attention and seek punishments that will deter future violations. But it should also recognize that certain kinds of minor violations should be handled differently, both in terms of resources expended and punishment recommended. In the exercise of such discretion, plainly self-reporting and other indicia of cooperation should be considered.

Reference 101 - 0.44% Coverage

The NCAA Bylaws require member institutions, their staff and student-athletes to cooperate in NCAA investigations. See, e.g., NCAA Division I Bylaw 19.2.3 (Responsibility to Cooperate). A failure to cooperate is one factor the NCAA can consider in assessing penalties. NCAA Division I Bylaw 19.9.2 (Factors Affecting Penalties). This regime has proved insufficient. The NCAA also must adopt rules that require member institutions and their personnel to cooperate with NCAA investigations, with a failure to respond to investigators’ requests promptly bearing significant consequences, including loss of post-season eligibility and revenues. Specifically, to participate in Division I basketball, member institutions and their presidents, administrators, and
coaches must agree to cooperate with NCAA investigations, including by providing documents and testimony where sought by NCAA investigators. In addition, while the NCAA does not have subpoena power, it can adopt rules requiring as a condition of membership, that member institutions enter into contractual agreements to cooperate in investigations and that member institutions contractually impose the same requirement of cooperation on presidents, administrators and coaches. NCAA rules should specifically protect whistleblowers who report and provide evidence of violations.

Reference 102 - 0.13% Coverage
In a related point, the NCAA must authorize its investigators and advocates to submit and rely on the evidence admitted in judicial and administrative tribunals and on the decisions of those tribunals. There is no reason to require the NCAA to redo the work of other tribunals. The independent panel of adjudicators can determine the reliability of the evidence and the preclusive effect of other decisions.

Reference 103 - 0.23% Coverage
Current core penalties for violations of NCAA rules are set out in the Division I Manual, Article 19, Figure 19.1. The NCAA adopted these penalties in October 2012, effective August 2013. Due to the length of the NCAA’s adjudication process, the first cases in which the current penalty matrix applies have only recently been resolved. (The penalty matrix in effect at the time of a violation applies to that violation without regard to subsequent amendments.) The matrix provides appropriate types of penalties for violations by institutions – i.e., probation, fines, suspensions, scholarship reductions, forfeitures, post-season bans, head-coach restrictions, recruiting visit restrictions.

Reference 104 - 0.12% Coverage
The Commission considered whether the core institutional penalties are sufficiently severe to have the desired deterrent effect. The Commission believes that many at NCAA member institutions consider the rewards of NCAA rule violations to outweigh the risks, and thus it recommends the following changes in the NCAA’s institutional penalties and penalty structure:

Reference 105 - 0.12% Coverage
Second, the Commission recommends that the NCAA inform members that past penalties imposed for particular violations have no precedential value, and that the independent panel shall conduct a de novo assessment of the appropriate penalties for violations with the need for deterrence in mind. The panel must be free to calibrate punishment without regard to past practice.

Reference 106 - 0.34% Coverage
Finally, in connection with its certification of agents who may engage in sanctioned on-campus meetings with high school and college students, the NCAA must enact rules to ensure that agents who participate in rules violations are punished. As noted above, agents who participate in violations of NCAA rules must lose their certification and be banned from NCAA-certified non-scholastic basketball events. Decertified agents may not pass along their student-athlete clients to others in their agencies. In addition, the Commission recommends that the NCAA report any agents’ participation in NCAA rule violations to the NBPA.
NBPA would be willing to punish and potentially decertify agents who participate in violations of NCAA rules. Indeed, the NBPA is currently focused on improving the quality and ethics of the agents it certifies. The NBPA has a large stick and its efforts in increasing the standards for certification and in regulating agents will be invaluable to the NCAA’s efforts to limit the influence of corrupt agents.

Reference 107 - 0.28% Coverage

Putting to one side agents paying large sums of money to players, the Commission heard comments that collegiate players or their families may receive from agents a meal or minor travel expenses or some other small benefit that those with limited financial means are strongly tempted to accept. The Commission concludes that the NCAA and its member institutions must enhance the resources of Student Assistance Funds and educate student-athletes about the benefits that it can provide to address the legitimate school-related needs of student-athletes. NCAA Division I Bylaws 15.01.6.1, 16.11.1.8 (Student Assistance Fund). Specifically, the Commission believes that the Fund should be increased and used for additional purposes, such as providing Division I schools with the resources to assist parents and families to travel to student-athletes’ games, subject to means testing.

Reference 108 - 0.25% Coverage

Finally, the Commission is aware of the Revised Uniform Athlete Agents Act (“RUAAA”) developed by the Uniform Law Commission, in response to an NCAA request that state law address agents’ provision of cash and other economic benefits to studentathletes. Forty-two states, DC, Puerto Rico and the U.S. Virgin Islands have adopted the Uniform Athlete Agents Act and eight have adopted the RUAAA. The Uniform Law Commission provided useful input to the Commission and sought its support in encouraging states to adopt the RUAAA. Unfortunately, while a number of states have enacted state laws regulating sports agents, the Commission is not aware of any significant number of enforcement actions. The Commission encourages States to both enact and enforce state laws regulating sports agents.

Reference 109 - 0.20% Coverage

The NCAA must adopt rules that will reform non-scholastic basketball or disassociate college basketball from the corrupt aspects of non-scholastic basketball. The Commission recommends that the NCAA take both short and long-term action. In the short term, the NCAA must adopt rigorous certification criteria for non-scholastic basketball events its coaches may attend, including significant measures to ensure financial transparency and accountability. In the long term, the NCAA should administer its own regional camps for high school players in the group subject to college recruiting in July of each year.

Reference 110 - 0.13% Coverage

non-scholastic basketball needs NCAA coaches, and NCAA coaches need non-scholastic basketball. The Commission’s guiding principle in this area is that the NCAA should not certify, and NCAA coaches should not participate in, non-scholastic basketball events involving coaches, leagues or sponsors who are not fully transparent about the sources and amounts of their financial support.

Reference 111 - 0.10% Coverage

More specifically, while NCAA coaches are forbidden to attend non-scholastic basketball events
not certified by the NCAA, the NCAA’s current criteria for certification are plainly insufficient. The new criteria for certification must include detailed requirements for financial transparency.

Reference 112 - 0.24% Coverage

Any person or entity that sponsors a summer league, team or event must disclose any payments made to or received from any coach, event operator, owner or any other entity associated with that league, team or event. Any coach, event operator, owner or other entity associated with that summer league, team or event must disclose any payment received that is related to the event and how the payments will be expended. The Commission leaves to the NCAA the design of the disclosure forms and the details of the requirements, but it must require the provision of any non-profit organization’s financial filings with the government and full financial transparency – going both ways – for non-scholastic basketball sponsors, event operators and coaches.

Reference 113 - 0.30% Coverage

The Commission further recommends that the NCAA enforce existing requirements and impose additional prerequisites for certification of non-scholastic basketball events. Current NCAA rules require as a condition of certification that nonscholastic basketball events contain an educational component. That requirement is not effectively administered and enforced – a missed opportunity. Moreover, the NCAA should enforce limits on the paid travel and other benefits associated with the events, and require commercially standard charges for admission (where allowed) and programs (rather than allowing individualized expensive arrangements for college coaches). Further, the certification should specifically state that NCAA enforcement personnel have unfettered access to any event, including physical access to the venue and the ability to inspect all financial documentation associated with the event.

Reference 114 - 0.44% Coverage

In this section, the Commission recommends significant changes to the resources and programs available for the development of young, pre-collegiate players, ideally by the summer of 2019. Allowing players to enter the professional ranks earlier brings with it the responsibility to provide appropriate resources for earlier development. We acknowledge that institutional influence—by USA Basketball, the NCAA, and the NBA and the NBPA—has been largely missing in this space for the past 20 years and that nonscholastic basketball has been largely ungoverned. We strongly recommend that the named institutions lend their expertise and, wherever possible, work together to provide an alternative to the individual and corporate influences which currently dominate precollegiate youth basketball particularly in the summer. In the Commission’s view, the NCAA, USA Basketball, the NBA and the NBPA all have significant institutional interests in developing prominent roles in non-scholastic basketball, particularly in the areas of player identification, development and evaluation. There is a great deal of work to be done in the development of pre-collegiate players, and the three institutions should also welcome partners and sponsors willing to work within the standards, disciplines, and accountability these institutions will bring to youth development.

Reference 115 - 0.14% Coverage

The Commission makes distinctions among three levels of players in addressing pre-collegiate youth development: Level 1 for those players across the four high school years with identified National Team Potential, Level 2 for those players across the four high school years with identified Highest Collegiate Potential, and Level 3 for those players across the four
high school years with identified Collegiate Potential.

Reference 116 - 0.10% Coverage

It is important to note that the Commission believes developing players at each level will require a 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.

Reference 117 - 0.27% Coverage

Player identification. USA Basketball will be primarily responsible for the identification of those players with the highest potential for Level 1 (Junior National Teams). The NCAA will be primarily responsible for identification of those players with the highest potential for Levels 2 and 3. The Commission understands that college coaches annually identify the prospects they seek to recruit using electronic databases and recruiting services. Based on these systems, players can be assigned to an appropriate level based on the interest shown in them. As a further step to ensure that players are properly identified, the Commission recommends that USA Basketball, the NCAA, and the NBA and NBPA establish a “collaborative advisory group” to annually review and validate the player identification and player evaluation processes.

Reference 118 - 0.09% Coverage

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.

Reference 119 - 0.06% Coverage

Finally, the Committee recommends that participation in NCAA summer events be limited to students making appropriate academic progress towards initial college eligibility.

Reference 120 - 0.14% Coverage

Player evaluation. The most important outcome of player evaluation is a realistic assessment of a player’s potential. The Commission recommends that a “collaborative advisory group” among the NCAA, USA Basketball and the NBA and NBPA be established to provide a realistic assessment of professional potential to players in Levels 1 and 2. Importantly, the Commission believes these evaluations must be transparent and accessible.

Reference 121 - 0.27% Coverage

In conclusion, the Commission received extensive commentary about the corruption prevalent in youth basketball organized outside the high school academic setting. We believe that the only way to mitigate the influence of third parties (who may not be working in the best interest of young, talented players) is to introduce financial transparency and accountability to all such entities, establish NCAA youth development programs and provide regulated access to expert player evaluation for students and their families. Individually, none of these reforms is sufficient, but taken together the Commission hopes they will improve the corrosive culture of youth basketball. Protecting, educating and developing youthful players – from the time they first enter high school – is likely to be among the most challenging and important tasks ahead.
First, the Commission supports the NABC’s recommendation that the summer recruiting calendar for evaluating college prospects be modified to allow college coaches to attend two weekends of scholastic-sponsored events in June and to attend three weekends of NCAA-sponsored events in July (once established). The Commission further supports the requirement that once NCAA-sponsored events for July are established, NCAA coaches be limited to recruiting at those events during that time. Many of the problems associated with non-scholastic basketball occur in the summer.

The Commission believes that additional recommendations of the NABC and others are worthy of NCAA study. It also supports the NABC’s intent to reinvigorate its Code of Ethics and disciplinary rules and enforcement.

The NCAA administers what is effectively a public trust in the United States — athletic competition among college athletes. Public members of boards serve important functions. They provide objectivity, fresh perspectives and independent viewpoints and judgments. Many non-profit associations utilize public board members for precisely these reasons.

The NCAA Board needs excellent public members, with the benefits that such members provide. The NCAA should promptly amend its Constitution to restructure the Board to include public voting members, while simultaneously creating a slate of candidates with the appropriate stature and characteristics. The Commission will provide recommendations to assist the NCAA in ensuring compilation of a high-quality slate of potential public board members.

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. Most call for substantial NCAA action. Some are simple in concept, but not in execution — such as creating independent investigative and adjudicative systems. Others should be easy to execute — specific changes in the available punishments under Article 19 and in the recruiting rules. Some do not require rules changes, but instead the devotion of financial and administrative resource to planning, for example, the creation of NCAA non-scholastic basketball camps.

The Commission is committed to completing the task that its recommendations will start. It must have a chance to review the responsive draft legislation and action plan, to provide its viewpoint and, hopefully, its affirmation of the NCAA’s plan to help ensure the success of this important effort to renew college basketball.
Files\CCB4 - Recruiting and College Choice Study - § 8 references coded [ 9.26% Coverage]

Reference 1 - 1.00% Coverage

Survey examining men’s basketball student-athletes’ youth sport, recruiting, college choice experiences and professional aspirations was designed by the Commission on College Basketball in collaboration with NCAA research staff.

Reference 2 - 0.58% Coverage

Seven-minute survey administered online through QuestionPro survey software. Designed to be taken via cell phone, tablet or computer.

Reference 3 - 1.76% Coverage

A snowball sampling technique was used. The Commission forwarded the link through the National Association of Basketball Coaches (NABC) to Division I men’s basketball coaches, who then distributed the survey link to the student-athletes on their squads. Directors of athletics, conference staff, and senior compliance officers were made aware of the survey and asked to encourage student-athletes to participate.

Reference 4 - 1.24% Coverage

Responses were received from 2,635 Division I men’s basketball student-athletes. This represents 48% of all Division I men’s basketball student-athletes. Response rates varied by conference, ranging from 65% (America East) to 13% (SWAC). Within autonomy conferences, participation was 41%.

Reference 5 - 1.71% Coverage

To examine the representativeness of the sample, demographic items were compared with NCAA GOALS survey data and Division I academic data specific to men’s basketball. The sample appears to be representative in terms of scholarship status, transfer status, year in school and international status. There is a slight variation in Pell Grant status and roster status between the GOALS and Commission samples.

Reference 6 - 1.55% Coverage

The survey also attempted to identify “elite” student-athletes. This includes those who were ranked in the ESPN, Rivals or Scout Top 100, those named Max Prep All-Americans, or those who played in either the McDonald’s All-American Game or the Jordan Brand Classic. 21% of student-athletes in the sample (N=522) have been classified as “elite” in the following analyses.

Reference 7 - 0.70% Coverage

AAU/Club Adidas and Nike athletes are slightly more likely to play on college teams sponsored by the same apparel company (statistically significant at p<.05 level).

Reference 8 - 0.73% Coverage

Three-quarters of elite players indicated that the rules regarding “testing the waters” while remaining eligible are clear to them, as compared to 59% of non-elite players.

Files\ESPN2 - NCAA announces new college basketball policy, including agents for players and longer postseason bans - § 2 references coded [ 1.05% Coverage]

Reference 1 - 0.49% Coverage
A USA Basketball official told ESPN that his group hadn’t yet approved some of the changes announced by the NCAA on Wednesday.

Several NBA officials have also told ESPN that they didn’t think the league’s age requirement would be lowered to 18 until 2021 at the earliest.

Top officials with the NBA and USA Basketball were blindsided by the NCAA’s announcement of future rules changes regarding pro basketball prospects, as well as the timing of it, sources told ESPN.

The NCAA launched a commission and set of subcommittees to address the fallout from the recent FBI investigation into the college basketball industry, resulting in several policy shifts, including the assigning of responsibility to USA Basketball for something the organization had already told the NCAA it wanted no part of: selecting elite senior high school prospects who will be allowed to sign with registered agents.

USA Basketball doesn’t have the infrastructure or interest in accepting the role of evaluating the nation’s top prospects for selecting a yet-to-be-determined number of players who will annually be allowed to sign with agents at the end of their junior years, sources told ESPN.

USA Basketball prefers that the NBA make those decisions, sources said.

While that appears to be the direction the league and union are headed, discussions are centered on the 2022 draft as the earliest date for that change to go into effect.

NBA commissioner Adam Silver and NBPA executive director Michele Roberts released a joint statement Wednesday saying they will "continue to assess" the commission’s suggestions on draft eligibility rules.

ESPN reported in February that defendant Christian Dawkins and Arizona coach Sean Miller had discussions about a $100,000 payment to ensure that star center DeAndre Ayton, the No. 1 pick in June’s NBA draft, signed with the Wildcats. Arizona’s outside counsel, Paul Kelly of Boston, said Ayton denied receiving money to influence his decision in multiple interviews with the FBI.
A Critical Discourse Analysis of the NCAA

LSU recruited Little and Koprivic, who might decide to skip college altogether, sources told ESPN.

With two of the NCAA’s highest-ranking committees committing to take swift action to correct issues facing college basketball, NCAA leaders called upon their members Thursday to own the challenges facing them and to set college sports on a path guided by its long-held values.

In a packed room at the Indiana Convention Center, NCAA Board of Governors Chair G.P. “Bud” Peterson and NCAA President Mark Emmert challenged members gathered for the 2018 NCAA Convention to act consistently with their commitments to academics, fairness and student-athlete well-being and use them to clean up the problems undermining the foundation of college sports.

The Board of Governors, the highest-ranking Association-wide governance group, and the Division I Board of Directors — that division’s top committee — promised this week to take quick action on those recommendations.

The Board of Governors on Wednesday committed $10 million this year and an additional $2.5 million annually starting in 2019-20 to help implement the commission’s recommendations.

In addition, the Board of Directors on Thursday promised to act on the recommendations by the start of the 2018-19 basketball season.

Emmert urged school representatives to follow that lead.

“We can’t run away from change,” Emmert said. “We need to be the leaders in managing change, not getting whipsawed by it.

To emphasize that importance, Emmert introduced Alaina Woo, the chair of the Board of Governors’ newly formed Student-Athlete Engagement Committee

That committee, composed of members of some of the key NCAA committees and each division’s Student-Athlete Advisory Committee, was formed to help better connect student-athletes with national policymaking.
Woo, a former student-athlete at Pomona-Pitzer and an assistant basketball coach at Tufts, described how important she and her peers feel about their identities as student-athletes, and that it’s important to them to have their concerns recognized and understood by their professors, coaches and administrators.

“Our identities as student-athletes are incredibly important to us,” Woo said. “Feeling like the professors and the NCAA understand that is important. And that’s the intent of the Student-Athlete Engagement Committee.”

“I’d like to use this process as a time to reestablish how we think, how we feel about this thing we call the NCAA, to elevate the conversation around it,” Jones said. “If you look at the issues of the day, they didn’t exist 14 years ago. All these things have come on the horizon, and they’ve resulted in putting the NCAA on the defensive. I’d like to use this process to propel us into a role of a leader. I think it’s a great opportunity. I think society is looking for a leader, and I think that’s what we do best.”

By the time the 2018-19 season tips off, the NCAA will adopt a series of bold legislative, policy and structures changes that will profoundly alter the college basketball landscape.

Today, the NCAA Board of Governors and Division I Board of Directors unanimously endorsed a series of recommendations from the Commission on College Basketball. These recommendations will ensure integrity in the game, strengthen accountability in college sports and demonstrate a commitment to the well-being of student-athletes.

We are fully committed to restoring the trust and confidence in college sports.

Dr. Rice and the members of the commission were clear. The collegiate model should be strengthened and preserved.

The NCAA will work with other organizations – including USA Basketball, apparel companies, the NBA and the NBPA – to make meaningful and lasting changes that will support the commission’s recommendations.

This is about more than basketball. This is about the culture and future of college sports. We all will work together to get it right.
NCAA-Certified Agents to Provide Student-Athletes with Assessment of Professional Prospects. Permit students to receive meaningful assessment of their professional prospects earlier, with assistance.

Reference 8 - 1.77% Coverage

NCAA to amend rules to require colleges to include in contracts with administrators and coaches’ contractual obligations to cooperate with NCAA investigations and agree to submission to NCAA enforcement proceedings.

Reference 9 - 1.08% Coverage

Require coaches, athletic directors and college presidents to certify annually that their athletic programs comply with NCAA rules.

Reference 10 - 2.90% Coverage

Reform Non-Scholastic Basketball and Make its Finances Transparent. NCAA should enforce rigorous certification criteria for non-scholastic basketball events that coaches attend. Events should be subject to financial disclosure, an audit of all financial relationships and payments, IRS, and other tax filings. Events must also have educational components.

Reference 11 - 2.79% Coverage

Enact Changes in Rules Governing Recruiting and Coaches’ Interaction with Recruits and Student-Athletes. Reduce the influence of third parties and increase the ability of college coaches to interact with recruits and current players. We endorse adoption of a number of rule changes recommended by the National Association of Basketball Coaches.

Reference 12 - 0.67% Coverage

Section Four: Add Five Independent Public Members to The NCAA’s Board of Governors.
for young players and their families,” said Dan Gavitt, NCAA senior vice president of basketball. “Our members made clear that this needed to be an inclusive process so that eventually as many players and schools as possible have the opportunity to participate. This step opens that door wider and provides the foundation to grow June over time into a beneficial period to help the next generation of college basketball players develop their skills and be recognized by coaches in a positive, educational environment.”

Reference 2 - 3.48% Coverage

The NCAA’s announcement complements criteria already established in partnership with the NFHS for setting standards and certifying events. The NFHS has member associations in all 50 states and the District of Columbia and represents more than 19,000 high schools. The criteria provide guidelines for high school associations and members of the National High School Basketball Coaches Association interested in hosting events at educational institutions during the last two weekends in June.

Reference 3 - 2.15% Coverage

“The support of the NCAA for the criteria has underscored the importance of maintaining an education-based focus on event formats and in the selection of host sites. We appreciate the positive collaboration that we have shared with the NCAA and look forward to the implementation of successful June events.”

Reference 4 - 1.97% Coverage

“We so appreciate the time and effort that has been put in by the National Federation of State High School Associations, the National High School Basketball Coaches Association and the NCAA for taking the time to address, in a short time period, the launch of June scholastic events,”

Reference 5 - 3.00% Coverage

“It’s a big undertaking, but an important undertaking. We want every respective student-athlete in our sport to have the opportunity to participate in these events. We appreciate the work that’s being done to broaden that access and believe, as time allows people to adapt to these opportunities, that we’ll see greater and greater participation from high school prospects, as well as junior college prospects, in these events.”

Reference 6 - 1.82% Coverage

Dave Archer, the senior director of basketball operations for the National High School Basketball Coaches Association, said the collaboration between the high school coaches, the NCAA and the NFHS will improve the recruiting environment for young players.

Reference 7 - 1.29% Coverage

The NHSBCA helped inform the NCAA working group that developed the June scholastic events model, played an advisory role during its implementation and will help administer the events.

Reference 8 - 3.72% Coverage

“The National High School Basketball Coaches Association is pleased with the action the NCAA is taking to allow an alternative path for approval of June Division I men’s basketball scholastic recruiting events,” Archer said. “This will allow hundreds and hundreds of additional high
school players with the potential to play college basketball to be evaluated by college coaches in an educational environment. This is another important step as we continue to move forward to improve the recruiting culture throughout the nation.”

Reference 9 - 2.86% Coverage

The NCAA criteria address fundamental requirements for applicants to meet before they can be certified to host an event. Among the requirements, schools and coaches must be in good standing with the host high school association and the host coaches associations, events must ensure their staffs and coaches pass background checks, and players must be currently eligible to compete for their high school teams.

Reference 10 - 2.54% Coverage

The criteria also require host applicants to be members of the National High School Basketball Coaches Association or, where there is no state high school basketball coaches association, members of the recognized state high school coaches association. Non-NFHS high school associations also may apply to host events, provided they meet certain requirements.

Reference 11 - 1.82% Coverage

High schools participating in the June events also are required to have existed for a full academic year, be governed by a high school association that has been in existence for a full academic year, and have an appropriate status with the NCAA Eligibility Center.

Files\NCAA6 - Statement from NCAA leaders on college basketball reforms ~ NCAA.org - The Official Site of the NCAA - § 2 references coded [ 6.96% Coverage]

Reference 1 - 2.37% Coverage

We remain committed to promoting fairness in college sports and creating an environment that will champion the success of student-athletes.

Reference 2 - 4.59% Coverage

If they are unwilling or unable to act, we will consider additional changes that will support the success of student-athletes. It’s on us to restore the integrity of college basketball and continue to improve the interests of all student-athletes. They deserve nothing less.

Files\NCAA7 - Statement from President Mark Emmert on the Formation of a Commission on College Basketball - § 6 references coded [ 17.44% Coverage]

Reference 1 - 1.29% Coverage

made it very clear the NCAA needs to make substantive changes to the way we operate, and do so quickly

Reference 2 - 3.64% Coverage

Therefore, I have secured endorsement from the NCAA Board of Governors and Division I Board of Directors to form a Commission on College Basketball, which Dr. Condoleezza Rice has agreed to chair, to work with me in examining critical aspects of a system that clearly is not working

Reference 3 - 2.22% Coverage

The commission will be composed of leaders from higher education, college sports, government
and the business world, as well as accomplished former student-athletes.

Reference 4 - 4.31% Coverage

The commission will be asked to evaluate whether the appropriate degree of authority is vested in the current enforcement and eligibility processes, and whether the collaborative model provides the investigative tools, cultural incentives and structures to ensure exploitation and corruption cannot hide in college sports.

Reference 5 - 2.34% Coverage

The commission will begin its work in November and will deliver its recommendations on legislative, policy and structural changes to the boards for action at their April meetings.

Reference 6 - 3.64% Coverage

I believe we can — and we must — find a way to protect the integrity of college sports by addressing both sides of the coin: fairness and opportunity for college athletes, coupled with the enforcement capability to hold accountable those who undermine the standards of our community.

Files\NYT1 - In College Basketball Scandal, Follow the Money ... and the Shoes - § 9 references coded [ 12.94% Coverage]

Reference 1 - 1.83% Coverage

The plan, prosecutors said, was that the teenage athletes would play for a university that had a sponsorship deal with Adidas and then sign sponsorship deals of their own with the company once they turned pro and potentially earned millions of dollars in the N.B.A. In other words, investing in athletes at a young age could yield huge returns later.

Reference 2 - 1.63% Coverage

Shoe company involvement in college sports dates to 1977, when Sonny Vaccaro — a longtime basketball hand and then shoe-company executive — signed several coaches he knew, including Jerry Tarkanian of Nevada-Las Vegas, to contracts with Nike. For a fee, the coaches were sent shoes to have their players wear.

Reference 3 - 1.26% Coverage

“My theory was if you had coaches with good teams with personalities, you would sell shoes,” said Vaccaro, who is often credited with urging Nike to sign Michael Jordan before he reached the N.B.A. “I said, Put the shoes on the college kids.”

Reference 4 - 0.84% Coverage

Vaccaro said that “the world changed” in 1987, when Nike signed its first all-school deal, agreeing to sponsor all the athletic teams at the University of Miami.

Reference 5 - 2.08% Coverage

“Now all the major schools are all-school deals with one shoe company,” he said. “That gives them control over everything. You do an all-school deal, the president signs off, the athletic director, the coach — you own everything in that school.” “That shoe company is now your business partner,” he added. “It wasn’t in ’77. It behooves everybody for the school to win games. That’s the marriage.”
“That’s where kids get seen,” said Tom Konchalski, the longtime New York City-based scout. “If you’re not on the shoe company circuit, it’s hard to get recruited at the highest level. It’s very difficult.”

“You might think it’s unhealthy,” he added, “for the shoe companies to have such influence in the recruiting process — it has sort of replaced high school in spring and summer, and taken power out of the hands of the high school coaches — but that’s the way it goes.”

Though the company name is redacted in the documents, the coach himself added, “all my kids will be Adidas kids.”

The criminal complaints describe rampant under-the-table payments that were commonly inspired by a young athlete’s future earning potential. One player agent, in a recorded conversation, urged that an offer to a player be increased because a rival company was “coming in with a higher number,” and an Adidas official discussed masking payments from apparel companies to high school athletes as though it were business as usual.

“For these men, bribing coaches was a business investment,” declared Joon Kim, acting United States attorney for the Southern District of New York, in disclosing a continuing investigation into academia and sports entertainment.

Responding to federal charges last month that depicted a corrupt black market for high school and college basketball players, the N.C.A.A. on Wednesday said that it would create a college basketball commission to investigate changes for “a system that clearly is not working.”

Emmert, who will sit on the commission alongside the former N.B.A. stars David Robinson and Grant Hill, said that in his personal view prospects should be able to go straight from high school to the N.B.A.

But he drew the line at changes to the amateur model, which prevents colleges from compensating athletes beyond scholarships and related costs.
Many of the proposed changes could become a part of the N.C.A.A. legislative code in August. Mr. Emmert, who is relying on Ms. Rice’s stature to boost the credibility of the N.C.A.A., has said he is aiming for results “by tip-off 2018.”

Reference 2 - 0.80% Coverage

It recommended overhauling summer basketball, requiring the shoe and apparel companies that run the showcase events to assume far more “transparency and accountability.”

Reference 3 - 1.03% Coverage

In an interview at N.C.A.A. headquarters here, Ms. Rice described the proposals as essential to rescuing the most popular college sport other than football and the one that provides the vast majority of the N.C.A.A.’s revenue.

Reference 4 - 0.74% Coverage

But Ramogi Huma, the president of the College Athletes Players Association, an advocate for more rights for athletes, said the commission dodged the main issues.

Reference 5 - 1.83% Coverage

The federal charges, which were followed by indictments, introduced the risk of criminal prosecution into a well-known part of college basketball. The allegations made a mockery of N.C.A.A. amateurism rules and painted a black mark on several of the most prominent basketball programs. Documents obtained by Yahoo Sports in February seemed to implicate players at a dozen other blue-chip programs.

Reference 6 - 2.44% Coverage

The commission, which included former players (Grant Hill, David Robinson), former coaches, university presidents, the heads of the Association of American Universities and U.S.A. Basketball, and others, called on the N.C.A.A. to establish a new system for summer basketball, so central to the recruitment process, that could diminish the influence of the three main apparel companies. Adidas, Nike and Under Armour sponsor not only summer basketball but also most of the college teams that high school prospects aspire to play for.

Reference 7 - 0.61% Coverage

In fact, many of the commissioners endorsed providing athletes with a cut of the revenue they helped generate, according to Ms. Rice.

Reference 8 - 1.55% Coverage

She said the commission declined to address this topic because of pending litigation. Plaintiffs in the so-called Jenkins case want a federal court to strike down the N.C.A.A. ban on player compensation on antitrust grounds.

A lawyer representing the Jenkins plaintiffs, Jeffrey Kessler, said that his case concerned a different nuance.

Reference 9 - 0.80% Coverage

Seasoned observers dismissed both the notion that the proposals would solve all of college basketball’s problems and the notion they would accomplish essentially nothing.

Reference 10 - 1.18% Coverage
Gabe Feldman, director of Tulane’s sports law program, said allowing contact with agents was provocative. “That was completely taboo for a very, very long time,” he said, adding that any major changes to N.C.A.A. rules would take time. “It’s a big ship to move.”

And the boards proposed changes to the N.C.A.A.’s governance and penalty structure, some of which need to be ratified at its annual convention in January: increasing penalties; making university presidents and chancellors accountable for violations; adding the first independent members to the N.C.A.A. board of governors; and permitting N.C.A.A. inquiries to use information found by other investigative bodies. This last change could allow the N.C.A.A. to rely on the work currently being done by federal prosecutors, who have tools like subpoenas and the threat of jail time at their disposal during investigations.

That group’s most eye-catching suggestion was the elimination of the so-called “one-and-done” rule, the requirement that N.B.A. draftees be 19 years old or a year removed from high school. That rule, created for the 2006 draft, birthed a system in which the most talented college players competed in college during their freshman seasons and then left to play professionally. Change on that front will have to wait for action from the N.B.A. and its players’ union; it is not expected before at least 2020.

Several complaints have implicated prominent basketball teams in Adidas’s stable: Kansas, Louisville (whose former head coach, the Hall of Famer Rick Pitino, lost his job amid the charges) and Miami. Documents and bank records from the investigation, obtained in February by Yahoo Sports, implicated at least 20 top men’s basketball programs.

The federal investigation has brought attention to open secrets in men’s college basketball, including the involvement of agents and the power the gigantic apparel companies exert over the system by showering many millions of dollars every year on both college teams and precollege grass-roots leagues.

While Rice’s group, and Rice personally, suggested such fundamental reform made sense, it declined to make any suggestions in this area, citing pending antitrust cases targeting the N.C.A.A.’s restrictions on compensation.

To work with a high school or college athlete, agents must be certified by an NCAA program with standards for behavior and consequences for violations. Family members of the high school recruit or college athlete or those who act solely on behalf of a professional sports team aren’t required to be certified.
Now, students who wish to enter the draft also must request an evaluation from the NBA Undergraduate Advisory Committee, which will provide valuable information to assist student-athletes in making the decision to turn pro or stay in school.

Division I schools will be required to pay for tuition, fees and books for basketball players who leave school and return later to the same school to earn their degree. Former student-athletes will be eligible for financial assistance to complete their first degree if they were on scholarship and fewer than 10 years have passed since they left school. Additionally, students must have been in school for two years before leaving. Former student-athletes also must meet all the school’s admissions and financial aid requirements and must have exhausted all other funding options to be eligible, as well as meet all NCAA academic requirements.

The NCAA is establishing a fund for schools that are otherwise unable to provide financial aid for basketball players to return to school. The fund will be available to schools defined as limited-resource by the NCAA Division I Academic Performance Program.

Basketball-related events for high school students will be subject to more rigorous certification requirements to ensure transparency in operations and finances. This will address issues of corruption and help support student-athletes as they make decisions about their future. The certification criteria will be overseen by the NCAA Division I Men’s Basketball Oversight Committee, and the NCAA Enforcement Certification and Approvals Group will administer the certification program.

This committee, composed of three public members of the NCAA Board of Governors and the chair and vice chair of the Division I Board of Directors, will oversee the entire independent enforcement and infractions processes.

This group will review the findings from the Complex Case Unit and the school’s response to those findings, and then oversee the case hearing and decide penalties. The panel will consist of 15 members with legal, higher education and/or sports backgrounds who are not affiliated with NCAA member schools or conferences. Each case will be handled by a panel of five of the 15 members.
New responsibilities and obligations solidify effective and fair enforcement of NCAA rules

Pending adoption at the NCAA Convention in January, five independent members will be added to the NCAA Board of Governors, which is responsible for oversight of the entire Association. Each member will be nominated by the Board of Governors Executive Committee, approved by the full board and serve a three-year term, which can be renewed once. The terms of the independent board members are longer than those served by school representatives. One member, voted on annually by all the independent members, will serve as a lead independent member and can serve in that role for no more than three years.

The NCAA clarified that this rule would only apply after the NBA and NBPA begin allowing players to be drafted out of high school, meaning 2021 at the earliest.

USA Basketball has not had any substantive conversations with the NCAA or given their approval for these changes yet, ESPN’s Jonathan Givony reports. It is unclear how this decision will impact high school players who are not USA Basketball eligible.

Time and time again Kaplan made clear that the case’s central question was not whether the individuals standing trial had violated these regulations, but if they had undertaken criminal actions in doing so and hiding it from the colleges these recruits planned to attend.

Michael McCann is SI’s legal analyst. He is also Associate Dean of the University of New Hampshire School of Law and editor and co-author of The Oxford Handbook of American Sports Law and Court Justice: The Inside Story of My Battle Against the NCAA.

Following the announcement of FBI indictments for under-the-table athlete payments, B. David Ridpath, President of The Drake Group, issued the following statement highly critical of the NCAA and its member institutions:

Although the latest scandal that has enveloped college sports is not surprising, it was stunning to
see the federal government getting involved in policing college sports. Despite everything reported in the last week being only allegations, The Drake Group believes it is only right for the FBI to pursue any allegation concerning those who do not declare compensation for criminal tax evasion and to go after public companies that conceal payments to college athletes and avoid paying payroll and other taxes.

Reference 3 - 4.03% Coverage

The NCAA should throw out its ingenuous use of “amateur” which really has not represented reality since the association’s beginnings in 1905, remove restrictions on agents and outside employment and treat athletes like other students. It is time for higher education to get back to its business of education by making sure athletic scholarships are guaranteed four-to-five-year grants for a college education rather than treating athletes as indentured servants so that others can get rich while denying college athletes basic rights afforded all other students.

The Drake Group (TDG), whose mission is to defend academic integrity in higher education from the corrosive aspects of commercialized college sports, found, in response to the recently released report by the Independent Commission on College Basketball chaired by Dr. Condoleezza Rice, that the Commission got some things right, but missed the mark on several key issues regarding reform in college sports.

Reference 2 - 2.19% Coverage

TDG strongly believes that elite development opportunities should exist outside of intercollegiate athletics and that professional leagues have an obligation not to impede that effort. Should athletes be good enough to go professional, they should be allowed to do so at a time that is best for them. Also, if athletes want to attend college they should be allowed to do that for as long or short a time as they desire just as other non-athlete students have such options.

Reference 3 - 1.01% Coverage

TDG also believes the Commission was on point asking for a complete overhaul of the broken NCAA enforcement and infractions system along with advocating penalties that actually punish and deter future bad behavior.

Reference 4 - 1.45% Coverage

TDG and other groups have long critiqued the insular and limited NCAA enforcement and adjudication process as a facade of governance rather than a process in which unbiased investigators and adjudicators execute real enforcement and effective penalties. TDG has long supported the overhauling of this area.

“The Commission is deeply troubled by mounting evidence that the NCAA is unable to ensure a
level of integrity that must be a priority in the education and treatment of college athletes,” said Commission co-chair Arne Duncan, former U.S. Secretary of Education, “These threats to the integrity of college sports are an urgent call to reform, if ever there was one.”

Reference 2 - 0.93% Coverage

“It’s clear that we need a new approach that can provide more fairness to student-athletes, while giving more teeth to the NCAA to ensure academic integrity in college sports,”

Reference 3 - 3.24% Coverage

The Knight Commission was formed by the John S. and James L. Knight Foundation in October 1989 to promote reforms that support and strengthen the educational mission of college sports. Over the years, the NCAA has adopted a number of the Commission’s recommendations, including the rule that requires teams to be on track to graduate at least 50 percent of their players to be eligible for postseason competition. The Commission’s Athletic and Academic Spending Database provides financial data for more than 220 public Division I institutions, creating greater financial transparency on athletics spending.

Files\TKC2 - Letter to Dr. Condoleezza Rice - § 5 references coded [ 15.45% Coverage]

Reference 1 - 2.00% Coverage

Over our more than 25-year history, the Knight Commission on Intercollegiate Athletics has established a legacy of promoting reforms that support and strengthen the educational mission of college sports.

Reference 2 - 1.74% Coverage

Early efforts called on presidents themselves to govern college sports with tougher academic standards that ultimately helped lead to improved graduation success for athletes.

Reference 3 - 3.13% Coverage

Collectively, these reforms made significant improvements to Division I intercollegiate athletics by placing greater value on the “college” in college sports. However, further change still is needed and men’s college basketball, in particular, needs a far more radical overhaul than what has taken place in recent years.

Reference 4 - 3.28% Coverage

These recommendations grew out of research conducted for the Knight Commission with university presidents and higher education leaders in 2009 and again in 2012, and from the many public meetings the Commission has held over the years with university presidents, faculty, athletics administrators, coaches, athletes and other experts.

Reference 5 - 5.30% Coverage

A few coaches’ associations have implemented successful programs for coaches to achieve various levels of coaching licenses but the associations for men’s basketball and football have not. It is telling, we think, that the only competency or training requirement for any NCAA Division I coach is passing an open-book NCAA recruiting rules test. Some institutions and conferences are doing more in this area than others, but college sports would be helped with incentives or requirements that place a greater emphasis on coaches’ roles as educators.

Files\TKC3 - Statements in Response to the Report by the Commission on College Basketball
We applaud the far-reaching reforms recommended by the Commission on College Basketball, which we will examine at the Knight Commission public meeting May 7 in Washington, D.C."

The Commission on College Basketball concluded that “NCAA schools are not doing enough to develop the next generation of coaches.” The Knight Commission agrees with that conclusion and recommends the development of minimal professional standards that NCAA coaches must meet to ensure they are prepared for their roles in the education and development of student-athletes. Such standards could require the completion of different levels of coaching licenses or professional certificates to redress the profession’s lax — and in some cases nonexistent — certification and licensure standards.

The Knight Commission on Intercollegiate Athletics met on May 7, 2018 and proposed the following recommendations for the NCAA to consider as complementary reforms to those advanced by the Commission on College Basketball. The roster of Knight Commission members involved in these deliberations is attached.

The Rice Commission report recommended new financial requirements for non-scholastic basketball events attended by NCAA coaches, and called on shoe and apparel companies to “implement financial transparency and accountability with respect to their own investments in non-scholastic basketball.” The Knight Commission supports these measures but believes that standards must be set higher for NCAA schools and college coaches than for those not directly affiliated with the NCAA.

The Commission on College Basketball concluded that “NCAA schools are not doing enough to develop the next generation of coaches.” The Knight Commission agrees with that conclusion and makes its recommendation to address this critical shortcoming in all sports.

Concerning basketball, USA Basketball currently provides a coaching certification program for youth basketball coaches. Coaches of youth teams playing in NCAA-certified basketball events for recruiting purposes are required to have a USA Basketball coaching license, which requires a background check and completion of a “SafeSport” course. More than 23,000 youth basketball coaches were certified by USA Basketball last year and 19,000 of those certifications were connected to coaches who completed the certification to have their teams play in NCAA-certified events. While USA Basketball has a similar requirement for the 10 or so college coaches annually who coach their national teams, the NCAA does not require any minimal
A Critical Discourse Analysis of the NCAA

standard for coaches of NCAA basketball teams

Thank you for the opportunity to submit information to you and the NCAA working groups.

We are glad to answer any questions you or members of the working groups might have. Knight Commission CEO Amy Perko can arrange any follow-up conversation with us. She can be reached at 910-551-6809 or at perko@knightcommission.org.

In an effort to solve the “crisis of accountability” in college basketball, a commission chaired by former secretary of state Condoleezza Rice on Wednesday issued substantive, far-reaching recommendations that called for tougher penalties for NCAA rules violations, financial transparency by apparel companies and an end to the NBA’s “one-and-done” rule.

The relationship between shoe companies and college basketball has long bedeviled NCAA and college officials. In their quests to gain advantages on signing NBA prospects, Nike, Adidas and Under Armour all sponsor extensive grass-roots leagues for teenagers across the country. And observers of the game have wondered whether there is a quid-pro-quo in cases in which Nike’s grass-roots stars sign with Nikesponsored college teams and top Adidas grass-roots stars sign with Adidas-sponsored college teams.

With members of the panel seated on either side, Rice called on every stakeholder in college basketball — coaches, athletic directors, university presidents, boards of trustees, the NCAA, apparel companies, athletes and their parents — to “accept their culpability in getting us to where we are today.” And where we are, Rice made plain at the outset, is a “crisis.”

ESPN analyst Jay Bilas said he believes the commission “got a lot right” — particularly in calling for athletes to be able to confer with licensed agents and declare for the draft without losing their college eligibility. Bilas also favors the idea of an independent entity to investigate NCAA infractions, as well as the addition of outside professionals to the NCAA governing board to get away from the college sports “echo chamber” in which nothing ever changes.

It’s important to remember that the commission’s recommendations are just that: recommendations of an independent group. When and how any rule changes will be adopted or
implemented is up to the NCAA member schools. As the report read, “the NCAA is not really Indianapolis: It is the sum total of its member institutions.” For the NCAA to implement any change, even those it can control, its member schools have to be on board.

Reference 2 - 0.98% Coverage

Can the NCAA do that? No. That’s up to the NBA and its players’ union, which require that players be at least 19 years old or at least one year removed from the graduation of their high school class before entering the draft.

Files\WP4 - Whites oppose — and blacks support — paying NCAA athletes, especially when they’re thinking about race - § 11 references coded [26.86% Coverage]

Reference 1 - 2.88% Coverage

Last Monday, Kylia Carter, the mother of former Duke basketball star Wendell Carter, gave a passionate speech arguing that today’s college basketball system is equivalent to slavery. Carter was reacting to the April 25 release of the Commission on College Basketball’s long-awaited report on corruption in the NCAA. Created after bribery scandals involving highly prized basketball recruits, the commission offered a host of recommendations, including imposing harsh penalties on athletic programs that knowingly violate NCAA rules.

Reference 2 - 1.65% Coverage

Conspicuously absent, however, was any suggestion that college athletes should be paid a salary. As former secretary of state and commission chair Condoleezza Rice explained, “Our focus has been to strengthen the collegiate model — not to move toward one that brings aspects of professionalism into the game.”

Reference 3 - 1.86% Coverage

That infuriated more people than Kylia Carter. “Pay for play,” as it’s called, is championed by an increasingly vocal group of journalists, broadcasters, economists, former players and their families. They argue that because the NCAA brings in billions of dollars in annual revenue from college athletics, college athletes should receive a share.

Reference 4 - 2.29% Coverage

The NCAA has refused, claiming that “pay for play” will lead college sports fans to stay home and tune out. NCAA President Mark Emmert argues that “one of the biggest reasons fans like college sports is that they believe the athletes are really students who play for a love of the sport. … To convert college sports into professional sports would [lead to a product that is not] successful either for fan support or for the fan experience.”

Reference 5 - 0.97% Coverage

A number of recent commentators have tried to make this explicit, with arguments such as, “The NCAA isn’t just perpetuating a financial injustice. It’s also committing a racial one.”

Reference 6 - 3.10% Coverage

Studies of intergroup relations show that people have “deep-seated psychological predispositions that partition the world into in-groups and out-groups — into ‘us’ and ‘them.’” Decades of research on the influence of these group attachments suggests that even the most “minimal” group identities can lead people to exhibit favoritism toward in-group members and bias toward
out-group members. In earlier research, we showed that the “racialization” of “pay for play” leads racially resentful whites to oppose changes to the NCAA’s current policy. But that’s only half the story.

Reference 7 - 2.36% Coverage

Using the 2016 Cooperative Congressional Election Study (CCES), we conducted a survey experiment on a nationally representative sample of 1,013 Americans. Of those respondents, 164 identified as African American. We presented each African American respondent with a list of fictional college athletes and asked them to “indicate which of the college athletes you are familiar with and which of the college athletes you are unfamiliar with.”

Reference 8 - 2.30% Coverage

One group of respondents saw a list of stereotypically white names (e.g., Connor Woods, Brady White and Cody Myers). Another group saw a list of stereotypically African American names (e.g., Darnell Booker, D’Andre Walker and Donte Jackson). This technique, used in numerous studies of discrimination, primed respondents to think about the racial identities of the college athletes who might benefit from a change to “pay for play.”

Reference 9 - 5.65% Coverage

Immediately after reading this experimental treatment, respondents were asked:
Some people believe that college athletes should receive salaries in addition to their scholarships. Others disagree with this position and believe that college athletes should only receive scholarships. Do you agree or disagree that college athletes should receive a salary in addition to their scholarships?

To see whether African Americans who felt especially strongly attached to their racial group responded differently from those who didn’t, we also asked a number of questions designed to measure what social scientists call “linked fate” and “ethnocentrism.”

We assessed their perceptions of “linked fate” with the question, “Do you think what happens generally to African Americans in this country will have something to do with what happens in your life?” In line with previous work on ethnocentrism, we classified African American respondents as ethnocentric when they scored African Americans more positively on a “feeling thermometer” than they scored whites.

Reference 10 - 1.69% Coverage

It’s important to note that our study was relatively small, involving just 164 African American respondents. That’s a perennial challenge in diving into nationally representative samples to study subgroups of racial minorities. So, we should be cautious in drawing too firm a conclusion until more studies are done.

Reference 11 - 2.11% Coverage

But the findings are consistent with the large body of literature showing that group dynamics — often characterized as “us vs. them” — strongly influence attitudes among racially resentful whites and African Americans. If the debate about compensating college athletes continues to implicitly and explicitly invoke race, our research suggests that the black-white divide is likely to persist.
Invoking organized crime is not a stretch here. U.S. District Judge Lewis A. Kaplan did it the other day during the trial of Adidas executives Jim Gatto and Merl Code and aspiring agent Christian Dawkins for wire fraud. Kaplan, quite rightly, forbade defense attorneys from arguing their clients should be acquitted because “everyone is doing it.” Such arguments don’t hold up in cases of insider trading or mafia cases, either, Kaplan pointed out. “The guys in the Five Families are just doing their jobs, too, I suppose,” he said.

A year ago, the feds boasted that this investigation, which included arrests of 10 minor figures, would roll up the corruption in college athletics. “We have your playbook,” FBI assistant director William Sweeney Jr. boasted to all those engaging in corrupt practices. But in fact, they don’t have the playbook at all. That, or they are hopelessly naive.

Instead of headline-hunting, prosecutors could have charted the real structure of illegal activity. Just as they do with any other racket, they would build a triangle. They’d start low and move upward to indictments of the kingpins. That hasn’t happened here. On Monday, T.J. Gassnola, the former Adidas bagman, continued his testimony, in which he has done a fine job of undercutting the prosecutors’ case that schools are victims.

Defense attorneys presented text messages between Gassnola and Kansas Coach Bill Self that showed the coach was well aware of Adidas’s efforts to steer recruits to him, if not the method. Gassnola assured Self that Adidas was “here to help” in getting players for the school, which was finalizing a 12-year, $191 million sponsorship deal with the sneaker company.

Gassnola also testified that he agreed to pay $20,000 to Fenny Falmagne, the guardian of power forward Silvio De Sousa, to get the big kid out from under an alleged cash deal with a large Maryland donor.

What Gassnola is describing is a conspiracy. A racket. And let’s be perfectly clear on who the real victims and perpetrators of it are. The real victims are not school officials who lunged at huge financial arrangements with shoe companies and boosters, then tried to isolate themselves from shady dealings with implausible deniability.

Six months ago, a report issued by the Condoleezza Rice-led NCAA Commission on College Basketball did a better job of delineating this conspiracy than professional prosecutors. The Rice report contained two important statements.

First of all, Rice averred, “Everybody knows.” The commission was told time and again that all parties, from the top down, were aware of these financial arrangements. Rice also stated this:
“Intercollegiate athletics is a trust based on a promise; athletes play for their school and receive a realistic chance to complete a college degree in return.” The continual violations of that trust and the promise are the real crimes.

Reference 9 - 2.87% Coverage

The cases that the Southern District should be bringing, if any, are RICO cases against universities. In RICO language, athletic departments, shoe companies and high-dollar donors have had an “association in fact.” They have operated as loosely joined enterprises, engaged in a common purpose with an underlying pattern of fraud.

If prosecutors want to call recruiting schemes criminal, then roll up the whole networks. Go after the Five Families of college athletics.

Deontological Ethics

Reference 1 - 1.83% Coverage

Agents or advisors, with an emphasis on how students and their families can get legitimate advice without being taken advantage of, defrauded or risking their NCAA eligibility.

Reference 2 - 4.89% Coverage

Creating the right relationship between the universities and colleges of the NCAA and its national office to promote transparency and accountability. The commission will be asked to evaluate whether the appropriate degree of authority is vested in the current enforcement and eligibility processes, and if the collaborative model provides the investigative tools, cultural incentives and structures to ensure exploitation and corruption cannot hide in college sports.

Reference 1 - 0.96% Coverage

It has been a pleasure to work with the members of this Commission, and I want to thank each of you for your fine service. I can tell you that the hours and hours of work and travel have been, for all of us, a labor of love. Each and every one of us loves the game. We love the dedication and the effort of the young men who play it. We marvel at their talents and skill – their perseverance and their commitment. We believe in the educational value of college sports.

Reference 2 - 1.08% Coverage

The members of this commission come from a wide variety of backgrounds. Some among us played the game at the highest levels; others coached or led programs; others come from the realm of public service; and some of us are educators – dedicated to teaching and learning as a way of life. That is why it has been painful for us to hear the testimony from multiple constituencies stating that the trust that is intercollegiate athletics in general – and college basketball in particular – has often been violated.

Reference 3 - 0.72% Coverage

Our recommendations are detailed because the problems in college basketball are complex and the resolution of them requires precise remedies. This Commission has worked hard to devise
these recommendations. You can be sure that we will continue to be involved as key regulatory
bodies undertake their work to implement these changes.

Reference 4 - 0.41% Coverage
This work will not be easy, but we need to make a start – and a bold one -- to turn the ship in the
right direction. For the good of all involved, we need to put the “college” back in college
basketball.

Reference 5 - 0.24% Coverage
If these players are allowed to turn professional, some of the pressure on the collegiate model
will be reduced.

Reference 6 - 1.86% Coverage
I want to note that the Commission seriously considered, but is not recommending, the NBA’s
and NBPA’s adoption of a version of the “baseball rule” which would make studentathletes who
attend college ineligible for the draft or the G League for two or three years. By requiring
students who choose the collegiate path to make a long-term commitment to their education, the
baseball rule increases the number of student-athletes who ultimately earn degrees. However, it
would also keep collegiate players ready for the NBA in school against their will, where they
will be potentially disgruntled magnets for corrupt money and the undermining of the collegiate
model. Players with professional earning power should be able to choose a professional path.
The Commission’s additional recommendations will make it easier for them to return and
complete their degrees.

Reference 7 - 0.54% Coverage
We further recommend that the NCAA incentivize better behavior from agents by decertifying
any agent who participates in an NCAA rules violation and also deeming any student-athlete
who enters into an agreement with a non-certified agent ineligible.

Reference 8 - 1.05% Coverage
I want to take a moment to address the issue of allowing student athletes to earn some financial
benefit from the marketing of their name, image, and likeness. I know this is an issue on the
minds of many, and the Commission thought long and hard about this. In the end, we respected
the fact that the legal ramifications of NCAA action on name, image, and likeness are currently
before the courts. We don’t believe that the NCAA can legislate in this area until the legal
parameters become clearer.

Reference 9 - 1.47% Coverage
That said, most Commissioners believe that the rules on name, image, and likeness should be
taken up as soon as the legal framework is established. It is hard for the public, and frankly for
me, to understand what can be allowed within the college model – for the life of me I don’t
understand the difference between Olympic payments and participation in Dancing with the Stars
– and what can’t be allowed without opening the door to professionalizing college basketball.
Personally, I hope that there will be more room in the college model today for this kind of
benefit to students without endangering the college model itself. And let me just say that I hope
Arike wins Dancing with the Stars.

Reference 10 - 1.25% Coverage
First, the NCAA should create independent investigative and adjudicative arms to address and resolve complex and serious cases involving violation of NCAA rules. As of now, volunteers who are members of fellow NCAA member institutions resolve these cases, and during our Commission testimony not a single stakeholder supported the current system for handling high-stakes infractions. Today’s current state where an entire community knows of significant rule breaking and yet the governance body lacks the power or will to investigate and act breeds cynicism and contempt.

Reference 11 - 0.90% Coverage

To restore credibility to this process, the investigation, enforcement and resolution of high stakes cases must be placed in the hands of independent professionals. A panel of professional adjudicators, appointed for a term of years, must make final and binding decisions and must have the authority to impose substantial punishments, including the loss of post-season play and the revenues from post-season play.

Reference 12 - 0.49% Coverage

Currently, the rewards for violating the rules far outweigh the risks, and we recommend significant increases in the penalties imposed on institutions and individuals for violations of NCAA rules to reverse this calculation.

Reference 13 - 0.81% Coverage

To address this weakness, the Commission recommends that member institutions that employ a coach or athletic director under a show cause order for a previous violation of NCAA rules be subject to significantly increased penalties if that individual’s program reoffends, up to an including a ban of up to five years from post-season tournaments, including the NCAA tournament.

Reference 14 - 0.56% Coverage

Moreover, the Commission recommends that the NCAA enact a rule requiring college and university presidents, coaches, and athletic directors to certify annually that they have conducted due diligence and that their athletic programs comply with NCAA rules.

Reference 15 - 0.71% Coverage

The NCAA must have jurisdiction to address academic fraud and misconduct to the extent that it affects student-athletes’ eligibility. Member institutions can no longer be permitted to defend a fraud or misconduct case on the ground that all students, not just athletes, were permitted to “benefit” from that fraud or misconduct.

Reference 16 - 0.69% Coverage

That development would include not only basketball, but also academic and life skills, health and collegiate eligibility. One centerpiece of this program would be NCAA-administered regional non-scholastic basketball events in July that would be the only ones that NCAA coaches attend in that crucial recruiting month.

Reference 17 - 1.27% Coverage

But the NCAA and NCAA coaches should no longer associate with non-scholastic basketball events that are not financially transparent and otherwise compliant with NCAA requirements regardless of when they are held. The Commission also endorses and recommends adoption of a
number of rule 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 coaches to interact with recruits and current players. These rule changes can we found in the full report we are releasing today.

In brief, it is the overwhelming assessment of the Commission that the state of men’s college basketball is deeply troubled. The levels of corruption and deception are now at a point that they threaten the very survival of the college game as we know it. It has taken some time to get here, and it will take time to change course.

Lost in the talk of big money and corruption is colleges’ central mission to provide higher education to students.

There is debate about how to measure the graduation rate for college students, including student-athletes. There is, however, general agreement that the graduation rate for men’s Division I basketball players lags behind that of other student-athletes, perhaps significantly. NCAA schools must take seriously the obligation to help all student-athletes obtain the education they are promised.

The Commission believes that the answer to many of college basketball’s problems lies in a renewed commitment to the college degree as the centerpiece of intercollegiate athletics. Intercollegiate athletics is a trust based on a promise: athletes play for their schools and receive a realistic chance to complete a college degree in return. Any policy or action that violates that trust is morally wrong.

College basketball, like college sports generally, is to be played by student-athletes who are members of the collegiate community, not paid professionals.

Given the undeniable impact of “big money” on the college game, it is fair to ask whether the ideal of college basketball played by student-athletes who are part of the academic community – not hired guns for a season or two – is still viable. The answer is yes, and the effort is worth making. Transformative changes are necessary.

The one-and-done regime may have provided some benefits for the NBA and the NCAA in the past, but all stakeholders agree that the downsides now outweigh any benefits. One-and-done has played a significant role in corrupting and destabilizing college basketball, restricting the freedom of choice of players, and undermining the relationship of college basketball to the mission of higher education.
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 immediate collegiate eligibility to high school players who “reclassify”—i.e., those who make themselves eligible to enter college prior to the graduation date of their high school class.

Reference 9 - 0.12% Coverage

We fear that, should the NBA and the NBPA make 18 the minimum age for entry into the NBA, the growing trend of reclassification will accelerate, creating a new generation of 17-year-old one-and-done players. The Commission urges the NCAA to monitor this situation and to enact appropriate rule changes if that potential abuse occurs with the end of one-and-done.

Reference 10 - 0.13% Coverage

In that circumstance, the Commission will reconvene and consider the other tools at its disposal. These could range from the baseball rule, to freshman ineligibility, to “locking up” scholarships for three or four years if the recipient leaves the program for the NBA after a single year. That would be a disincentive to recruit an athlete for a one-year run at the title. In short, the current situation is untenable.

Reference 11 - 0.11% Coverage

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 basketball players make it to the NBA (around 1.2%), let alone have successful careers.2

Reference 12 - 0.15% Coverage

For similar reasons, the Commission also has concluded that one aspect of the current transfer rule—the requirement that a player who transfers sit out for a year—remain in place. Even under the current rule, an astounding 600-plus Division I men’s basketball players transferred this year, in the hope of greener basketball pastures. Forty percent of players who enter Division I basketball from high school leave their original schools by sophomore year.

Reference 13 - 0.11% Coverage

Players who transfer are less likely to complete their
Third parties often influence transfer decisions for their own purposes and without thought to the impact of transfer on the student-athlete. The detrimental effect of transfer on a student-athlete’s education means that transferring should not be made easier for basketball’s sake.

Reference 14 - 0.08% Coverage

The Commission recommends that the NCAA and its member institutions develop strict standards for certifying agents and allow NCAA-certified agents to engage with student-athletes at an appropriate point in their high school careers to be determined by the NCAA.

Reference 15 - 0.12% Coverage

The NCAA must appoint a Vice-President level executive to develop meaningful standards for NCAA certification and administer the program. Among other requirements, the rules should mandate that agents notify colleges when they are retained by a matriculating student-athlete. The program should also educate studentathletes about eligibility rules and requirements.
Elite high school and college players need earlier professional advice, including whether to declare for the draft or whether college basketball offers a superior pathway. If NCAA rules do not allow them to receive that advice openly, they will often seek it illicitly.

The NCAA rules should provide that student-athletes may meet and contract with NCAA-certified agents and that they will not lose their eligibility by doing so.

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.

As described below, in its specific recommendations about non-scholastic basketball, the Commission urges additional efforts at educating high school players about their professional and collegiate prospects, NCAA eligibility rules, their health and more. Student-athletes must have the information they need to understand their real choices and be better positioned to take advantage of either the collegiate or the professional path they choose.

One significant counter to that argument is that many Division I student-athletes benefit enormously from engaging in intercollegiate sports. In addition to receiving full scholarships up to the cost of attendance (ranging from $13,392 to $71,585 for in-state students and from $18,125 to $71,585 for out-of-state students depending on the institution), receive benefits such as academic support, meals, travel, coaching, trainers, career advice and more. The value of these extra benefits may be tens of thousands of dollars annually. The value of their lifetime earnings averages $1 million. As noted above, for student-athletes who receive a degree, the enhanced Again, the Commission agrees that for these benefits to be realized, colleges must make good on their commitment to assist student-athletes in earning their degrees.

The Commission is familiar with the related debate about whether student-athletes should earn some financial benefit from the marketing of their names, images and likenesses (NIL). Many argue that allowing these payments would be analogous to the receipt of
funds by collegiate Olympians and thus consistent with the collegiate model, particularly if students did not receive the funds until after college. The NCAA is a defendant in litigation involving such payments, which appears to raise fundamental questions about whether these and similar payments are consistent with the collegiate model. The court stated that “[t]he difference between offering student-athletes education-related compensation and offering them cash sums untethered to educational expenses is not minor: it is a quantum leap. Once that line is crossed, we see no basis for returning to a rule of amateurism and no defined stopping point.” O’Bannon v. NCAA, 802 F.3d 1049, 1078 (9th Cir. 2015) (emphasis added).

If a college or university is using a student-athlete’s NIL for commercial purposes, the school must ask that student-athlete for consent, which must be voluntarily given. See also NCAA Bylaw 12.5 (Promotional Activities) (describing permissible and nonpermissible uses). When the legal parameters relevant to this issue are clearer, the Commission also believes that the NCAA should reconsider its treatment of student-athletes’ NIL.

In the current uncertain legal setting, however, the Commission has decided to focus its recommendations on supporting the college model. It seeks to address the charge of player exploitation in other ways – specifically, by opening and keeping open a player’s professional pathway, by welcoming the return of undrafted players, by funding degree completion by athletes who return to school, by providing benefits that allow student-athletes to be both students and athletes.

The Commission recommends that the NCAA create independent investigative and adjudicative arms to address and resolve complex and serious cases (hereafter “complex cases”) involving violations of NCAA rules.

Stakeholders informed the Commission that when the stakes are high, colleges are not complying with the NCAA’s shared governance and cooperative principles and NCAA rules often are not enforced. Specifically, the NCAA’s investigative and enforcement powers are inadequate to effectively investigate and address serious violations of NCAA rules in consequential situations.

No stakeholder supported the current system for handling high-stakes infractions. Many informed us that when the U.S. Attorney’s Office announced the charges that led to this Commission, the reaction was that “everyone knows” that these payments occur. That state of affairs – where the entire community knows of significant rule breaking and yet the governance body lacks the power or will to investigate and act – breeds cynicism and contempt.
The NCAA’s investigative and enforcement processes require a complete overhaul.

Complex cases must be thoroughly investigated, and resolved by neutral professional adjudicators, with authority to impose punishment that will have a significant deterrent effect. The investigative arm must be independent and empowered to require the cooperation of witnesses and the production of documents, including financial information, from NCAA member institutions and their employees and contractors, with significant penalties for non-cooperation.

In addition, these and all NCAA investigators must exercise reasonable prosecutorial discretion and common sense so that resources are focused on serious infractions and punishment is appropriately calibrated and consistently administered. There are multiple examples of minor infractions that are not worth the time and effort that the NCAA now spends on them.

The Commission recommends that the NCAA enact significant increases in the penalties imposed on institutions and individuals for violations of NCAA rules. Currently, the rewards for violating the rules far outweigh the risks. To reverse this calculation, the Commission recommends a number of changes in the NCAA’s penalty structure.

First, the Commission recommends the following increases in the core penalty structure: (i) increase the competition penalties for Level I violations to allow a five-year post-season ban; (ii) increase the financial penalties for Level I violations to allow loss of all revenue sharing in post-season play, including the NCAA tournament, for the entire period of the ban; (iii) increase the penalties for a show-cause order to allow life-time bans; (iv) increase the penalties for head coach restrictions to allow bans of more than one season; and (v) increase the penalties for recruiting visit violations to allow full-year visit bans.

In addition, the Commission recommends that member institutions that employ a coach or athletic director under a show cause order for a previous violation of NCAA rules be subject to significantly increased penalties if that individual’s program reoffends, up to and including a ban of up to five years from post-season tournaments, including the NCAA tournament, and a loss of revenues from those tournaments for that same period. There must be significant risk associated with employing an individual who is under a show cause order.

Relatedly, the Commission recommends a significant expansion in individual accountability for rules violations for coaches, athletic directors and college presidents. The NCAA must amend its rules to require colleges to include in contracts with administrators and coaches individual contractual obligations to cooperate with NCAA investigations, including financial disclosure, and individual agreement to submission to NCAA enforcement proceedings, decisions and discipline, up to and including discharge.
Moreover, the Commission recommends that the NCAA enact a rule requiring coaches, athletic directors, and college presidents to certify annually that they have conducted due diligence and that their athletic programs comply with NCAA rules. These individuals will find it much easier to do so if they enact comprehensive compliance programs at their institutions. The costs of compliance may be significant, but they should be small by comparison to the costs of being found in violation of NCAA rules. The NCAA rules should provide for significant penalties for those individuals if they knew or should have known of violations and did not address them, up to and including termination. These penalties should be mitigated or enhanced depending up the presence and effectiveness of the institution’s compliance program.

Coaches are the public focus of blame for NCAA violations. For too long, college presidents and administrators have not been viewed as accountable for the conduct of their athletic programs. That will have to change. College presidents and highlevel administrators cannot be permitted to turn a blind eye to the infractions in those programs.

Finally, among other substantive rules changes, the Commission recommends that the NCAA revise and clarify its role in addressing academic fraud or misconduct by member institutions and make application of those rules consistent. The NCAA must have jurisdiction to address academic fraud and misconduct to the extent it affects student-athletes’ eligibility. Member institutions cannot be permitted to defend a fraud or misconduct case on the ground that all students, not just athletes, were permitted to “benefit” from that fraud or misconduct. Coaches, athletic directors and university presidents must be held accountable for academic fraud about which they knew or should have known. The standards and punishment for academic fraud must be clarified and then enforced consistently.

Virtually all of the top recruits for each collegiate recruiting class participate in non-scholastic basketball. The Commission recommends that the NCAA take short and long-term actions to reform non-scholastic basketball and disassociate the NCAA and its member institutions from the aspects of non-scholastic basketball where transparency and ethical behavior cannot be assured. As part of this effort, the Commission recommends that the NCAA partner with USA Basketball, the NBA, the NBPA and others to create and administer new resources and programs for youth basketball development, including substantial regional camps for collegiate prospects in July where NCAA coaches would evaluate players.

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 coaches attend. In order for the NCAA to certify a non-scholastic basketball event, the owners, event operators, sponsors, and coaches for the event must agree to financial transparency about all events they run, including those that are not certified by the NCAA. This requirement includes
agreement (i) to be subject to audit and to provide all required IRS and other tax filings upon request; (ii) to disclose all sources of financing and other payments and the recipients of all funds provided for or collected in relation to the event; and (iii) to disclose any financial relationship between the event sponsors and coaches with any administrator, coach or booster at any NCAA school. The money flowing from apparel companies and other third parties into non-scholastic basketball must be disclosed and accounted for, in order to address the corruption arising from non-scholastic basketball.

Reference 43 - 0.19% Coverage

Further, the NCAA’s rules already require NCAA-certified events to have educational components; the NCAA must immediately implement and enforce that requirement more effectively. All benefits provided to participants and their families, including travel, meals, accommodations, gear of any sort, and any other benefit, must be disclosed to the NCAA, along with the source of their provision. The NCAA must enforce the requirement that such benefits be reasonable and appropriate and assure that these restrictions are not circumvented by delaying the timing or providing the benefits to another.

Reference 44 - 0.30% Coverage

Currently, non-scholastic basketball is an ungoverned space with coaches, players and their families, agents and sponsors exchanging money and goods in the hope of future benefits and without accountability. Of particular importance to the Commission are the cases in which non-scholastic basketball event operators and coaches seek benefits from colleges and college coaches in exchange for influencing their players’ college choices. To recruit effectively, many NCAA coaches need to attend non-scholastic basketball events in which large numbers of elite players participate. In turn, these events, leagues and teams attract high school players by giving them the opportunity to be seen and evaluated annually by college coaches. Thus, using its certification requirement, the NCAA has some leverage to impose the financial transparency requirements and other reforms that the Commission recommends above.

Reference 45 - 0.38% Coverage

With respect to the longer term, the Commission recommends that with a goal of 2019, the NCAA work with USA Basketball, the NBA and the NBPA and others to establish and administer new youth basketball programs. We would expect the NCAA to devote significant resources and attention to these programs. Briefly, the Commission proposes that youth basketball players be identified and developed at three levels: Level 1, players with National Team potential; Level 2, players with Highest Collegiate potential; and Level 3, players with Collegiate potential. At each level, players would have to be identified, developed and evaluated by appropriate stakeholders. Critically, that development would include not only basketball, but also academic and life skills, health and collegiate eligibility. One centerpiece of this program would be NCAA-administered regional non-scholastic basketball events in July that NCAA coaches would exclusively attend. The Commission also recommends that the NCAA – in collaboration with USA Basketball, the NBA, the NBPA, the WNBA and the WNBPA – consider similar initiatives to enhance the development of young women basketball players.

Reference 46 - 0.22% Coverage

In sum, the NCAA and NCAA coaches may no longer associate with nonscholastic basketball events that are not financially transparent and otherwise compliant with NCAA requirements.
regardless of when they are held. Moreover, in light of the recommendation that players be permitted to choose a professional pathway at an earlier time, the NCAA and others should devote significant resources to earlier development, including education, for players in youth basketball. The corruption we observe in college basketball has its roots in youth basketball. The reforms recommended by the Commission will be fruitless unless the NCAA gives serious attention to regulating summer programs.

Reference 47 - 0.28% Coverage

The NCAA has often failed to carry out its responsibilities to “maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body.” NCAA Constitution 1.3.1 (Basic Purpose). But, the NCAA is not really Indianapolis: It is the sum total of its member institutions. When those institutions and those responsible for leading them short-circuit rules, ethics and norms in order to achieve on-court success, they alone are responsible. Too often, these individuals hide behind the NCAA when they are the ones most responsible for the degraded state of intercollegiate athletics, in general, and college basketball in particular. The Commission makes these recommendations to support fulfillment of the NCAA’s purposes and to impose accountability on institutions and individuals undermining their achievement.

Reference 48 - 0.10% Coverage

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. However, the small numbers mask a large issue with respect to third-party influence and corruption, as well as the corruption of academic standards.

Reference 49 - 0.24% Coverage

For a subset of these players who have no intention of spending more than a year or two in college or whose time is fully consumed by basketball, maintaining academic eligibility to play may be a challenge. If that player is good enough, however, the school may be strongly motivated to assist that student-athlete in maintaining his eligibility. This situation creates another opening for corruption – the manipulation and dilution of academic standards by school officials, along with other academic misconduct. A series of recent cases involve this phenomenon. Other cases illustrate the lack of clarity about the NCAA’s rules and the likely punishment for academic misconduct, as well as inconsistency in the NCAA’s application of the rules.

Reference 50 - 0.22% Coverage

In addition, elite high school players currently understand that in order to play Division I basketball, they must meet the eligibility requirements to attend a Division I school. See NCAA Division I Bylaw 14.3 (Freshman Academic Requirements). Because numerous players who will not play professional basketball nonetheless believe that they will, these players gain the benefit of educational levels and opportunities that they might otherwise have forgone. The Commission takes these benefits seriously and, in particular, does not underestimate the transformative possibilities in attaining academic eligibility for college or in spending a year or more in college.

Reference 51 - 0.10% Coverage
The NCAA’s current rules on amateurism place limits on the ability of those players to test the professional market for their services and to obtain assistance from an agent in assessing their potential value. This, in turn, may prevent student-athletes from taking full advantage of their collegiate opportunities.

Reference 52 - 0.10% Coverage

There appears to be a strong consensus that when the stakes are high – i.e., when violations are serious and the potential penalties are substantial – the NCAA’s member institutions are not complying with the NCAA’s shared governance and cooperative principles and NCAA rules are not being effectively enforced.

Reference 53 - 0.11% Coverage

Specifically, the NCAA’s investigative and enforcement powers are limited and often appear inadequate to effectively investigate and address serious violations of NCAA rules in consequential situations. The Commission did not hear from a single stakeholder who supported the current system in addressing high-stakes infractions.

Reference 54 - 0.16% Coverage

In support of the allegation that the NCAA’s investigative powers are insufficient, many stakeholders noted that when the U.S. Attorney’s Office announced the charges that prompted the NCAA to establish this Commission, no one in the relevant community expressed surprise and many stated that “everyone knows” that these kinds of payments occur. Where an entire community is aware of substantial rule breaking and the governance body fails to act, the result is cynicism and contempt.

Reference 55 - 0.19% Coverage

Virtually all stakeholders, including NCAA staff, expressed the view that the current model for adjudication of NCAA rules violations should not continue. Representatives of member institutions that have crosscutting and potentially self-interested incentives with respect to punishment administer the NCAA’s current adjudication process. While many stakeholders expressed gratitude and respect for the hard work of the volunteers who administer the current infractions process, all expressed the belief that the current system is not working in cases involving serious violations.

Reference 56 - 0.14% Coverage

Stakeholders further suggested that the Commission consider whether the substantive content of certain NCAA rules is contributing to the problems identified above. Stakeholders identified numerous issues with the NCAA’s current rules governing eligibility, amateurism and recruiting. As noted above, they also expressed the view that the consequences for rule violators were insufficient in many instances and excessive in others.

Reference 57 - 0.08% Coverage

Some stakeholders believe that the NCAA should not be in the business of enforcing academic standards. However, many others assert that the NCAA’s current rules with respect to academic standards undermine the integrity of the collegiate experience and game.

Reference 58 - 0.33% Coverage

Amateurism. The Commission also heard from critics of current NCAA rules
regarding amateurism. NCAA rules require that students who play for college teams qualify as “amateurs” and continue to be so qualified throughout their collegiate years. Although there are exceptions and complexities, the Bylaws forbid college athletes to receive compensation in any form in the sport, to accept a promise of pay, to sign a contract or commitment to play professional athletics, to receive consideration from a professional sports organization, to compete on a professional team and to enter into an agreement with an agent. In addition, a student-athlete cannot receive preferential treatment, benefits or services because of his athletic reputation or skill, unless specifically permitted by NCAA rules. NCAA Division I Bylaws 12.1.1.2.1 (Amateur Status After Certification); 12.1.1.1.3 (Eligibility for Practice or Competition), 12.1.2 (Amateur Status); 12.1.2.1.6 (Preferential Treatment, Benefits or Services).

Reference 59 - 0.18% Coverage

Others recognize the validity of some of these points, but contend the student-athletes receive significant benefits from their college experiences, including the value of the scholarship (the full cost of a college education), the associated training, coaching and benefits of being on a collegiate team, and the lifelong incremental increase in earning power resulting from a college degree. See ES Section 1.D. Many believe that paying players is not financially or legally feasible and that doing so would fundamentally alter the nature of the collegiate game.

Reference 60 - 0.10% Coverage

They support a variety of means – other than payment – to address the economic circumstances and equities of student-athletes in high-revenue sports, and to ensure that they receive the education that the college promises. In addition, they support continued enforcement of the amateurism rules.

Reference 61 - 0.24% Coverage

Still others believe that the NCAA rules are so focused on pre-professional sports that the NCAA has failed to create a system that makes sense for the majority of student-athletes who will not make a living at their sports. Under these rules, stakeholders assert, student-athletes who accept any “benefit,” no matter how small, risk losing their eligibility to compete. The NCAA’s administration of the “no benefit” rule, see NCAA Bylaw 16.11.2 (Nonpermissible), was criticized as penalizing student-athletes and preventing them from engaging in normal interactions with friends and mentors. Those holding this view suggest that the NCAA should engage in common sense calibration of the “no benefit” rule for particular contexts.

Reference 62 - 0.28% Coverage

Agents. NCAA rules further forbid collegiate athletes to enter into any agreement (oral or written) with agents for purposes of marketing their athletic ability or reputation for financial gain, even if that agreement is limited to future representation. Prohibited marketing includes negotiations with professional teams, seeking product endorsements and efforts to place an athlete at a particular school. The rules likewise forbid family members or other representatives to enter into such an agreement on behalf of an athlete. In addition, athletes may not accept benefits from agents even if those benefits do not have strings visibly attached. NCAA Division I Bylaws 12.3.1 (General Rule); 12.3.1.2 (Representation for Future Negotiations); 12.02.1 (Agent); 12.3.3 (Athletics Scholarship Agent); 12.3.1.3 (Benefits from Prospective Agents).18

Reference 63 - 0.07% Coverage
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.

Reference 64 - 0.24% Coverage

Still other stakeholders, including a number of agents, took the position that allowing agents to have contact with high school students will result 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 violations to the NBPA or other unspecified rule changes).

Reference 65 - 0.16% Coverage

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 nonscholastic settings, and those players cannot officially visit colleges and universities until late in their junior year. See generally NCAA Division I Bylaws, Art. 13.

Reference 66 - 0.34% Coverage

Penalties. Finally, most stakeholders believe that the NCAA must have authority to impose harsher penalties on schools, coaches and administrators (including presidents) who violate the rules or know of rules violations and do nothing or who fail to cooperate with NCAA investigators. There was a strong sentiment that the NCAA must have the ability to impose loss of post-season play, including the NCAA tournament, and loss of revenue from post-season play on those who commit serious infractions and those who decline to cooperate with NCAA investigations. They believe that the availability – and utilization – of these penalties would get presidential and board-level attention at colleges. These persons further note that administrators, athletic directors and coaches who violate the rules often move on to other member institutions, and do not pay a significant price for violations that occur on their watch. Moreover, the institutions that hire individuals who have violated the rules pay no significant price for taking the risk of hiring past offenders.

Reference 67 - 0.25% Coverage

That said, virtually all stakeholders expressed the view that currently, nonscholastic 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 accountability or transparency about many of the sources and expenditures of those 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. Almost all elite basketball players participate in non-scholastic basketball. Thus, as noted above, many players and their families are accustomed to being paid before they attend college.

Reference 68 - 0.07% Coverage
Under the current system, Division I men’s basketball players are amateurs (student-athletes) and may receive a scholarship to matriculate and play basketball for their institution, but may not be paid for doing so.

Reference 69 - 0.16% Coverage

In the context described above, however, a player may be strongly tempted to break NCAA rules and enter into a relationship with an agent or attend a particular college in order to be paid. Similarly, coaches and other college representatives may be strongly tempted to pay players, family members and others who can influence players to attend particular schools. As illustrated by the recent charges brought by the U.S. Attorney’s Office, this possibility is not merely theoretical.

Reference 70 - 0.15% Coverage

Many of these incentives for third-party conduct are present not only when high school players enter college, but also when college players consider transferring to another institution. As noted above, roughly 40% of freshmen in Division I men’s basketball depart the institution they choose to attend by the end of their sophomore year. Third parties influence many of these transfers. The question of improper influence, accordingly, clearly extends to transfers.

Reference 71 - 0.29% Coverage

In sum, numerous players provide value to their schools and to third parties who may benefit from their success, and they and/or their families may receive offers of financial support for choices that they make. Some players and/or their families may be in challenging financial circumstances; others may become accustomed to receiving financial support and benefits even before attending a college or university. Studentathletes are currently restricted in their ability to earn income related to their status as student-athletes while matriculating. See, e.g., NCAA Division I Bylaw 12.1.2 (Amateur Status). Thus, players or their families may be offered and receive money the NCAA rules prohibit them from taking, and coaches and others associated with NCAA member institutions may be involved in those payments or themselves take payments to influence players in a variety of ways.

Reference 72 - 0.31% Coverage

The NCAA’s basic purpose is “to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body and, by so doing, retain a clear line of demarcation between intercollegiate athletics and professional sports.” NCAA Constitution 1.3.1 (Basic Purpose). Member institutions are responsible for controlling their intercollegiate athletics program “in compliance with the rules and regulations of” the NCAA. NCAA Constitution 2.1.1 (Responsibility for Control). “It is the responsibility of each member institution to establish and maintain an environment in which a student-athlete’s activities are conducted as an integral part of the student-athlete’s educational experience.” NCAA Constitution 2.2.1 (Overall Educational Experience). The Commission’s recommendations seek to support and further both the NCAA’s purpose and its members’ acceptance of responsibility for its achievement.

Reference 73 - 0.22% Coverage

In the Commission’s view, preventing young athletes capable of and preferring to play in the NBA from doing so, and pushing them into enrolling in college for a single year (or
less), is doing more harm than good for college basketball and college. The potential earning power of marquee college players who can win championships for their schools is an irresistible draw for third-party attention and money, most notably from athlete advisors. Their game-changing potential for a college team creates the strongest motivation for improper payments from third parties and violations of NCAA rules by school administrators, coaches and other persons associated with member institutions.

Reference 74 - 0.19% Coverage

Student-athletes, of course, are not the only ones subject to these financial temptations. The potential financial benefits that these players bring to a college can also corrupt the school’s academic program and standards; schools might offer special benefits to these athletes in violation of NCAA rules or dilute the education of all students. Finally, the matriculation of players virtually certain to attend school for a short time primarily to play Division I basketball is a public acknowledgement that certain student-athletes will not, as a practical matter, be college students.

Reference 75 - 0.20% Coverage

If the NBA and the NBPA were to adopt the “baseball rule,” we believe that the challenges created by the presence of one-and-done players would simply migrate to older future NBA players unhappy captive in their second and third collegiate years. Holding players with NBA opportunities hostage also feeds the narrative of collegiate player exploitation, putting pressure on the NCAA’s commitment to the collegiate model. Players with professional earning power should have the freedom to choose a professional path. The Commission believes that student-athletes should be encouraged but not forced to remain in college.

Reference 76 - 0.31% Coverage

The Commission also has concluded that the NCAA should retain one aspect of the current transfer rule, which provides that players who transfer must sit out a season before returning to college basketball competition. NCAA Division I Bylaw 14.5.1 (Residence Requirement – General Principle). Students who transfer face serious disadvantages in completing their degrees, and are less likely to do so. Despite this issue, over the last few years, hundreds of players transfer each year, and the trend is upward. Division I basketball players who transfer overwhelmingly do so in order to be in a better “basketball situation,” without regard for earning their degrees. Moreover, third parties influence many transfers for their own purposes, often without the best interests of the player in mind. Thus, the Commission recommends that the “residence requirement” of the transfer rule remain in place, whatever other changes are made in the NCAA’s transfer rules.

Reference 77 - 0.20% Coverage

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 the draft should be allowed to engage NCAA-certified agents and advisors just as high school baseball players may engage agents for advice about the draft. Cf. NCAA Division I Bylaw 12.3.1 (Exception – Baseball and Men’s Ice Hockey – Prior to Full-Time Collegiate Enrollment).
The Commission understands that contact with agents can lead to illicit payments and other rule violations. It thus recommends serious consequences for NCAA-certified agents who participate in violations of NCAA rules. For example, such agents should lose their NCAA certification and be barred from non-scholastic basketball events certified by the NCAA (see Section 3, infra). In addition, agents who the NCAA decertifies may not pass along representation of their student-athlete clients to other agents at the same agency. Such agents should also be reported to the NBPA. Finally, a student-athlete who enters into an agreement, or whose family members enter into an agreement, with a non-certified agent should lose his eligibility.

Reference 79 - 0.19% Coverage

The Commission recommends that the NCAA immediately establish a substantial fund and commit to paying for degree completion for student-athletes with athletic scholarships who leave college after progress of two years towards a degree. The NCAA must require Division I programs to establish a Degree Completion Program to support degree completion by student-athletes who compete and complete two years of college and then leave school, but later seek to return to college to finish their education. The NCAA and its member institutions must keep focused on the prize here – a college degree.

Reference 80 - 0.12% Coverage

As described above, the Commission starts from the premise that students who are athletes – not paid professionals – play college sports. It is worth noting that student-athletes choose the collegiate path, and we want to enhance their ability to decide whether to do so. But they are making a choice; if it is not the right choice and a professional path is more desirable, they should take it.

Reference 81 - 0.32% Coverage

Opponents of pay-for-play strongly believe that college basketball should remain a game played by student-athletes that has unique value and appeal. They also strongly resist the argument that student-athletes do not benefit from attending college and participating in intercollegiate basketball. Their counter is simple. Student-athletes in fact benefit enormously. They receive full scholarships up to the cost of attendance, see ES Section 1.D. Students with demonstrated financial need are also eligible for Pell grants of $5,800 annually. Student-athletes often receive benefits such as meals, special academic support, travel expenses, coaching, training and nutritional advice, career guidance and more, worth tens of thousands of dollars annually. Obviously, student-athletes who remain in school for four years receive four times this value, along with the increased earning power of a college degree, which is roughly $1 million over a lifetime. See ES Section 1.D.

Reference 82 - 0.28% Coverage

One aspect of this debate is particularly relevant to the Commission’s mandate. Paying modest salaries to Division I basketball players will not address the particular corruption the Commission confronts; nor will providing student-athletes a modest post-graduation trust fund based on licensing of names, images and likenesses. None of the contemplated payments would be sufficient to reduce the corrupt incentives of third parties who pay certain uniquely talented players in the hope of latching onto their professional futures, of coaches and boosters seeking to secure the success of their programs, or of colleges willing to undermine their education mission to ensure the eligibility of players. One would have to adopt a full-scale professional model to
forestell that corruption or, as the Commission recommends, try instead to revitalize the college model.

Reference 83 - 0.12% Coverage

The court stated that “[t]he difference between offering student-athletes education-related compensation and offering them cash sums untethered to educational expenses is not minor: it is a quantum leap. Once that line is crossed, we see no basis for returning to a rule of amateurism and no defined stopping point.” O’Bannon v. NCAA, 802 F.3d 1049, 1078 (9th Cir. 2015) (emphasis added).

Reference 84 - 0.29% Coverage

In sum, the Commission recognizes that the money generated by Division I basketball makes its task extremely difficult. Nonetheless, the Commission recommends changes intended to expand the professional opportunities of high school athletes who do not wish to attend college, to blunt the incentives to corrupt major college sports, to increase the likelihood that colleges, coaches and administrators participating in corruption will be punished, and to help student-athletes receive the college education they are promised. To meet the latter obligation, the NCAA must establish a substantial fund to assist its member institutions in fulfilling their commitment to student-athletes and mandate that its members establish degree completion programs. This recommendation will be expensive; but in today’s world, it is necessary to provide meaning to the phrase student-athlete.

Reference 85 - 0.35% Coverage

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 was occurring in their programs. A significant institutional overhaul is required.

Reference 86 - 0.44% Coverage

The NCAA Bylaws require member institutions, their staff and student-athletes to cooperate in NCAA investigations. See, e.g., NCAA Division I Bylaw 19.2.3 (Responsibility to Cooperate). A failure to cooperate is one factor the NCAA can consider in assessing penalties. NCAA Division I Bylaw 19.9.2 (Factors Affecting Penalties). This regime has proved insufficient. The NCAA also must adopt rules that require member institutions and their personnel to cooperate with NCAA investigations, with a failure to respond to investigators’ requests promptly bearing significant consequences, including loss of post-season eligibility and revenues. Specifically, to participate in Division I basketball, member institutions and their presidents, administrators, and coaches must agree to cooperate with NCAA investigations, including by providing documents and testimony where sought by NCAA investigators. In addition, while the NCAA does not have
subpoena power, it can adopt rules requiring as a condition of membership, that member institutions enter into contractual agreements to cooperate in investigations and that member institutions contractually impose the same requirement of cooperation on presidents, administrators and coaches. NCAA rules should specifically protect whistleblowers who report and provide evidence of violations.

Reference 87 - 0.12% Coverage

Third, the Commission recommends that member institutions that employ a coach, athletic director or other administrator under a show cause order for a previous violation of NCAA rules must receive enhanced penalties if that individual’s program reoffends. Institutions that hire an individual under a show cause order must be aware that they are taking a significant risk.

Reference 88 - 0.20% Coverage

Fourth, the Commission recommends that the NCAA highlight the availability of a five-year ban from the NCAA tournament and the loss of all revenues from the tournament for that same period for member institutions’ programs found to have engaged in systematic, severe and repeated violations of NCAA rules. The Commission acknowledges that imposing this penalty will result in significant punishment of innocent members of the college community and beyond, and that it must be limited to the extreme circumstances. Nonetheless, the NCAA should use this punishment where necessary to address sufficiently grave patterns of misconduct.

Reference 89 - 0.07% Coverage

The NCAA must require member institutions’ contracts with these individuals to include agreement to be subject to NCAA enforcement investigations and infractions decisions and discipline, up to and including discharge.

Reference 90 - 0.10% Coverage
certify annually that they have conducted due diligence and that their athletic programs comply with NCAA rules. The NCAA rules should provide for significant penalties for those individuals if they knew or should have known of violations and did not address them, up to and including termination.

Reference 91 - 0.36% Coverage

In terms of substantive rules changes, the NCAA’s jurisdiction with respect to academic issues must be clarified, stated in amended rules and communicated to member institutions. The rules must be amended to allow the NCAA to address all academic fraud and cheating to the extent it is used to corrupt athletic eligibility. Member institutions should not be able to shield academic fraud to ensure athletic eligibility by extending that fraud to the entire student body. In addition, the NCAA’s imposition of discipline for academic fraud and misconduct has been inconsistent and untimely. The relationship between punishment and the school’s involvement, including its self-reporting, is unclear. Member institutions do not fulfill their commitment to student-athletes when they allow them to maintain eligibility through academic fraud or misconduct. The NCAA must also amend its rules to clarify the standard for academic fraud and misconduct and to establish consistent punishments for the violations of these rules. Going forward, the NCAA must apply a revised standard consistently across member institutions.

Reference 92 - 0.34% Coverage
Finally, in connection with its certification of agents who may engage in sanctioned on-campus meetings with high school and college students, the NCAA must enact rules to ensure that agents who participate in rules violations are punished. As noted above, agents who participate in violations of NCAA rules must lose their certification and be banned from NCAA-certified non-scholastic basketball events. Decertified agents may not pass along their student-athlete clients to others in their agencies. In addition, the Commission recommends that the NCAA report any agents’ participation in NCAA rule violations to the NBPA. The Commission believes that the NBPA would be willing to punish and potentially decertify agents who participate in violations of NCAA rules. Indeed, the NBPA is currently focused on improving the quality and ethics of the agents it certifies. The NBPA has a large stick and its efforts in increasing the standards for certification and in regulating agents will be invaluable to the NCAA’s efforts to limit the influence of corrupt agents.

Reference 93 - 0.28% Coverage

Putting to one side agents paying large sums of money to players, the Commission heard comments that collegiate players or their families may receive from agents a meal or minor travel expenses or some other small benefit that those with limited financial means are strongly tempted to accept. The Commission concludes that the NCAA and its member institutions must enhance the resources of Student Assistance Funds and educate student-athletes about the benefits that it can provide to address the legitimate school-related needs of student-athletes. NCAA Division I Bylaws 15.01.6.1, 16.11.1.8 (Student Assistance Fund). Specifically, the Commission believes that the Fund should be increased and used for additional purposes, such as providing Division I schools with the resources to assist parents and families to travel to student-athletes’ games, subject to means testing.

Reference 94 - 0.30% Coverage

The Commission further recommends that the NCAA enforce existing requirements and impose additional prerequisites for certification of non-scholastic basketball events. Current NCAA rules require as a condition of certification that nonscholastic basketball events contain an educational component. That requirement is not effectively administered and enforced – a missed opportunity. Moreover, the NCAA should enforce limits on the paid travel and other benefits associated with the events, and require commercially standard charges for admission (where allowed) and programs (rather than allowing individualized expensive arrangements for college coaches). Further, the certification should specifically state that NCAA enforcement personnel have unfettered access to any event, including physical access to the venue and the ability to inspect all financial documentation associated with the event.

Reference 95 - 0.15% Coverage

The Commission notes that during its meetings with representatives of several apparel companies with high profiles in professional and college basketball, all expressed a commitment to a culture of compliance at their companies. This commitment included respect for and adherence to NCAA rules and a willingness to be transparent about their relationships with college coaches and professional agents and about their expenditures in non-scholastic basketball.

Reference 96 - 0.25% Coverage

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 in light of the recent indictments in the Southern District of New York. Indeed, the Commission looks forward to statements but more importantly actions by these public companies that demonstrate their commitment to integrity and accountability in this space.

Reference 97 - 0.09% Coverage

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.

Reference 98 - 0.06% Coverage

Finally, the Committee recommends that participation in NCAA summer events be limited to students making appropriate academic progress towards initial college eligibility.

Reference 99 - 0.27% Coverage

In conclusion, the Commission received extensive commentary about the corruption prevalent in youth basketball organized outside the high school academic setting. We believe that the only way to mitigate the influence of third parties (who may not be working in the best interest of young, talented players) is to introduce financial transparency and accountability to all such entities, establish NCAA youth development programs and provide regulated access to expert player evaluation for students and their families. Individually, none of these reforms is sufficient, but taken together the Commission hopes they will improve the corrosive culture of youth basketball. Protecting, educating and developing youthful players – from the time they first enter high school – is likely to be among the most challenging and important tasks ahead.

Reference 100 - 0.15% Coverage

Most call for substantial NCAA action. Some are simple in concept, but not in execution — such as creating independent investigative and adjudicative systems. Others should be easy to execute — specific changes in the available punishments under Article 19 and in the recruiting rules. Some do not require rules changes, but instead the devotion of financial and administrative resource to planning, for example, the creation of NCAA non-scholastic basketball camps.

Reference 101 - 0.10% Coverage

The Commission is committed to completing the task that its recommendations will start. It must have a chance to review the responsive draft legislation and action plan, to provide its viewpoint and, hopefully, its affirmation of the NCAA’s plan to help ensure the success of this important effort to renew college basketball.

Reference 1 - 0.73% Coverage

Three-quarters of elite players indicated that the rules regarding “testing the waters” while
remaining eligible are clear to them, as compared to 59% of non-elite players.

We have seen big scandals before, and as long as we maintain the current corrupt system and rules, we will be here again.

Why do you suppose we don’t see such scandals in Division II or Division III sports? Money. In Divisions II and III, the salaries, revenues and expenditures are in line with the stated missions of the institutions.

Arizona officials have denied multiple open records requests from ESPN for any subpoenas the university received from the federal government for information and grand jury testimony related to the investigation. They repeatedly cited "the balancing test established by the Arizona courts to protect the best interests of the state."

It’s not yet clear how the NCAA will react toward any schools

change that took effect immediately was allowing people investigating NCAA cases to accept information established by another administrative body, including a court of law, government agency, accrediting body or a commission authorized by a school. For example, the NCAA could accept evidence and findings from the federal government’s investigation and punish those found guilty of wrongdoing -- without conducting its own investigation.

With two of the NCAA’s highest-ranking committees committing to take swift action to correct issues facing college basketball, NCAA leaders called upon their members Thursday to own the challenges facing them and to set college sports on a path guided by its long-held values.

In a packed room at the Indiana Convention Center, NCAA Board of Governors Chair G.P. “Bud” Peterson and NCAA President Mark Emmert challenged members gathered for the 2018 NCAA Convention to act consistently with their commitments to academics, fairness and student-athlete well-being and use them to clean up the problems undermining the foundation of college sports.

to create new opportunities to express the Association’s values, and to establish college sports as
a leader in the day’s most pressing issues.

Reference 4 - 1.54% Coverage

But as Emmert agreed with the vision Jones displayed, he also stressed that the work points back to the values upon which college sports is built and illustrates the positive outcomes that result from making decisions based on those values.

Files\NCAA2 - Joint Statement on Commission on College Basketball - § 5 references coded [ 8.12% Coverage]

Reference 1 - 0.91% Coverage

Dr. Rice and the members of the commission were clear. The collegiate model should be strengthened and preserved.

Reference 2 - 1.56% Coverage

The Board of Governors will begin to implement Association-wide actions and Division I members now will begin the task of applying the recommendations to Division I rules, policy and structure.

Reference 3 - 1.23% Coverage

Section 2: Establish Professional Neutral Investigation and Adjudication of Serious Infractions and Hold Institutions and Individuals Accountable

Reference 4 - 3.34% Coverage

Enact and Impose Core Punishments with Significant Deterrent Effect. Core penalties should be increased to allow 1) 5-yr 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.

Reference 5 - 1.08% Coverage

Require coaches, athletic directors and college presidents to certify annually that their athletic programs comply with NCAA rules.

Files\NCAA3 - NCAA Provides Reinstatement Decision for Kansas’ Silvio De Sousa - § 4 references coded [ 27.95% Coverage]

Reference 1 - 5.60% Coverage

University of Kansas men’s basketball student-athlete Silvio De Sousa must sit out the remainder of the 2018-19 season and the 2019-20 season because his guardian received payment from a university booster and agent and agreed to receive additional funds from the same person.

Reference 2 - 6.18% Coverage

According to the facts provided for purposes of the reinstatement request, De Sousa’s guardian received payment of $2,500 from an agent and booster of the school. He agreed to accept additional payment of $20,000 from the same individual and an Adidas employee for securing De Sousa’s enrollment at Kansas.

Reference 3 - 7.26% Coverage
According to the guidelines adopted by the NCAA Division I membership, when a prospective student-athlete allows a third party to involve himself in the recruitment process, the prospective student-athlete is then responsible for the actions of that person, regardless of whether the prospective student-athlete had knowledge or if benefits were received.

Reference 4 - 8.91% Coverage

When a school discovers an NCAA rules violation has occurred, it must declare the student-athlete ineligible and may request the student-athlete’s eligibility be reinstated. The NCAA staff reviews each student-athlete reinstatement request individually based on its own specific facts. This decision may be appealed to the Division I Student-Athlete Reinstatement Committee, which is comprised of representatives from NCAA schools.

Files\NCAA4 - NCAA Statement from Mark Emmert on Federal Investigation - § 5 references coded [ 17.73% Coverage]

Reference 1 - 4.12% Coverage

"The nature of the charges brought by the federal government are deeply disturbing we have no tolerance whatsoever for this alleged behavior.

Reference 2 - 2.89% Coverage

Coaches hold a unique position of trust with student-athletes and their families

Reference 3 - 4.06% Coverage

suggest an extraordinary and despicable breach of that trust

Reference 4 - 3.06% Coverage

and of course will support the ongoing criminal federal investigation.

Files\NCAA5 - NCAA to Help Certify June Basketball Events - § 4 references coded [ 9.37% Coverage]

Reference 1 - 2.15% Coverage

“The support of the NCAA for the criteria has underscored the importance of maintaining an education-based focus on event formats and in the selection of host sites. We appreciate the positive collaboration that we have shared with the NCAA and look forward to the implementation of successful June events.”

Reference 2 - 2.86% Coverage

The NCAA criteria address fundamental requirements for applicants to meet before they can be certified to host an event. Among the requirements, schools and coaches must be in good standing with the host high school association and the host coaches associations, events must ensure their staffs and coaches pass background checks, and players must be currently eligible to compete for their high school teams.

Reference 3 - 2.54% Coverage

The criteria also require host applicants to be members of the National High School Basketball Coaches Association or, where there is no state high school basketball coaches association,
members of the recognized state high school coaches association. Non-NFHS high school associations also may apply to host events, provided they meet certain requirements.

Reference 4 - 1.82% Coverage

High schools participating in the June events also are required to have existed for a full academic year, be governed by a high school association that has been in existence for a full academic year, and have an appropriate status with the NCAA Eligibility Center.

Reference 2 - 1.90% Coverage

Add fresh perspective and independent judgment to NCAA decision-making at the highest level of policymaking and in investigations and case resolution.

Reference 1 - 2.57% Coverage

Strengthen accountability and deter future rule-breaking with harsher penalties for those who break the rules.

Reference 1 - 1.08% Coverage

Individuals who break the trust on which college sports is based have no place here.

Reference 2 - 2.32% Coverage

Agents or advisors, with an emphasis on how students and their families can get legitimate advice without being taken advantage of, defrauded or risking their NCAA eligibility.

Reference 3 - 3.64% Coverage

I believe we can — and we must — find a way to protect the integrity of college sports by addressing both sides of the coin: fairness and opportunity for college athletes, coupled with the enforcement capability to hold accountable those who undermine the standards of our community.

Reference 1 - 2.18% Coverage

Other N.C.A.A. practices are in need of reform, like the “one-and-done” phenomenon, in which high school stars play at universities for just a year before moving on to professional careers.

Reference 2 - 4.27% Coverage

This situation arose after the National Basketball Association and its players’ union agreed to bar players before they have turned 19 or until a year after high school graduation. Previously, high school players could sign on and earn full professional salaries — safe from the no-income college rules and fictions that invite the sort of abuses laid bare in the complaints.

Reference 3 - 3.33% Coverage

College basketball programs unscrupulously compete for top players to earn more from the
immense pot of profit from television. The complaints cast a spotlight on that greed and hypocrisy, which is infesting what is supposed to be, but hasn’t been for some time, an innocent and amateur sport.

Files\NYT3 - Amid Scandal, N.C.A.A. Forms Commission to Reform Men’s Basketball - § 1

Reference 1 - 1.17% Coverage

But he drew the line at changes to the amateur model, which prevents colleges from compensating athletes beyond scholarships and related costs.

Files\NYT4 - N.C.A.A. Panel Proposes Reforms, Including End to ‘One and Done’ - § 6

Reference 1 - 1.17% Coverage

But while the proposed changes would alter the texture of the sport, they stopped well short of challenging the longtime requirement that the college athletes remain amateurs, uncompensated beyond a scholarship and a stipend for their talents and efforts.

Reference 2 - 2.07% Coverage

Eliminating one-and-done would produce a noticeable difference in how the sport has operated for more than a decade. The most talented players play only their freshman season, attend college for less than a year and mainly congregate at a few programs, notably Kentucky and Duke. The commission said that if the N.B.A. and its players’ union did not change the rule, it would reconvene to consider unilateral alternatives such as freshman ineligibility.

Reference 3 - 1.66% Coverage

And yet throughout the report the commission performed a delicate dance — acknowledging that the very corruption it sought to eliminate arose in part because players generate substantial sums for high school teams, agents, money managers, college teams, coaches and shoe companies but can’t take money beyond a scholarship and related costs of attending school.

Reference 4 - 0.61% Coverage

In fact, many of the commissioners endorsed providing athletes with a cut of the revenue they helped generate, according to Ms. Rice.

Reference 5 - 1.55% Coverage

She said the commission declined to address this topic because of pending litigation. Plaintiffs in the so-called Jenkins case want a federal court to strike down the N.C.A.A. ban on player compensation on antitrust grounds.

A lawyer representing the Jenkins plaintiffs, Jeffrey Kessler, said that his case concerned a different nuance.

Reference 6 - 1.18% Coverage

Gabe Feldman, director of Tulane’s sports law program, said allowing contact with agents was provocative. “That was completely taboo for a very, very long time,” he said, adding that any major changes to N.C.A.A. rules would take time. “It’s a big ship to move.”

Files\NYT5 - N.C.A.A. Alters Rules for Agents and Draft in Wake of Basketball Corruption
Scandal - § 3 references coded [4.78% Coverage]
Reference 1 - 1.01% Coverage
But the governing body stopped short of making the more fundamental changes to the amateur model that some have long sought.
Reference 2 - 2.50% Coverage
The federal investigation has brought attention to open secrets in men’s college basketball, including the involvement of agents and the power the gigantic apparel companies exert over the system by showering many millions of dollars every year on both college teams and precollege grass-roots leagues.
Reference 3 - 1.26% Coverage
The accusations also raised anew the question of whether to allow some athletes to collect compensation beyond a scholarship and an educational stipend.

Files\Reforms1 - Flexibility for Going Pro and Getting a Degree - § 5 references coded [6.80% Coverage]
Reference 1 - 1.32% Coverage
College basketball players can be represented by an agent beginning after any basketball season if they request an evaluation from the NBA Undergraduate Advisory Committee.
Reference 2 - 0.81% Coverage
Agents can pay for meals and transportation for players and their families if the expenses are related to the
Reference 3 - 0.79% Coverage
Also, the student cannot miss class, and the money must be spent where the student lives or attends school
Reference 4 - 1.92% Coverage
All agreements between agents and high school or college student-athletes must be:
In writing. Terminated when the student enrolls in or returns to college. Disclosed to the NCAA (for high school students) or the school (for students already in college).
Reference 5 - 1.96% Coverage
College basketball players who request an Undergraduate Advisory Committee evaluation, participate in the NBA combine and aren’t drafted can return to school as long as they notify their athletics director of their intent by 5 p.m. the Monday after the draft.

Files\Reforms2 - Minimizing Harmful Outside Influences - § 1 reference coded [6.46% Coverage]
Reference 1 - 6.46% Coverage
Basketball-related events for high school students will be subject to more rigorous certification requirements to ensure transparency in operations and finances. This will address issues of corruption and help support student-athletes as they make decisions about their future. The certification criteria will be overseen by the NCAA Division I Men’s Basketball Oversight
Changes to the investigations and infractions process create independent groups to prevent conflicts of interest. Cases deemed complex will be eligible for this independent process. Examples of complex cases include alleged violations of core NCAA values, such as prioritizing academics and the well-being of studentathletes; the possibility of major penalties; or adversarial behavior. Multiple parties will be able to request a case be deemed complex: school representatives, NCAA Division I Committee on Infractions members or NCAA enforcement staff.

When a school, the NCAA Division I Committee on Infractions or NCAA enforcement staff requests a case enter the new independent process, this committee reviews and makes decisions on those requests. The committee’s five members will include one Independent Resolution Panel member (see below), one Division I Committee on Infractions member, one Division I Infractions Appeals Committee member, the Division I Council chair and the NCAA vice president of enforcement.

This group will review the findings from the Complex Case Unit and the school’s response to those findings, and then oversee the case hearing and decide penalties. The panel will consist of 15 members with legal, higher education and/or sports backgrounds who are not affiliated with NCAA member schools or conferences. Each case will be handled by a panel of five of the 15 members.

The chair of the Division I Committee on Infractions or the Independent College Sports Adjudication Panel can impose immediate penalties when schools or individuals do not cooperate (including loss of revenue or postseason opportunities). These bodies can consider lack of cooperation as admission of a violation.

People charged with investigating and resolving NCAA cases can accept information established by another administrative body, including a court of law, government agency, accrediting body or a commission authorized by a school. This will save time and resources previously used to confirm information already adjudicated by another group.

When schools and NCAA staff agree on the facts of a case, they can work together on a resolution, including appropriate penalties, if any. This change will reduce legal fees and minimize drawn-out adversarial situations. Agreed-upon resolutions are subject to approval by
the NCAA Division I Committee on Infractions.

Files\Reforms5 - Stronger Accountability, Penalties - § 2 references coded [16.02% Coverage]

Reference 1 - 4.59% Coverage

To deter future violations, presidents, coaches and staff have stronger, clearer accountability expectations and face increased penalties if they break the rules.

Reference 2 - 11.43% Coverage

Those who break the rules face stronger penalties, including longer postseason bans (up to five years), longer head coach suspensions (could extend beyond one season), longer employment limitations for coaches and staff who violate rules (potential for lifetime show-cause orders), increased recruiting restrictions and the loss of all revenue associated with the Division I NCAA Men’s Basketball Championship.

Files\Reforms6 - Adding Public Voices - § 1 reference coded [21.12% Coverage]

Reference 1 - 21.12% Coverage

Pending adoption at the NCAA Convention in January, five independent members will be added to the NCAA Board of Governors, which is responsible for oversight of the entire Association. Each member will be nominated by the Board of Governors Executive Committee, approved by the full board and serve a three-year term, which can be renewed once. The terms of the independent board members are longer than those served by school representatives. One member, voted on annually by all the independent members, will serve as a lead independent member and can serve in that role for no more than three years.

Files\SI2 - NCAA Announces Undrafted Players May Return To School, Relaxed Agent Rules - § 2 references coded [2.51% Coverage]

Reference 1 - 1.53% Coverage

The NCAA clarified that this rule would only apply after the NBA and NBPA begin allowing players to be drafted out of high school, meaning 2021 at the earliest.

Reference 2 - 0.98% Coverage

The new policies were put in place to prevent further corruption and dissuade future rule-breakers.

Files\SI3 - A Bust, and No Boom - One Year After the College Hoops Scandal Broke, What’s Truly Changed-- - § 3 references coded [7.21% Coverage]

Reference 1 - 2.12% Coverage

But those eligible for this benefit are limited to 1) incoming freshmen who have been designated “elite senior prospects” by USA Basketball and 2) underclassmen who declare for the draft and get invited to the NBA’s combine but are not selected, which rarely happens.

Reference 2 - 2.34% Coverage

In the process, the NCAA excluded those not ticketed for the NBA but who want to gauge pro opportunities overseas, as well as those not part of USA Basketball—a body reportedly rankled by not having been consulted in the NCAA’s decision to bestow on it the power to determine
who is agent-eligible.

Still unaddressed are the core economic realities and motivations fueling the black market, so simple any student-athlete being compensated with Economics 101 credits could explain it: The players have a value to schools, coaches, boosters, communities and shoe companies that is drastically out of line with what they can receive in return.

It is important not to lose sight of this scene’s root cause: the NCAA’s rules. Which is why, regardless of Kaplan’s instructions to the jury, this case was indeed about the NCAA rulebook all along.

Blaming rules for rule-breaking is often seen as a bad-faith tactic for absolving blame, and understandably so. But in this case it is the rules themselves that have been made in bad faith. These players, as has been argued by an increasing number of voices and as was thoroughly demonstrated in this trial, have a value far exceeding this slice.

The coaches are paid in part on the basis of being able to attract these players; the apparel companies are partly inspired to enter contracts with the schools in order to be associated with these players—tautological as that may sound. Yet the NCAA’s rules force the market for these players’ services into the shadows—the place where the defendants and their ilk operate.

These denials may set the stage for the defense’s case in appeals court, where it could find more sympathetic ears. But in the meantime three men face potential prison time because they included players and their families into the mutually beneficial financial relationship enjoyed by the schools and companies that relies on said players’ talents—and the body in charge of the sport decided it cannot stand as much, elevating what otherwise seems like natural market forces into something the government could convince a jury is a federal crime.

In their minds this trial, which was ostensibly not about NCAA rules, had sufficiently proven the defendants’ guilt. To those not bound by the confines of a judge’s instructions and a trial’s scope, a truer blame lay elsewhere, in the very rules whose violation were this crime’s original sin—and constitute the NCAA’s too.
The second broad recommendation is for the NCAA, conferences and/or institutions to develop standards to emphasize coaches’ responsibilities as educators.

A few coaches’ associations have implemented successful programs for coaches to achieve various levels of coaching licenses but the associations for men’s basketball and football have not. It is telling, we think, that the only competency or training requirement for any NCAA Division I coach is passing an open-book NCAA recruiting rules test. Some institutions and conferences are doing more in this area than others, but college sports would be helped with incentives or requirements that place a greater emphasis on coaches’ roles as educators.

As a matter of guiding principle, independent directors should ultimately comprise majorities of both boards.

Concerning basketball, USA Basketball currently provides a coaching certification program for youth basketball coaches. Coaches of youth teams playing in NCAA-certified basketball events for recruiting purposes are required to have a USA Basketball coaching license, which requires a background check and completion of a “SafeSport” course. More than 23,000 youth basketball coaches were certified by USA Basketball last year and 19,000 of those certifications were connected to coaches who completed the certification to have their teams play in NCAA-certified events. While USA Basketball has a similar requirement for the 10 or so college coaches annually who coach their national teams, the NCAA does not require any minimal standard for coaches of NCAA basketball teams.

The four assistant coaches arrested aren’t victims, for sure, because they surely knew what they were doing was against rules, if not laws. But they are part of a machine that is powered by the basic structure of college sports. When a system has billions of dollars flowing into it — and the NCAA’s contract with CBS and Turner Sports for the NCAA tournament alone is worth $8.8 billion through 2032 — and yet has a major part of the workforce that is unpaid, well, then, how is this not the end result?

Six years ago, Michael Beasley laid out much of how this works. The Prince George’s County kid was one of the most heralded recruits in the country back in 2006. He played one year at Kansas State (yep, nothing strange going on there) and then became the second pick in the NBA draft.
Either way, given the current structure of college sports, we’re only minutes away from the next violation — whether it’s exposed or not. There is drama on Tuesday, for sure, and the more details we learn, the more damning it will feel to those individual coaches, to those individual programs. And yet, we know — despite the inevitable upcoming denials from all sorts of sources — it’s not just them.

Files\WP2 - College basketball commission calls for rules changes, but sticks with amateurism - § 3 references coded [ 2.75% Coverage]

Reference 1 - 0.36% Coverage

But the panel consistently rejected remedies that would “professionalize” the sport.

Reference 2 - 1.59% Coverage

But he was disappointed that the report didn’t tackle college basketball’s commercialization head on. College basketball is a multibillion dollar industry in which coaches and schools make millions from shoe companies, Bilas noted, but paying players — or providing them anything more than a cost-of-living stipend and chance at an education — is cast by the report as “morally wrong.”

Reference 3 - 0.80% Coverage

While Emmert and the NCAA lauded the commission’s work, the National College Players Association — a nonprofit that represents the interests of college athletes — panned the results as a failure

Files\WP3 - Breaking down the NCAA basketball report - The key word is ‘recommendations’ - § 5 references coded [ 9.74% Coverage]

Reference 1 - 0.98% Coverage

Can the NCAA do that? No. That’s up to the NBA and its players’ union, which require that players be at least 19 years old or at least one year removed from the graduation of their high school class before entering the draft.

Reference 2 - 2.28% Coverage

Can the NCAA do that? Yes, with some help. The idea behind this recommendation is that high school and college players seeking professional advice — including whether to declare for the draft — often do so illicitly because NCAA rules don’t allow players to openly speak with paid advisers. Rice’s commission recommended the NCAA appoint a vice president-level executive to develop standards for certifying agents, and to administer a program that enforces rules for contact between agents and players.

Reference 3 - 2.41% Coverage

Can the NCAA do that? Yes, but it will take big changes. The commission concluded that “the NCAA’s investigative and enforcement powers are inadequate to effectively investigate and address serious violations of NCAA rules in consequential situations” and called for “a complete overhaul” of how infractions are handled. It recommended the creation of independent bodies to investigate and impose punishment on member schools to commit violations, and that penalties be given for schools that do not cooperate with investigator.

Reference 4 - 2.76% Coverage
Can the NCAA do that? Definitely not on its own. The commission made three recommendations meant to clean up college recruiting: certifying non-scholastic basketball events attended by coaches of its member schools (for example, summer AAU tournaments); calling for increased financial transparency from the apparel companies, who in addition to sponsoring AAU tournaments and teams and have extensive relationships with colleges and individual coaches; and finally, suggesting the NCAA administer its own youth basketball programs and recruiting events, with support from the NBA and USA Basketball.

Reference 5 - 1.30% Coverage

Can the NCAA do that? Yes, since coaches are employees of member schools. The commission recommended a few things here, including allowing coaches to attend two weeks of scholastic-sponsored events in June and three weekends of NCAA-sponsored events (once they’re established) in July.

Files\WP4 - Whites oppose — and blacks support — paying NCAA athletes, especially when they’re thinking about race - § 3 references coded [ 5.79% Coverage]

Reference 1 - 1.65% Coverage

Conspicuously absent, however, was any suggestion that college athletes should be paid a salary. As former secretary of state and commission chair Condoleezza Rice explained, “Our focus has been to strengthen the collegiate model — not to move toward one that brings aspects of professionalism into the game.”

Reference 2 - 1.86% Coverage

That infuriated more people than Kylia Carter. “Pay for play,” as it’s called, is championed by an increasingly vocal group of journalists, broadcasters, economists, former players and their families. They argue that because the NCAA brings in billions of dollars in annual revenue from college athletics, college athletes should receive a share.

Reference 3 - 2.29% Coverage

The NCAA has refused, claiming that “pay for play” will lead college sports fans to stay home and tune out. NCAA President Mark Emmert argues that “one of the biggest reasons fans like college sports is that they believe the athletes are really students who play for a love of the sport. … To convert college sports into professional sports would [lead to a product that is not] successful either for fan support or for the fan experience.”

Files\WP5 - College sports programs aren’t victims of fraud. They’re participants - § 4 references coded [ 11.28% Coverage]

Reference 1 - 2.91% Coverage

If federal prosecutors really want to clean up the muck in college basketball, then they should do it right and bring a racketeering case against a major university. One that sweeps up the entire operation: the big-donor trustee, the head coach, the athletic director, the college president and any others who are complicit in a corrupt enterprise. But if the feds don’t care to target those white collars for their fraudulent behavior, then they shouldn’t be bringing cases at all.

Reference 2 - 3.45% Coverage

That kind of prosecution would have real impact. Think about it: The next time a high-dollar donor uses his influence to hijack a university and run it like a mafia town, when cash is
laundryfunneled to blue-chip recruits in order to grab at prestige and a bigger share of $1 billion in NCAA tournament revenue, slap a RICO case on him. And on the chancellor and coach who tolerate academic frauds, and the athletic director who makes the backscratching, multimillion-dollar financial deal with a sneaker company. That would fix the NCAA with one fell swoop of indictments.

Reference 3 - 2.05% Coverage
What Gassnola is describing is a conspiracy. A racket. And let’s be perfectly clear on who the real victims and perpetrators of it are. The real victims are not school officials who lunged at huge financial arrangements with shoe companies and boosters, then tried to isolate themselves from shady dealings with implausible deniability.

Reference 4 - 2.87% Coverage
The cases that the Southern District should be bringing, if any, are RICO cases against universities. In RICO language, athletic departments, shoe companies and high-dollar donors have had an “association in fact.” They have operated as loosely joined enterprises, engaged in a common purpose with an underlying pattern of fraud.

If prosecutors want to call recruiting schemes criminal, then roll up the whole networks. Go after the Five Families of college athletics.

Emotional Appeal

Files\CCB2 - Commission Remarks (As Prepared) by Dr. Condoleezza Rice - § 7 references coded [ 4.43% Coverage]

Reference 1 - 0.25% Coverage
The crisis in college basketball is first and foremost a problem of failed accountability and lax responsibility.

Reference 2 - 0.41% Coverage
The Commission found that talking to the stakeholders was, at times, like watching a circular firing squad – the problem, the issue, and ultimately the fault was always that of someone else.

Reference 3 - 0.58% Coverage
It is time for coaches, athletic directors, University Presidents, Boards of Trustees, the NCAA leadership and staff, apparel companies, agents, pre-collegiate coaches – and yes – parents and athletes -- to accept their culpability in getting us to where we are today.

Reference 4 - 1.47% Coverage
That said, most Commissioners believe that the rules on name, image, and likeness should be taken up as soon as the legal framework is established. It is hard for the public, and frankly for me, to understand what can be allowed within the college model – for the life of me I don’t understand the difference between Olympic payments and participation in Dancing with the Stars – and what can’t be allowed without opening the door to professionalizing college basketball. Personally, I hope that there will be more room in the college model today for this kind of benefit to students without endangering the college model itself. And let me just say that I hope Arike wins Dancing with the Stars.
That development would include not only basketball, but also academic and life skills, health and collegiate eligibility. One centerpiece of this program would be NCAA-administered regional non-scholastic basketball events in July that would be the only ones that NCAA coaches attend in that crucial recruiting month.

When we assembled as a Commission, we knew our work would not be easy. But we also knew this work was too important not to get it right. The problems facing college basketball can’t and won’t be solved overnight. But future generations of student-athletes are counting on us all.

On behalf of the Commission, let us all remember why we became educators. Let us all remember why we became coaches and administrators. And let us never forget our duty to the students we are here to serve.

The commissioners want to be very clear: There is much to admire about college basketball even with its significant challenges. The commitment and hard work of student-athletes is seen on basketball courts across the country.

At tournament time, underdogs rise up, defeat favorites, and become national darlings. The skill and determination of these young student-athletes reminds all of us what it means to work hard, prepare and perform under pressure.

We experience deeply their triumphs and their failures. College communities – including students, faculty, staff and alumni – are bound together in pride and excitement as they support, cheer – live and die – with their teams.

We know too that many young men who would otherwise have little chance of attending college are able to take advantage of their talents to achieve something of great value in our society and economy – a college degree.

The scholarships themselves are valuable, as students who finance their own education will attest; the in-kind benefits are worth tens of thousands of dollars more.

The lifetime financial benefit of a baccalaureate degree can approach $1 million, and can change the recipient’s family for generations. See Section 1.D.

Erroneously entering the NBA draft is not the kind
of misjudgment that should deprive student-athletes of the valuable opportunity to enter college or to continue in college while playing basketball. While this rule change may inconvenience coaches seeking to set their rosters for the following season, we conclude that the student-athletes’ interest should govern here.

Reference 8 - 0.09% Coverage

In sum, student-athletes should have more information about their professional prospects and more flexibility to test those prospects and return to school. This change and other related changes should make it easier for them to do so without losing their collegiate eligibility.

Reference 9 - 0.07% Coverage

The Commission heard from many commenters who identified both the NCAA’s enforcement process and the substance of the NCAA’s rules as inadequate to deal with the challenges presented by Division I men’s basketball.

Reference 10 - 0.29% Coverage

In sum, numerous players provide value to their schools and to third parties who may benefit from their success, and they and/or their families may receive offers of financial support for choices that they make. Some players and/or their families may be in challenging financial circumstances; others may become accustomed to receiving financial support and benefits even before attending a college or university. Studentathletes are currently restricted in their ability to earn income related to their status as student-athletes while matriculating. See, e.g., NCAA Division I Bylaw 12.1.2 (Amateur Status). Thus, players or their families may be offered and receive money the NCAA rules prohibit them from taking, and coaches and others associated with NCAA member institutions may be involved in those payments or themselves take payments to influence players in a variety of ways.

Reference 11 - 0.33% Coverage

Current NCAA rules forbid players, their families and their associates to enter into written or oral agreements with, or to receive benefits from, individuals whom NCAA rules define as “agents”24

Yet, virtually all agents with whom the Commission met or their employees. However, the Commission was advised that agents court elite players from an early age, and that many such players are paid, either directly or indirectly.25 advised the Commission not to allow high school or collegiate athletes to enter into agreements with agents in advance of their professional careers. They generally thought that this would simply increase the influence of corrupt agents at an even earlier age. Instead, agents recommended creating opportunities for “good” agents to talk with high school and collegiate players and make their cases so that players would have all available options before they enter the professional market. The Commission intends NCAA-certification to provide these opportunities for “good” agents.

Reference 12 - 0.30% Coverage

The Commission further recommends that the NCAA enforce existing requirements and impose additional prerequisites for certification of non-scholastic basketball events. Current NCAA rules require as a condition of certification that nonscholastic basketball
events contain an educational component. That requirement is not effectively administered and enforced – a missed opportunity. Moreover, the NCAA should enforce limits on the paid travel and other benefits associated with the events, and require commercially standard charges for admission (where allowed) and programs (rather than allowing individualized expensive arrangements for college coaches). Further, the certification should specifically state that NCAA enforcement personnel have unfettered access to any event, including physical access to the venue and the ability to inspect all financial documentation associated with the event.

Reference 13 - 0.06% Coverage

Finally, the Committee recommends that participation in NCAA summer events be limited to students making appropriate academic progress towards initial college eligibility.

Reference 14 - 0.27% Coverage

In conclusion, the Commission received extensive commentary about the corruption prevalent in youth basketball organized outside the high school academic setting. We believe that the only way to mitigate the influence of third parties (who may not be working in the best interest of young, talented players) is to introduce financial transparency and accountability to all such entities, establish NCAA youth development programs and provide regulated access to expert player evaluation for students and their families. Individually, none of these reforms is sufficient, but taken together the Commission hopes they will improve the corrosive culture of youth basketball. Protecting, educating and developing youthful players – from the time they first enter high school – is likely to be among the most challenging and important tasks ahead.

Reference 15 - 0.10% Coverage

The Commission is committed to completing the task that its recommendations will start. It must have a chance to review the responsive draft legislation and action plan, to provide its viewpoint and, hopefully, its affirmation of the NCAA’s plan to help ensure the success of this important effort to renew college basketball.

Files\ESPN1 - Why the college basketball scandal won’t get fixed until the NCAA pays athletes - § 16 references coded [ 15.41% Coverage]

Reference 1 - 0.65% Coverage

It is an extraordinarily sad time in college sports. Ten people were arrested Tuesday and charged with fraud and corruption after a two-year FBI investigation.

Reference 2 - 1.42% Coverage

Right now, as the sky seems to be falling in college basketball, some are suggesting that things will really change going forward. Grassroots basketball is dead. Agents will no longer be able to get their hooks into players. Coaches will not be able to pay players. Now, thanks to federal law enforcement officials, college sports will be clean and moral.

Reference 3 - 1.35% Coverage

The same things were said about Wall Street after the 2008 financial crisis. Things were going to change, and no longer would the big banks be allowed to do whatever they wanted and put the world economy at risk with collateralized debt obligations and credit default swaps. Yet, years later, it is back to business as usual on Wall Street.
In Division I, no reasonable person could claim the same.

Let’s not pretend that Ed McMahon knocked on the NCAA’s door and surprised the organization with a check for billions of dollars. The NCAA and its members carefully, thoughtfully and purposefully built a multibillion-dollar industry. This was no accident. It was planned.

In college sports, money will find a way. Money will always find a way, because the NCAA and its member institutions are addicted to money and will continue to chase it. That seems beyond reasonable dispute.

The current NCAA system and rules are largely responsible for creating the underground black-market economy for players. There are contradictions everywhere, to the point of hypocrisy, and business relationships with third parties that strain the imagination.

Do you believe the shoe companies will go away based upon this scandal? No way. They are partners with the NCAA and its member institutions. NCAA institutions accept hundreds of millions of dollars annually to wear apparel and shoes and use the unpaid, amateur players as billboards.

Players will continue to play, and tournament operators will continue to make money off the players and college recruiters who come to watch the players. If the NCAA attempted to affect the grassroots culture, it would open itself up to legal action for anticompetitive practices.

In addition, there is little chance that the NCAA can stop the flow of money in the grassroots scene. There are so many 501(c)(3) nonprofits out there through which money is funneled, and that will not stop even if the government was able to catch the dumb crooks.

Do you believe that the NCAA will stop the influence of agents? No way. Because of NCAA rules that disallow a player from having an agreement with an agent, the ethical agents are on the sideline while the unethical and lesserqualified agents have full access and open-field running to unpaid, amateur players and prospects.

The NCAA states that it protects players from being exploited commercially. Does that ring true to anyone?

The NCAA uses the players as billboards for apparel deals and uses their names and likenesses to sell the product, and to sell media-rights deals.
The NCAA continues benefiting from this multibillion-dollar business, while the players get only a scholarship, and the only ones exploiting the athletes are the NCAA and the member institutions.

When you use a person to make money while at the same time limiting that person from making money, you exploit. Players are certainly not mistreated, but they are exploited.

But in the absence of meaningful change regarding amateurism, there will be no meaningful change at all. We will all shake our heads and our fingers at the current scandal, give our full-throated speeches, and the NCAA will say "threat to integrity" and "antithetical to what college sports is about" and act righteously indignant. Then, we will all go on to the next game, and the NCAA will go on to the next big contract.

AS THE FIRST federal trial begins Monday in a corruption scandal that threatens to engulf college basketball, the coaches at four schools mentioned in the indictment -- Kansas, Louisville, Miami and NC State -- are not the only ones nervous.

At the time, Miller denied the allegations -- and adamantly insisted he had never willfully broken NCAA rules.

In March, Cal State Northridge hired Mark Gottfried, who was NC State’s coach when Dennis Smith Jr., whose father is said to have received $40,000, played there.

GOVERNMENT PROSECUTORS ARE taking some action to limit schools’ exposure in this trial. They have asked U.S. District Judge Lewis A. Kaplan to limit what defense attorneys can say about the four victim schools’ past infractions, including the stripper parties that occurred inside Louisville’s athletics dormitory and the actions of Ponzi schemer Nevin Shapiro, who alleged he provided impermissible benefits to more than 70 Miami student-athletes between 2002 and 2010.

Additionally, the federal government wants to prohibit defense attorneys from discussing cases that involve non-victim schools. For example, the government might not want defense attorneys talking about how former USC basketball star O.J. Mayo and football star Reggie Bush allegedly received tens of thousands of dollars in impermissible benefits while playing for the Trojans and yet no one was prosecuted.
But we always have to do that by reminding ourselves that this is about providing our students with opportunities to succeed.”

This is about more than basketball. This is about the culture and future of college sports. We all will work together to get it right.

Section 1: Realistic Pathways for Student-Athlete Success

Provide Resources to Make the Promise of a College Education Real. NCAA to establish fund to pay for the degree completion of student-athletes with athletic scholarships who leave member institutions after progress of at least two years towards a degree.

suggest an extraordinary and despicable breach of that trust

The announcement clears a path for more schools to play an increased role in developing young basketball players in the summer and providing them with additional opportunities to be seen and recruited by college coaches.

Ultimately, these decisions will support the success of student-athletes both on and off the court.

Provide college basketball players more freedom and flexibility to decide their future.

If they are unwilling or unable to act, we will consider additional changes that will support the success of student-athletes. It’s on us to restore the integrity of college basketball and continue to improve the interests of all student-athletes. They deserve nothing less.
A Critical Discourse Analysis of the NCAA

Reference 1 - 2.05% Coverage

While I believe the vast majority of coaches follow the rules, the culture of silence in college basketball enables bad actors, and we need them out of the game.

Reference 2 - 2.32% Coverage

Agents or advisors, with an emphasis on how students and their families can get legitimate advice without being taken advantage of, defrauded or risking their NCAA eligibility.

Reference 3 - 0.51% Coverage

We need to do right by student-athletes.

Files\NYT1 - In College Basketball Scandal, Follow the Money ... and the Shoes - § 7 references coded [ 11.18% Coverage]

Reference 1 - 2.38% Coverage

Nike contracted to pay $160 million for that deal — and the company paid an additional $40 million that was not reflected in the official agreement, federal authorities said. Nike brokered the deal through a Brazilian businessman who pleaded guilty in the United States to an array of corruption charges, admitting to having solicited and accepted hundreds of millions of dollars in bribes from people seeking lucrative marketing and media contracts.

Reference 2 - 1.34% Coverage

The three companies have their own leagues — Nike’s E.Y.B.L., Adidas’s Gauntlet, Under Armour Association — each with dozens of teams. The companies shower teams with money, swag and perks. Parents of top prospects are commonly involved with the teams.

Reference 3 - 0.68% Coverage

During summer break, high school players compete in league tournaments that are honey pots for college coaches and recruiters.

Reference 4 - 1.36% Coverage

“You might think it’s unhealthy,” he added, “for the shoe companies to have such influence in the recruiting process — it has sort of replaced high school in spring and summer, and taken power out of the hands of the high school coaches — but that’s the way it goes.”

Reference 5 - 2.27% Coverage

The criminal complaints describe rampant under-the-table payments that were commonly inspired by a young athlete’s future earning potential. One player agent, in a recorded conversation, urged that an offer to a player be increased because a rival company was “coming in with a higher number,” and an Adidas official discussed masking payments from apparel companies to high school athletes as though it were business as usual.

Reference 6 - 1.67% Coverage

In 2009, he confessed that he had an affair with the wife of the team’s equipment manager and paid for her to have an abortion. In 2015, a former director of basketball operations was found to have provided strippers and prostitutes to the Louisville team’s players and recruits in a campus dormitory over several years.

Reference 7 - 1.48% Coverage
But for many in Kentucky, he will remain a coaching legend. Long before winning a title with Louisville, he resurrected Kentucky’s storied program and led the Wildcats to the 1996 national title. That team, regarded as one of the best in college basketball history, wore Converse.

References

1. College basketball has long made much of its money by sleazy recruitment and exploitation of teenage stars.
2. With a series of federal bribery and fraud charges announced this week, prosecutors are now treating these shady dealings as what they are: corruption, not a rules violation.
3. Coaches, the very people whom prized young athletes should be able to trust, were found to be profiting from them and helping others — agents, financial advisers, the Adidas shoe company — profit, too.
4. The criminal complaints were rare in an area too often relegated to self-policing by universities and the N.C.A.A. — the watchdog of college sports and the umbrella organization that runs the popular, immensely profitable basketball championship tournament dubbed March Madness, where college stars compete before some of them go on to professional careers as millionaires.
5. But the coach, the nation’s highest paid, at $7.7 million a year, has a reputation for cutting ethical corners. He was suspended and his program were put on N.C.A.A. probation in June after investigators found prostitutes were provided for players and teenage recruits.
6. This situation arose after the National Basketball Association and its players’ union agreed to bar players before they have turned 19 or until a year after high school graduation. Previously, high school players could sign on and earn full professional salaries — safe from the no-income college rules and fictions that invite the sort of abuses laid bare in the complaints.
7. College basketball programs unscrupulously compete for top players to earn more from the immense pot of profit from television. The complaints cast a spotlight on that greed and hypocrisy, which is infesting what is supposed to be, but hasn’t been for some time, an innocent and amateur sport.
beyond a scholarship and a stipend for their talents and efforts.

*Reference 2 - 2.12% Coverage*

Prosecutors in the Southern District of New York have said that an Adidas executive and several others with ties to the sneaker giant were central to schemes to bribe players’ families and college basketball coaches to coax top prospects to commit to colleges that Adidas sponsored, like Louisville, Miami and Kansas, and later sign with Adidas. Narratives outlined by prosecutors strongly suggest that similar behavior is conducted in the name of Adidas’s rivals.

*Reference 3 - 1.18% Coverage*

Gabe Feldman, director of Tulane’s sports law program, said allowing contact with agents was provocative. “That was completely taboo for a very, very long time,” he said, adding that any major changes to N.C.A.A. rules would take time. “It’s a big ship to move.”

*Files\NYT5 - N.C.A.A. Alters Rules for Agents and Draft in Wake of Basketball Corruption Scandal - § 2 references coded [ 4.97% Coverage]*

*Reference 1 - 2.47% Coverage*

The changes, which also could apply to certain high school players if the N.B.A. changes its draft rules, were made as the N.C.A.A. continues to grapple with the fallout of the federal indictments last year that suggested extensive corruption in recruiting at the nexus of apparel companies and agents.

*Reference 2 - 2.50% Coverage*

The federal investigation has brought attention to open secrets in men’s college basketball, including the involvement of agents and the power the gigantic apparel companies exert over the system by showering many millions of dollars every year on both college teams and precollege grass-roots leagues.

*Files\Reforms6 - Adding Public Voices - § 1 reference coded [ 5.44% Coverage]*

*Reference 1 - 5.44% Coverage*

Public members not affiliated with the NCAA or member schools will join the NCAA Board of Governors to bring fresh perspectives and independent judgment.

*Files\SI2 - NCAA Announces Undrafted Players May Return To School, Relaxed Agent Rules - § 2 references coded [ 2.40% Coverage]*

*Reference 1 - 1.41% Coverage*

Several coaches were indicted in a fraud and corruption scheme—which also included managers, financial advisers and Adidas representatives.

*Reference 2 - 0.98% Coverage*

The new policies were put in place to prevent further corruption and dissuade future rule-breakers.

*Files\SI3 - A Bust, and No Boom - One Year After the College Hoops Scandal Broke, What’s Truly Changed-- - § 12 references coded [ 21.01% Coverage]*

*Reference 1 - 2.46% Coverage*
A year has now passed since last Sept. 26, when the sports world awoke to unseasonably consequential college basketball news. Early that morning the FBI arrested 10 individuals, including four Division I assistant coaches, on charges of bribery and fraud related to cash payments made to recruits’ families.

Reference 2 - 0.83% Coverage

The actions outlined in the charges weren’t terribly surprising—heck, Blue Chips came out 24 years ago.

Reference 3 - 1.77% Coverage

Still, fans steeled themselves for a season of further revelations and tumult. Many also speculated that the divergent tugs of education and capitalism had finally torn the NCAA’s concept of the student-athlete asunder.

Reference 4 - 2.11% Coverage

Many expected Arizona coach Sean Miller to be dismissed after a February ESPN report alleged that he had been recorded in 2016 discussing a payment for forward Deandre Ayton, but Miller’s contract was merely amended to dock him $1 million if he is criminally charged.

Reference 5 - 1.33% Coverage

Yet changes to the system that birthed all of this—one that can turn paying a teenager to play basketball into a potential federal crime—have been merely incremental.

Reference 6 - 0.94% Coverage

And so we sit on the verge of a season with a game largely unchanged from the one that was supposedly imploding a year ago.

Reference 7 - 2.75% Coverage

Still unaddressed are the core economic realities and motivations fueling the black market, so simple any student-athlete being compensated with Economics 101 credits could explain it: The players have a value to schools, coaches, boosters, communities and shoe companies that is drastically out of line with what they can receive in return.

Reference 8 - 1.38% Coverage

Perhaps each of these changes is just a step in the inevitable march toward larger reform—a continuation of the past decade’s gradual easing of various arcane restrictions.

Reference 9 - 0.71% Coverage

Serving cream cheese on bagels is now acceptable; blocking an athlete who wants to transfer...

Reference 10 - 2.13% Coverage

Alston and Hartman contend that the NCAA’s capping of scholarship value is equivalent to suppressing market competition. There is a chance the outcome in this case will have more direct and wide-ranging results than the headline-grabbing results from the FBI sting.

Reference 11 - 2.45% Coverage

As much as the NCAA has lobbied for the NBA to abolish its age minimum of 19 for draft eligibility, the change would likely have less effect on illicit payments than many hope: The
suitors for elite high school prospects would then include the NBA, increasing colleges’ needs to offer financial benefits as well.

Reference 12 - 2.15% Coverage

Of course, it is worth keeping in mind that a year ago there was no inkling that college basketball was on the brink of significant change. We may soon learn we’re not so much a year past one bombshell than a short time away from another. Maybe that will be the true wake-up call.

Reference 1 - 2.15% Coverage

The post-verdict scene was a somber one, with Gatto sharing a long embrace with his wife, both appearing to heave with emotion. The 25-year-old Dawkins pressed his head into his father’s chest during an enduring hug, the father comfortingly rubbing the back of his son’s neck while visibly wrestling with the news himself.

Reference 2 - 1.04% Coverage

The courtroom was nearly silent save the sounds of intermittent sniffling and sobbing and tissue use in the rows of observers seated behind the defendants.

Reference 3 - 1.38% Coverage

That standard has yet again been shown to be completely detached from the realities of a market that the NCAA and its member institutions are otherwise gladly willing to let freely seep into their every pore.

Reference 4 - 1.25% Coverage

Blaming rules for rule-breaking is often seen as a bad-faith tactic for absolving blame, and understandably so. But in this case it is the rules themselves that have been made in bad faith.

Reference 5 - 1.40% Coverage

Seven-figure coaching salaries, nine-figure apparel sponsorships, 11-figure TV deals—for decades the college sports industrial complex has continually and exponentially engorged itself at every turn.

Reference 6 - 1.58% Coverage

Still as the size of its financial pie has been stretched and stretched, it has steadfastly fought to deny anything more than a scholarship-and-stipend-sized slice to the labor that performs its essential product by playing the games.

Reference 7 - 3.82% Coverage

The trial’s illumination of this marketplace was as unseemly as it was telling, with testimony referencing shady invoices, deceitful cover stories and clandestine “Bat phones.” Still, it was not a complete reveal, as the defense’s attempts to admit evidence of similar dealmaking beyond the charges—in order to portray their clients as simply players of a dirty game in which the university’s basketball coaches were knowing participants—were denied by Judge Kaplan, pointing jurors toward evaluating the defendants in isolation instead of their larger context.

Reference 8 - 3.66% Coverage
These denials may set the stage for the defense’s case in appeals court, where it could find more sympathetic ears. But in the meantime three men face potential prison time because they included players and their families into the mutually beneficial financial relationship enjoyed by the schools and companies that relies on said players’ talents—and the body in charge of the sport decided it cannot stand as much, elevating what otherwise seems like natural market forces into something the government could convince a jury is a federal crime.

Reference 9 - 2.15% Coverage

In their minds this trial, which was ostensibly not about NCAA rules, had sufficiently proven the defendants’ guilt. To those not bound by the confines of a judge’s instructions and a trial’s scope, a truer blame lay elsewhere, in the very rules whose violation were this crime’s original sin—and constitute the NCAA’s too

Reference 1 - 2.92% Coverage

In a decisive victory for federal prosecutors and a frightening warning to those involved in the payment of college recruits, a New York jury has convicted Adidas director of global marketing James Gatto, Adidas consultant basketball organizer Merl Code and client recruiter (a.k.a. runner) Christian Dawkins of wire fraud and conspiracy to commit wire fraud charges. U.S. District Judge Lewis Kaplan will sentence the defendants on March 5, 2019. While a pre-sentencing report will influence Judge Kaplan in determining appropriate prison sentences, it’s expected that the three men will likely be sentenced to somewhere between two to five years in prison.

Reference 2 - 0.74% Coverage

This deduction may seem illogical since those universities enrolled players who would helped their basketball programs win games and generate accompanying revenue.

Reference 1 - 1.72% Coverage

However, the media and the public are missing the larger point. The NCAA and its member institutions have virtually forced the commission of these crimes by imposing compensation restrictions on athletes under the guise of “amateur status.”

Reference 1 - 1.48% Coverage

An important caveat is that colleges should enable athletes to be real students with access to a quality education rather delivering a sham alternative solely designed to maintain athletics eligibility and imposing excessive athletics time demands that make it virtually impossible to fulfill academic demands.
Like the Commission on College Basketball, our group recognizes that basketball-specific changes should move forward in coming months. In response to your request for additional input, we offer two broad suggestions on NCAA governance and the responsibilities of coaches.

We believe that the appointment of your group, in fact, shows the value of having external and independent perspectives on issues that often become bogged down when the interests of individual conferences and institutions drive the agenda.

“We still don’t know yet that the NCAA is capable of truly protecting and supporting the education, health, safety, and well-being of student-athletes — and big challenges to the integrity of college basketball persist. We look forward to addressing these challenges at our meeting next month.”

As we have stated previously, we believe this is a rare moment of opportunity to reform not only men’s basketball but the NCAA itself to restore public faith in the organization’s ability to be an effective steward of big-money college sports.

So today, we have Auburn, Southern California, Oklahoma State and Arizona as the bad apples. They’re the college basketball programs that have assistant coaches who have been charged by federal authorities because they allegedly accepted bribes to push players toward a slew of potential moneymakers — financial advisers, Adidas, on and on.

To you Tigers and Trojans, you Cowboys and Wildcats — and, presumably, you Cardinals and Hurricanes — we say, quite heartily: Tsk-tsks! No, really. Tsk-tsks!

We can’t, and won’t, make light of the feds slapping cuffs on college basketball coaches and the various hangerson and interlopers who profit from the sport. But with practice set to officially open this week, anyone embracing the start of a new season must do so with his or her eyes wide open. Or maybe completely shut.

Tuesday’s developments are the essence of breaking news. On the face of them, they’re alarming — not so much because of the programs or coaches involved or the specifics of the transactions...
(though, $100,000?!)—but because this comes from the FBI, adding weight and heft. The idea of undercover videos in Las Vegas hotel rooms provides Hollywood intrigue, for sure.

Reference 5 - 3.00% Coverage

But we have to understand, by now, that this is how college sports works. If you are a fan of a certain program, and you read these reports and scanned for violations by your precious Lions or Tigers or Bears, and—finding none—breathed a sigh of relief or, worse, felt the least bit sanctimonious, well, then, you’re in denial, and not a small bit of it.

Reference 6 - 2.72% Coverage

There are likely clean major college athletics programs out there. Likely. But it’s also likely there were baseball players who didn’t take performance-enhancing drugs around the turn of this century. Saying with absolute certainty that a particular entity, though, is or was clean—that’s perilous, for sure.

Reference 7 - 2.01% Coverage

Being student-athletes, of course, they must have wedged these dalliances in between botany and statistics. And Pitino, of course, didn’t know, wouldn’t stand for such an arrangement! He’s a Hall of Famer, and that’s beneath him!

Reference 8 - 4.27% Coverage

The four assistant coaches arrested aren’t victims, for sure, because they surely knew what they were doing was against rules, if not laws. But they are part of a machine that is powered by the basic structure of college sports. When a system has billions of dollars flowing into it—and the NCAA’s contract with CBS and Turner Sports for the NCAA tournament alone is worth $8.8 billion through 2032—and yet has a major part of the workforce that is unpaid, well, then, how is this not the end result?

Reference 9 - 2.40% Coverage

Six years ago, Michael Beasley laid out much of how this works. The Prince George’s County kid was one of the most heralded recruits in the country back in 2006. He played one year at Kansas State (yep, nothing strange going on there) and then became the second pick in the NBA draft.

Reference 10 - 2.42% Coverage

There’s so much money involved, someone’s going to get it. And unless and until players receive some sort of compensation that’s commensurate with their value to the school, there is going to be corruption. Sometimes it will violate NCAA rules. Sometimes it will violate the law.

Reference 11 - 3.44% Coverage

Either way, given the current structure of college sports, we’re only minutes away from the next violation—whether it’s exposed or not. There is drama on Tuesday, for sure, and the more details we learn, the more damning it will feel to those individual coaches, to those individual programs. And yet, we know—despite the inevitable upcoming denials from all sorts of sources—it’s not just them.

Files\WP2 - College basketball commission calls for rules changes, but sticks with amateurism - § 4 references coded [3.56% Coverage]
But the panel did not recommend that athletes be paid, staunchly affirming the values of amateurism and an education for the 98.8 percent of college basketball players who do not go on to NBA careers.

But the panel consistently rejected remedies that would “professionalize” the sport.

But he was disappointed that the report didn’t tackle college basketball’s commercialization head on. College basketball is a multibillion dollar industry in which coaches and schools make millions from shoe companies, Bilas noted, but paying players — or providing them anything more than a cost-of-living stipend and chance at an education — is cast by the report as “morally wrong.”

While Emmert and the NCAA lauded the commission’s work, the National College Players Association — a nonprofit that represents the interests of college athletes — panned the results as a failure.

Last Monday, Kylia Carter, the mother of former Duke basketball star Wendell Carter, gave a passionate speech arguing that today’s college basketball system is equivalent to slavery. Carter was reacting to the April 25 release of the Commission on College Basketball’s long-awaited report on corruption in the NCAA. Created after bribery scandals involving highly prized basketball recruits, the commission offered a host of recommendations, including imposing harsh penalties on athletic programs that knowingly violate NCAA rules.

Why is opinion on this issue so polarized by race? Because a disproportionately large percentage of college basketball and football players are African American. As with welfare, health care and criminal justice reform, that means that, for most Americans, debates over NCAA compensation are implicitly debates about race.

A number of recent commentators have tried to make this explicit, with arguments such as, “The NCAA isn’t just perpetuating a financial injustice. It’s also committing a racial one.”

But what’s happening in a Manhattan courtroom at the moment is a weak inversion of justice. Federal prosecutors for the Southern District of New York are aiming low, not high. They are arguing a nonsensical case that claims major colleges are somehow the defrauded victims of the
elaborate black-market recruiting economy that the schools themselves created.

Reference 2 - 2.99% Coverage

With that statement, Kaplan questioned the underlying premise of the entire trial. At the heart of the matter is this: If coaches and school officials were aware that sneaker execs and other middlemen were making illicit payments to secure five-star recruits on their behalf, then they are hardly the dupes or injured parties in a fraud. They are participants in one. This is a fundamental flaw in the Southern District’s case: It has failed utterly to identify the real perpetrators or victims.

Reference 3 - 2.15% Coverage

A year ago, the feds boasted that this investigation, which included arrests of 10 minor figures, would roll up the corruption in college athletics. “We have your playbook,” FBI assistant director William Sweeney Jr. boasted to all those engaging in corrupt practices. But in fact, they don’t have the playbook at all. That, or they are hopelessly naive.

Reference 4 - 2.05% Coverage

What Gassnola is describing is a conspiracy. A racket. And let’s be perfectly clear on who the real victims and perpetrators of it are. The real victims are not school officials who lunged at huge financial arrangements with shoe companies and boosters, then tried to isolate themselves from shady dealings with implausible deniability.

Reference 5 - 2.75% Coverage

The primary victims are those collegiate athletes who are being defrauded from the legitimate educational value of their scholarship agreements, by the illicit financial forces that create academic fraud, pressure them into unwanted lesser majors, make it harder to graduate and corrode their collective reputations. Secondary victims are the 97 million viewers of the NCAA tournament who expect a reasonably fair and transparent playing field.

Explanation

Charge. The Commission on College Basketball has been established by the NCAA Board of Governors, Division I Board of Directors and NCAA President to fully examine critical aspects of Division I men’s basketball.

Reference 2 - 0.57% Coverage

Specifically, the commission will focus on three areas:

Reference 3 - 1.06% Coverage

Nonscholastic basketball, with a focus on the appropriate involvement of college coaches and others.

Reference 4 - 4.90% Coverage

Duties and Responsibilities of the Commission. The commission will gather information and expert opinions for making transformative recommendations to the DI Board of Directors and
A Critical Discourse Analysis of the NCAA

NCAA Board of Governors on the needed legislation, policies, actions and structure(s) to protect the integrity of college sports, with a focus on Division I men’s basketball. The goal is for the commission to complete its work with a report to the boards for action at their April 2018 meetings.

Reference 5 - 1.77% Coverage

Appointment/Terms of Office. a. Appointments. The commission chair and members are appointed by the NCAA president. b. Term. Members will serve an initial six-month term.

Reference 6 - 2.07% Coverage

Meeting Frequency and Flexibility. The commission will have at least four meetings by March 2018, with periodic briefings to the executive and administrative committees of the boards and a final briefing

Reference 1 - 0.82% Coverage

This morning, the independent Commission on College Basketball led by Dr. Condoleezza Rice presented its recommendations to address the issues facing men’s collegiate basketball. Dr. Rice and members of the Commission presented their findings to the NCAA’s Board of Governors, Division I Board and Presidential Forum, and Division II and III Presidents’ Councils of the NCAA.

Reference 2 - 0.79% Coverage

Established by the NCAA Board of Governors, the Division I Board of Directors, and the NCAA President in October 2017, the Commission was tasked with assessing the state of the enterprise and recommending transformational changes to address multiple issues and challenges facing men’s college basketball. Commission members include the following individuals:

Reference 3 - 0.25% Coverage

The crisis in college basketball is first and foremost a problem of failed accountability and lax responsibility.

Reference 4 - 0.41% Coverage

The Commission found that talking to the stakeholders was, at times, like watching a circular firing squad – the problem, the issue, and ultimately the fault was always that of someone else.

Reference 5 - 0.42% Coverage

The Commission has made a number of recommendations that are intended to revive and strengthen the collegiate model and give young men the opportunity to pursue both athletic and academic success.

Reference 6 - 0.45% Coverage

We are also recommending several steps to address the actual root cause of the problem – governance and leadership lapses among many who were charged with protecting the best interests of collegiate athletes.

Reference 7 - 0.35% Coverage
That behavior has too often been ignored and inadequately punished. Throughout our work as a commission we heard too many times: “Everyone knew what was going on.”

Reference 8 - 0.54% Coverage

We thus offer these recommendations to try and get back on course. Some may disagree with the recommendations made here. Our focus has been to strengthen the collegiate model – not to move toward one that brings aspects of professionalism into the game.

Reference 9 - 0.77% Coverage

We start from the belief that a young man whose talents allow him to play college basketball can benefit greatly from the experience. He has a chance to receive that prized possession in our economy and our society – a college degree. He will meet influential people who can mentor him throughout his life and who can help him to establish a career after graduation.

Reference 10 - 0.79% Coverage

Given that only 1.2% of college basketball players go on to play in the NBA and that the average NBA career is 4.5 years – the college degree is the real ticket to financial security for most student-athletes. For the exceptionally talented – a professional track may be the best choice – and the choice is always there for those who are fortunate enough to succeed in the NBA.

Reference 11 - 1.24% Coverage

But the uniqueness of the opportunity that college basketball offers should not be underestimated or undervalued. One only has to think of the non-athlete whose family made tremendous sacrifices to send him to college and who works 20 hours a week and takes on loans that will need to be repaid over years and even decades in order to earn a college degree. The student athlete who fully takes advantage of this privilege will get a head start in life. And the college or university that truly provides that opportunity will fulfill its mission and its charge to educate and empower.

Reference 12 - 0.72% Coverage

Our recommendations are detailed because the problems in college basketball are complex and the resolution of them requires precise remedies. This Commission has worked hard to devise these recommendations. You can be sure that we will continue to be involved as key regulatory bodies undertake their work to implement these changes.

Reference 13 - 0.75% Coverage

The current sad state of college basketball did not appear overnight and it will not be repaired quickly. We know that there are many who argue that the problems facing college basketball are just too hard to solve. We strongly disagree. College basketball is too precious – and the fate of the young men who play it is too important --to not get it right.

Reference 14 - 0.41% Coverage

This work will not be easy, but we need to make a start – and a bold one -- to turn the ship in the right direction. For the good of all involved, we need to put the “college” back in college basketball.

Reference 15 - 0.14% Coverage

Now, to the recommendations, which come in four strategic areas.
Our first group of recommendations focus on creating realistic pathways for student-athlete success.

If these players are allowed to turn professional, some of the pressure on the collegiate model will be reduced.

The Commission also recommends that student-athletes be able to test their professional prospects and maintain eligibility if they do not sign a professional contract. We believe high school and college players who declare for the draft and are not drafted should remain eligible for college basketball unless and until they sign a professional contract.

I want to note that the Commission seriously considered, but is not recommending, the NBA’s and NBPA’s adoption of a version of the “baseball rule” which would make student-athletes who attend college ineligible for the draft or the G League for two or three years. By requiring students who choose the collegiate path to make a long-term commitment to their education, the baseball rule increases the number of student-athletes who ultimately earn degrees. However, it would also keep collegiate players ready for the NBA in school against their will, where they will be potentially disgruntled magnets for corrupt money and the undermining of the collegiate model. Players with professional earning power should be able to choose a professional path. The Commission’s additional recommendations will make it easier for them to return and complete their degrees.

The Commission believes student-athletes must have the information they need to understand their real choices and be better positioned to take advantage of either the collegiate or professional path they choose. Players should be able to receive meaningful assessment of professional prospects earlier with assistance from certified agents. If NCAA rules do not allow them to receive that advice openly, they will often seek it illicitly.

We recommend that the NCAA and its member institutions develop strict standards for certifying agents and allow only those NCAA-certified agents to engage with student-athletes at an appropriate point in their high school careers as determined by the NCAA. The NCAA should appoint a Vice-President level executive who, among other responsibilities, would develop these standards and administer this program.

We further recommend that the NCAA incentivize better behavior from agents by decertifying any agent who participates in an NCAA rules violation and also deeming any student-athlete who enters into an agreement with a non-certified agent ineligible.

We recommend that the NCAA immediately establish a substantial fund and commit to paying
for the degree completion of student-athletes with athletic scholarships who leave member institutions after progress of at least two years towards a degree. Many member institutions already provide degree completion programs, but the NCAA rules should standardize this offering, and the NCAA must provide the necessary funds to schools that cannot afford this. This will be expensive, but it is necessary to restore credibility to the phrase student-athlete.

Reference 24 - 1.47% Coverage

That said, most Commissioners believe that the rules on name, image, and likeness should be taken up as soon as the legal framework is established. It is hard for the public, and frankly for me, to understand what can be allowed within the college model – for the life of me I don’t understand the difference between Olympic payments and participation in Dancing with the Stars – and what can’t be allowed without opening the door to professionalizing college basketball. Personally, I hope that there will be more room in the college model today for this kind of benefit to students without endangering the college model itself. And let me just say that I hope Arike wins Dancing with the Stars.

Reference 25 - 0.49% Coverage

The Commission’s second strategic area of recommendations focuses on establishing professional and neutral investigation and adjudication of serious infractions, and holding institutions and individuals accountable.

Reference 26 - 1.25% Coverage

First, the NCAA should create independent investigative and adjudicative arms to address and resolve complex and serious cases involving violation of NCAA rules. As of now, volunteers who are members of fellow NCAA member institutions resolve these cases, and during our Commission testimony not a single stakeholder supported the current system for handling high-stakes infractions. Today’s current state where an entire community knows of significant rule breaking and yet the governance body lacks the power or will to investigate and act breeds cynicism and contempt.

Reference 27 - 0.90% Coverage

To restore credibility to this process, the investigation, enforcement and resolution of high stakes cases must be placed in the hands of independent professionals. A panel of professional adjudicators, appointed for a term of years, must make final and binding decisions and must have the authority to impose substantial punishments, including the loss of post-season play and the revenues from post-season play.

Reference 28 - 0.19% Coverage

The Commission further recommends a number of changes in the NCAA’s penalty structure.

Reference 29 - 0.49% Coverage

Currently, the rewards for violating the rules far outweigh the risks, and we recommend significant increases in the penalties imposed on institutions and individuals for violations of NCAA rules to reverse this calculation.

Reference 30 - 1.34% Coverage

We recommend the following increases in the core penalty structure:
1. Increase the competition penalties for Level I violations to allow a five-year postseason ban,
including the NCAA tournament.
2. Increase the financial penalties for Level I violations to allow loss of all revenue sharing in post-season play, including revenue from the NCAA tournament.
3. Increase the penalties for a show-cause order to allow bans of more than one season
4. Increase the restrictions on head coaches to allow bans of more than one season; and
5. Increase the penalties for recruiting visit violations to allow full-year visit bans

Reference 31 - 0.29% Coverage

Today, there is simply no significant risk to a member institution if they choose to employ an individual who is under a show cause order.

Reference 32 - 0.81% Coverage

To address this weakness, the Commission recommends that member institutions that employ a coach or athletic director under a show cause order for a previous violation of NCAA rules be subject to significantly increased penalties if that individual’s program reoffends, up to an including a ban of up to five years from post-season tournaments, including the NCAA tournament.

Reference 33 - 1.50% Coverage

Relatedly, the Commission recommends a significant expansion in individual accountability for rules violations for coaches, athletic directors, and college presidents. We recommend that the NCAA amend its rules to require colleges to include in the employment contracts of administrators and coaches’ individual contractual obligations to cooperate with NCAA investigations, including financial disclosure, and individual agreement to submission to NCAA enforcement proceedings, decisions and discipline – up to and including discharge. A failure to cooperate should trigger penalties – up to and including a five-year ban on participation in the tournament and loss of revenue.

Reference 34 - 0.56% Coverage

Moreover, the Commission recommends that the NCAA enact a rule requiring college and university presidents, coaches, and athletic directors to certify annually that they have conducted due diligence and that their athletic programs comply with NCAA rules.

Reference 35 - 0.42% Coverage

Finally, the Commission recommends that the NCAA revise and clarify its role in addressing academic fraud or misconduct by member institutions and make application of those rules consistent.

Reference 36 - 0.71% Coverage

The NCAA must have jurisdiction to address academic fraud and misconduct to the extent that it affects student-athletes’ eligibility. Member institutions can no longer be permitted to defend a fraud or misconduct case on the ground that all students, not just athletes, were permitted to “benefit” from that fraud or misconduct.

Reference 37 - 0.33% Coverage

The Commission’s third strategic area of focus relates to mitigating non-scholastic basketball’s sometimes harmful influence on college basketball.
The corruption we observed in college basketball has its roots in youth basketball. Put frankly, youth basketball in this country is ungoverned space. There are good programs – but there are too many that condone illicit behavior.

That development would include not only basketball, but also academic and life skills, health and collegiate eligibility. One centerpiece of this program would be NCAA-administered regional non-scholastic basketball events in July that would be the only ones that NCAA coaches attend in that crucial recruiting month.

But the NCAA and NCAA coaches should no longer associate with non-scholastic basketball events that are not financially transparent and otherwise compliant with NCAA requirements regardless of when they are held. The Commission also endorses and recommends adoption of a number of rule 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 coaches to interact with recruits and current players. These rule changes can be found in the full report we are releasing today.

The Commission’s final area of strategic focus centered around the governance structure of the NCAA.

It is clear for all to see that current structure and system simply isn’t working. The Commission recommends that the NCAA restructure its highest governance body, the Board of Governors, to include at least five independent public members with voting rights, and who have the experience, stature and objectivity to assist the NCAA in reestablishing itself as an effective leader and regulator of college sports. One of these public members should also serve on the NCAA’s Executive Board.

Like public companies, major non-profit associations, indeed universities themselves, usually include outside board members to provide objectivity, relevant experience, perspective and wisdom. The Commission will make independent board member recommendations to the NCAA to assist in it assembling a first-rate list of candidates.

In closing, we must remember why we are all here. It is clear the NCAA has often failed to carry out its responsibility to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body. But the NCAA is not really Indianapolis. It is the sum total of its member institutions.
assess the state of the enterprise and to recommend transformational changes to address multiple issues and challenges.

Reference 2 - 0.07% Coverage

The indictments handed down by the Justice Department and the ongoing FBI investigation spurred the NCAA to ask for this report. Whatever the outcome of the legal process, radical changes are long overdue.

Reference 3 - 0.04% Coverage

Lost in the talk of big money and corruption is colleges’ central mission to provide higher education to students.

Reference 4 - 0.13% Coverage

There is debate about how to measure the graduation rate for college students, including student-athletes. There is, however, general agreement that the graduation rate for men’s Division I basketball players lags behind that of other student-athletes, perhaps significantly. NCAA schools must take seriously the obligation to help all student-athletes obtain the education they are promised.

Reference 5 - 0.05% Coverage

College basketball, like college sports generally, is to be played by student-athletes who are members of the collegiate community, not paid professionals.

Reference 6 - 0.12% Coverage

Over several decades, however, trends have emerged that call this understanding into question. Millions of dollars are now generated by television contracts and apparel sponsorship for the NCAA, universities and coaches. The financial stake in success has grown exponentially; and thus, there is an arms race to recruit the best talent – and if you are a coach – to keep your job.

Reference 7 - 0.16% Coverage

The NCAA’s investigative and enforcement functions were designed for a simpler time, when rule violations did not put so much at stake. As a result, the NCAA, as an enforcement entity, has little credibility with the public and its members, and what it has continues to dwindle. There are multiple cases of compromised academic standards and institutional integrity to keep the money and talent flowing. The NCAA and its member institutions have been unable to adequately deter or punish bad behavior.

Reference 8 - 0.10% Coverage

Given the undeniable impact of “big money” on the college game, it is fair to ask whether the ideal of college basketball played by student-athletes who are part of the academic community – not hired guns for a season or two – is still viable. The answer is yes, and the effort is worth making. Transformative changes are necessary,

Reference 9 - 0.08% Coverage

goal should not be to turn college basketball into another professional league. Rather, we must change fundamentally the current culture and rules to address the effect that money has had on college basketball, the NCAA and its member institutions.
To this end, the Commission makes a number of recommendations set forth below. To ensure that we take advantage of the current momentum for change, the Commission further calls on the NCAA to draw up its plan to implement the Commission’s recommendations, including draft legislation, by early August 2018. The Commission will promptly reconvene and review the NCAA’s plans to provide its input for the NCAA’s concrete measures to renew college basketball.

Elite high school players with NBA prospects and no interest in a college degree should not be “forced” to attend college, often for less than a year. These uniquely talented players are the focus of agents, apparel companies, investment advisors, college coaches and others seeking to profit from their skills and offering them cash and other benefits in hope of future gain. If they are allowed to turn professional, some of the pressure on the collegiate model will be reduced.

Moreover, the recent commitment of the NBA to improve the G League may enhance its appeal as a professional option for elite players who are 18 and do not wish to attend college.

The Commission seriously considered, but is not recommending, the NBA’s and NBPA’s adoption of a version of the “baseball rule” which would make student-athletes who attend college ineligible for the draft or the G League for two or three years.

requiring students who choose the collegiate path to make a long-term commitment to their education, the baseball rule increases the number of student-athletes who ultimately earn degrees. However, it would also keep collegiate players ready for the NBA in school against their will, where they will be potentially disgruntled magnets for corrupt money and the undermining of the collegiate model. Players with professional earning power should be able to choose a professional path. The Commission’s additional recommendations will make it easier for them to return and complete their degrees.

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 immediate collegiate eligibility to high school players who “reclassify”—i.e., those who make themselves eligible to enter college prior to the graduation date of their high school class.

We fear that, should the NBA and the NBPA make 18 the minimum age for entry into the NBA, the growing trend of reclassification will accelerate, creating a new generation of 17-year-old one-and-done players. The Commission urges the NCAA to monitor this situation and to enact appropriate rule changes if that potential abuse occurs with the end of one-and-done.

In that circumstance, the Commission will reconvene and consider the other tools at its disposal.
These could range from the baseball rule, to freshman ineligibility, to “locking up” scholarships for three or four years if the recipient leaves the program for the NBA after a single year. That would be a disincentive to recruit an athlete for a one-year run at the title. In short, the current situation is untenable.

Reference 18 - 0.06% Coverage

The Commission recommends that high school and college players who declare for the draft and are not drafted remain eligible for college basketball unless and until they sign a professional contract.

Reference 19 - 0.06% Coverage

Specifically, players who are not drafted should be permitted to change their minds and attend college or return to college, provided they remain academically and otherwise eligible.

Reference 20 - 0.13% Coverage

The Commission also recommends imposing two additional conditions on this retention of eligibility: The player must return to the same school, and the player must request an evaluation from the NBA’s Undergraduate Advisory Committee before entering the draft. The NBA has unique credibility with elite players who should have the benefit of the NBA evaluation in deciding whether to enter the draft.

Reference 21 - 0.11% Coverage

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 basketball players make it to the NBA (around 1.2%), let alone have successful careers.

Reference 22 - 0.12% Coverage

Erroneously entering the NBA draft is not the kind of misjudgment that should deprive student-athletes of the valuable opportunity to enter college or to continue in college while playing basketball. While this rule change may inconvenience coaches seeking to set their rosters for the following season, we conclude that the student-athletes’ interest should govern here.

Reference 23 - 0.12% Coverage

A player chagrined to discover that he lacks an NBA future may grow into his collegiate experience and adopt a different plan for the future. This change, along with several others recommended, will demonstrate that the NCAA is serious about the value and importance of college for student-athletes, and committed to helping them attend and work towards a degree.

Reference 24 - 0.11% Coverage

Players who transfer are less likely to complete their Third parties often influence transfer decisions for their own purposes and without thought to the impact of transfer on the student-athlete. The detrimental effect of transfer on a student-athlete’s education means that transferring should not be made easier for basketball’s sake.

Reference 25 - 0.22% Coverage

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 pursue a graduate degree. In recent years, graduating student-athletes, including in men’s basketball, increasingly appear to make transfer decisions for reasons other than academics. In 2011, there were 15 men’s basketball graduate transfers; in 2016, there were 87.7

Only 34% of these transfers graduate from their graduate school programs.8 We heard that recruiting and tampering related to potential graduate transfers is rising.

Reference 26 - 0.14% Coverage

We understand that the NCAA’s Transfer Working Group is currently considering this issue and potential responses, including “locking down” scholarships for the period of a degree program and imposing an enhanced penalty on a team’s Academic Progress Rate if the recipient leaves before completing his graduate program. We ask the NCAA to monitor this issue and develop appropriate legislation to ensure that the rule is serving its intent.

Reference 27 - 0.05% Coverage

The NCAA rules should provide that student-athletes may meet and contract with NCAA-certified agents and that they will not lose their eligibility by doing so.

Reference 28 - 0.15% Coverage

As described below, in its specific recommendations about non-scholastic basketball, the Commission urges additional efforts at educating high school players about their professional and collegiate prospects, NCAA eligibility rules, their health and more. Student-athletes must have the information they need to understand their real choices and be better positioned to take advantage of either the collegiate or the professional path they choose.

Reference 29 - 0.21% Coverage

The Commission recommends that the NCAA immediately establish a substantial fund and commit to paying for the degree completion of student-athletes with athletic scholarships who leave member institutions after progress of at least two years towards a degree. Colleges and universities must fulfill their commitments to student-athletes to provide not just a venue for athletic competition, but also an education. They must promise student-athletes that the option to receive an education will be there, even after the athlete is finished with his athletic career. This will be expensive, but it is necessary to restore credibility to the phrase student-athlete.

Reference 30 - 0.13% Coverage

Many NCAA member institutions already provide Degree Completion Programs. NCAA rules should standardize this offering. The NCAA must also define a category of relatively disadvantaged schools for which this requirement would impose a substantial burden, and create a fund to provide the benefit for students at those institutions, using the revenues of the NCAA Basketball tournament.

Reference 31 - 0.10% Coverage

The NCAA is frequently criticized for not permitting payment to student-athletes, on the ground that these young people are engaged in an activity that generates billions of dollars and yet they do not benefit. The debate is longstanding; views are entrenched; and both sides make important points.
One significant counter to that argument is that many Division I student-athletes benefit enormously from engaging in intercollegiate sports. In addition to receiving full scholarships up to the cost of attendance (ranging from $13,392 to $71,585 for in-state students and from $18,125 to $71,585 for out-of-state students depending on the institution),

receive benefits such as academic support, meals, travel, coaching, trainers, career advice and more. The value of these extra benefits may be tens of thousands of dollars annually. As noted above, for student-athletes who receive a degree, the enhanced value of their lifetime earnings averages $1 million. As for these benefits to be realized, colleges must make good on their commitment to assist student-athletes in earning their degrees.

The Commission is familiar with the related debate about whether student-athletes should earn some financial benefit from the marketing of their names, images and likenesses (NIL). Many argue that allowing these payments would be analogous to the receipt of funds by collegiate Olympians and thus consistent with the collegiate model, particularly if students did not receive the funds until after college. The NCAA is a defendant in litigation involving such payments, which appears to raise fundamental questions about whether these and similar payments are consistent with the collegiate model. The court stated that “[t]he difference between offering student-athletes education-related compensation and offering them cash sums untethered to educational expenses is not minor: it is a quantum leap. Once that line is crossed, we see no basis for returning to a rule of amateurism and no defined stopping point.” O’Bannon v. NCAA, 802 F.3d 1049, 1078 (9th Cir. 2015) (emphasis added).

If a college or university is using a student-athlete’s NIL for commercial purposes, the school must ask that student-athlete for consent, which must be voluntarily given. See also NCAA Bylaw 12.5 (Promotional Activities) (describing permissible and nonpermissible uses). When the legal parameters relevant to this issue are clearer, the Commission also believes that the NCAA should reconsider its treatment of student-athletes’ NIL.

In the current uncertain legal setting, however, the Commission has decided to focus its recommendations on supporting the college model. It seeks to address the charge of player exploitation in other ways – specifically, by opening and keeping open a player’s professional pathway, by welcoming the return of undrafted players, by funding degree completion by athletes who return to school, by providing benefits that allow student-athletes to be both students and athletes significant punishment on those who undermine the premise that student-athletes must receive an
education that is valuable, not a pretense.

Reference 38 - 0.04% Coverage

The NCAA will have to incur substantial costs for several of these recommendations. But it will be money well spent.

Reference 39 - 0.12% Coverage

Stakeholders informed the Commission that when the stakes are high, colleges are not complying with the NCAA’s shared governance and cooperative principles and NCAA rules often are not enforced. Specifically, the NCAA’s investigative and enforcement powers are inadequate to effectively investigate and address serious violations of NCAA rules in consequential situations.

Reference 40 - 0.14% Coverage

No stakeholder supported the current system for handling high-stakes infractions. Many informed us that when the U.S. Attorney’s Office announced the charges that led to this Commission, the reaction was that “everyone knows” that these payments occur. That state of affairs – where the entire community knows of significant rule breaking and yet the governance body lacks the power or will to investigate and act – breeds cynicism and contempt.

Reference 41 - 0.12% Coverage

In addition, these and all NCAA investigators must exercise reasonable prosecutorial discretion and common sense so that resources are focused on serious infractions and punishment is appropriately calibrated and consistently administered. There are multiple examples of minor infractions that are not worth the time and effort that the NCAA now spends on them.

Reference 42 - 0.07% Coverage

Volunteers who are members of fellow NCAA member institutions should not resolve cases. Instead, a panel of professional adjudicators, appointed for a term of years, must make final and binding decisions and must have the authority

Reference 43 - 0.06% Coverage

To restore credibility to this process, the investigation, enforcement and resolution of high stakes cases must be placed in the hands of independent professionals and neutrals.

Reference 44 - 0.11% Coverage

The Commission recommends that the NCAA enact significant increases in the penalties imposed on institutions and individuals for violations of NCAA rules. Currently, the rewards for violating the rules far outweigh the risks. To reverse this calculation, the Commission recommends a number of changes in the NCAA’s penalty structure.

Reference 45 - 0.21% Coverage

First, the Commission recommends the following increases in the core penalty structure: (i) increase the competition penalties for Level I violations to allow a five-year post-season ban; (ii) increase the financial penalties for Level I violations to allow loss of all revenue sharing in post-season play, including the NCAA tournament, for the entire period of the ban; (iii) increase the penalties for a show-cause order to allow life-time bans; (iv) increase the penalties for head coach restrictions to allow bans of more than one season; and (v) increase the
penalties for recruiting visit violations to allow full-year visit bans.

Reference 46 - 0.17% Coverage

In addition, the Commission recommends that member institutions that employ a coach or athletic director under a show cause order for a previous violation of NCAA rules be subject to significantly increased penalties if that individual’s program reoffends, up to and including a ban of up to five years from post-season tournaments, including the NCAA tournament, and a loss of revenues from those tournaments for that same period. There must be significant risk associated with employing an individual who is under a show cause order.

Reference 47 - 0.19% Coverage

These individuals will find it much easier to do so if they enact comprehensive compliance programs at their institutions. The costs of compliance may be significant, but they should be small by comparison to the costs of being found in violation of NCAA rules. The NCAA rules should provide for significant penalties for those individuals if they knew or should have known of violations and did not address them, up to and including termination. These penalties should be mitigated or enhanced depending up the presence and effectiveness of the institution’s compliance program.

Reference 48 - 0.11% Coverage

Coaches are the public focus of blame for NCAA violations. For too long, college presidents and administrators have not been viewed as accountable for the conduct of their athletic programs. That will have to change. College presidents and high level administrators cannot be permitted to turn a blind eye to the infractions in those programs.

Reference 49 - 0.26% Coverage

Finally, among other substantive rules changes, the Commission recommends that the NCAA revise and clarify its role in addressing academic fraud or misconduct by member institutions and make application of those rules consistent. The NCAA must have jurisdiction to address academic fraud and misconduct to the extent it affects student-athletes’ eligibility. Member institutions cannot be permitted to defend a fraud or misconduct case on the ground that all students, not just athletes, were permitted to “benefit” from that fraud or misconduct. Coaches, athletic directors and university presidents must be held accountable for academic fraud about which they knew or should have known. The standards and punishment for academic fraud must be clarified and then enforced consistently.

Reference 50 - 0.23% Coverage

Virtually all of the top recruits for each collegiate recruiting class participate in non-scholastic basketball. The Commission recommends that the NCAA take short and long-term actions to reform non-scholastic basketball and disassociate the NCAA and its member institutions from the aspects of non-scholastic basketball where transparency and ethical behavior cannot be assured. As part of this effort, the Commission recommends that the NCAA partner with USA Basketball, the NBA, the NBPA and others to create and administer new resources and programs for youth basketball development, including substantial regional camps for collegiate prospects in July where NCAA coaches would evaluate players.

Reference 51 - 0.34% Coverage

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 coaches attend. In order for the NCAA to certify a non-scholastic basketball event, the owners, event operators, sponsors, and coaches for the event must agree to financial transparency about all events they run, including those that are not certified by the NCAA. This requirement includes agreement (i) to be subject to audit and to provide all required IRS and other tax filings upon request; (ii) to disclose all sources of financing and other payments and the recipients of all funds provided for or collected in relation to the event; and (iii) to disclose any financial relationship between the event sponsors and coaches with any administrator, coach or booster at any NCAA school. The money flowing from apparel companies and other third parties into non-scholastic basketball must be disclosed and accounted for, in order to address the corruption arising from non-scholastic basketball.

Reference 52 - 0.19% Coverage

Further, the NCAA’s rules already require NCAA-certified events to have educational components; the NCAA must immediately implement and enforce that requirement more effectively. All benefits provided to participants and their families, including travel, meals, accommodations, gear of any sort, and any other benefit, must be disclosed to the NCAA, along with the source of their provision. The NCAA must enforce the requirement that such benefits be reasonable and appropriate and assure that these restrictions are not circumvented by delaying the timing or providing the benefits to another.

Reference 53 - 0.30% Coverage

Currently, non-scholastic basketball is an ungoverned space with coaches, players and their families, agents and sponsors exchanging money and goods in the hope of future benefits and without accountability. Of particular importance to the Commission are the cases in which non-scholastic basketball event operators and coaches seek benefits from colleges and college coaches in exchange for influencing their players’ college choices. To recruit effectively, many NCAA coaches need to attend non-scholastic basketball events in which large numbers of elite players participate. In turn, these events, leagues and teams attract high school players by giving them the opportunity to be seen and evaluated annually by college coaches. Thus, using its certification requirement, the NCAA has some leverage to impose the financial transparency requirements and other reforms that the Commission recommends above.

Reference 54 - 0.23% Coverage

It appears, however, that they do not have effective controls in place in their 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 be concerned about how their money is used in non-scholastic basketball. We expect that these companies will insist that all employees provide detailed accountability about such expenditures and cooperate with new NCAA rules about financial transparency and accountability.

Reference 55 - 0.38% Coverage

With respect to the longer term, the Commission recommends that with a goal of 2019, the NCAA work with USA Basketball, the NBA and the NBPA and others to establish and administer new youth basketball programs. We would expect the NCAA to devote significant
resources and attention to these programs. Briefly, the Commission proposes that youth basketball players be identified and developed at three levels: Level 1, players with National Team potential; Level 2, players with Highest Collegiate potential; and Level 3, players with Collegiate potential. At each level, players would have to be identified, developed and evaluated by appropriate stakeholders. Critically, that development would include not only basketball, but also academic and life skills, health and collegiate eligibility. One centerpiece of this program would be NCAA administered regional non-scholastic basketball events in July that NCAA coaches would exclusively attend. The Commission also recommends that the NCAA – in collaboration with USA Basketball, the NBA, the NBPA, the WNBA and the WNBPA – consider similar initiatives to enhance the development of young women basketball players.

Reference 56 - 0.22% Coverage

In sum, the NCAA and NCAA coaches may no longer associate with nonscholastic basketball events that are not financially transparent and otherwise compliant with NCAA requirements regardless of when they are held. Moreover, in light of the recommendation that players be permitted to choose a professional pathway at an earlier time, the NCAA and others should devote significant resources to earlier development, including education, for players in youth basketball. The corruption we observe in college basketball has its roots in youth basketball. The reforms recommended by the Commission will be fruitless unless the NCAA gives serious attention to regulating summer programs.

Reference 57 - 0.07% Coverage

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 coaches to interact with recruits and current players.

Reference 58 - 0.40% Coverage

The Commission recommends that the NCAA restructure its highest governance body, the Board of Governors, to include at least five public 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. One of these public members should also serve on the NCAA’s Executive Board. The current Board of Governors includes 16 institutional presidents or chancellors, the chairs of the Division I Council and the Division II and III Management Councils, and the NCAA president. NCAA Constitution 4.1.1 (Composition). Like public companies, major non-profit associations usually include outside board members to provide objectivity, relevant experience, perspective and wisdom. Board members with those qualities will provide valuable insight to the NCAA generally, and as it works towards the restoration of college basketball. The NCAA should promptly identify candidates with the appropriate stature and characteristics, and change its rules to require public voting members on its highest governing body. The Commission will make independent board member recommendations to the NCAA to assist it in assembling a first-rate list of candidates.

Reference 59 - 0.28% Coverage

The NCAA has often failed to carry out its responsibilities to “maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body.” NCAA Constitution 1.3.1 (Basic Purpose). But, the NCAA is not really Indianapolis: It is the sum total of its member institutions. When those institutions and
those responsible for leading them short-circuit rules, ethics and norms in order to achieve on-court success, they alone are responsible. Too often, these individuals hide behind the NCAA when they are the ones most responsible for the degraded state of intercollegiate athletics, in general, and college basketball in particular. The Commission makes these recommendations to support fulfillment of the NCAA’s purposes and to impose accountability on institutions and individuals undermining their achievement.

Reference 60 - 0.27% Coverage

On September 26, 2017, the United States Attorney’s Office for the Southern District of New York announced the arrest of ten persons for involvement in fraud and corruption schemes related to college basketball – four NCAA Division I college basketball coaches, the head of Global Sports Marketing – Basketball and two individuals affiliated with a major athletic apparel company, and three athlete advisors. The first scheme involved allegations that college coaches took cash payments from athlete advisors to steer players and their families to the advisors making the payments. The second scheme involved allegations that a senior executive at a sports apparel company worked with athlete advisors to funnel payments to high-school players and their families to obtain their commitment to attend universities sponsored by the apparel company.

Reference 61 - 0.45% Coverage

After the announcement of these charges, the NCAA’s President, Mark Emmert, stated that it is “very clear the NCAA needs to make substantive changes to the way we operate, and [to] do so quickly.” Statement from Pres. Mark Emmert, Oct. 11, 2017. He continued: “[w]hile I believe the vast majority of coaches follow the rules, the culture of silence in college basketball enables bad actors, and we need them out of the game. We must take decisive action. This is not a time for half-measures or incremental change.” As a first step, he announced that the NCAA Board of Governors, the Division I Board of Directors and the NCAA President had established an independent Commission on College Basketball, chaired by Dr. Condoleezza Rice. The Commission was to “examin[e] critical aspects of a system that clearly is not working” and focus on three areas:

• The relationship between the NCAA national office, its members, their studentathletes and coaches and third parties, including apparel companies, nonscholastic basketball and athlete agents and advisors.

• The relationship between the NCAA and the NBA, including the challenging effect of the NBA’s current age eligibility rule which created the one-and-done phenomenon in men’s college basketball.

• The creation of the right relationship between the NCAA’s member institutions and its national office to promote transparency and accountability.

Reference 62 - 0.22% Coverage

The Commission was charged with gathering information and expert opinions for making “transformative recommendations” to the Division I Board of Directors and NCAA Board of Governors on “legislation, policies, actions and structure(s) to protect the integrity of college sports, with a focus on Division I men’s basketball.” Members of the Commission were
appointed for an initial six-month term. The Commission’s goal was the completion of its work and a report to the NCAA Boards for action at their April 2018 meetings. This document is that report, and it contains the Commission’s recommendations with respect to the challenges currently facing college basketball.

Reference 63 - 0.26% Coverage

Before going further, however, the Commission believes it is important to confront the uncomfortable fact that the challenges identified in this report have been part of the landscape of pre-professional basketball for many years, and that others have previously made serious efforts to address them with only limited success. To be sure, these challenges have become more prominent in the past decade as elite basketball – pre-college, in-college and post-college – has become exponentially more lucrative. The fact remains, however, that today’s issues have been around a long time, and their existence is widely acknowledged. Virtually all stakeholders and others providing information to the Commission at some point uttered the discouraging phrase: “Everyone knows what’s been going on.”

Reference 64 - 0.16% Coverage

However, the Commission recognizes that some humility is required in light of past failures and the size of the challenge. Stakeholders do not agree about either the causes or the potential solutions to the current challenges that face pre-professional basketball. The Commission believes that these challenges will persist unless all stakeholders accept responsibility for the credibility of the game, the reputations of the schools who field teams and the integrity of the athletes who compete.

Reference 65 - 0.25% Coverage

From mid-October 2017 through early April 2018, the Commission sought the views of stakeholders. In meetings, the Commission directly heard the views of a number of parties. In addition, the Commission opened a portal and solicited public comment on its work, receiving numerous helpful written responses. The Commission heard directly from the NBA, the NBPA, USA Basketball, numerous NCAA offices and departments, multiple athletic conferences, several apparel companies and agents, college and high school coaches associations, student and faculty associations, athletic directors’ associations, other interested associations and groups, the Uniform Law Commission, athletes and other individuals. The Commission appreciates all of this helpful input into its work.

Reference 66 - 0.02% Coverage

The Commission also benefited from the following briefings:

Reference 67 - 0.30% Coverage

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 had received. The Commission’s discussions were enhanced by the varied and deep experience of its members, including former student-athletes, former professional athletes, coaches, athletic directors, university presidents and provosts and NBA owners. The Commission also benefited from the insights, experience and expertise of its members who are “outsiders,” and brought to bear their unique perspectives from government and the military on the current problems of men’s Division I basketball. Through executive session discussions, the Commission was able to assess how the
information it received and the perspectives of stakeholders might affect potential NCAA actions to address the issues identified for the Commission’s consideration.

Reference 68 - 0.29% Coverage

Both Division I men’s basketball and the NBA are multi-billion dollar enterprises. Many individuals and entities earn a living and more by direct and indirect association with these entities. Thus, the financial stakes are high for elite players, coaches, athletic directors, colleges and universities, apparel companies, agents and athlete advisors of all stripes. Where this much money is at stake, the incentives to break rules are high. To identify issues and craft potential recommended responses, the Commission was asked to focus on three categories of relationships in college basketball: (1) the relationships between college basketball and the NBA and NBPA; (2) the relationships between the NCAA and its member institutions; and (3) the relationships between college basketball and apparel companies, non-scholastic basketball (coaches and leagues), agents and other third parties.

Reference 69 - 0.19% Coverage

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 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.

Reference 70 - 0.31% Coverage

Many who number among elite players while in high school believe and expect that they will play professional basketball. See Executive Summary (ES) Section 1.B. Many third parties – e.g., agents, apparel companies and other athlete advisors – see some high school players’ potential for a professional career, and the potential for earnings for themselves, and are willing to invest in a significant number of players in the hope that some will be drafted and yield returns. Thus, the incentives for third parties to make improper payments to players and others with influence over players exist beyond the small group of players who may be one-and-done, and extend into the slightly larger group of players who will play additional years of college basketball before playing professionally. Nonetheless, it is fair to say that substantial third-party attention, including financial attention, will focus on one-and-done players and a relatively small additional group.

Reference 71 - 0.24% Coverage

For a subset of these players who have no intention of spending more than a year or two in college or whose time is fully consumed by basketball, maintaining academic eligibility to play may be a challenge. If that player is good enough, however, the school may be strongly motivated to assist that student-athlete in maintaining his eligibility. This situation creates another opening for corruption – the manipulation and dilution of academic standards by school officials, along with other academic misconduct. A series of recent cases involve this phenomenon. Other cases illustrate the lack of clarity about the NCAA’s rules and the likely punishment for academic misconduct, as well as inconsistency in the NCAA’s application of the
rules

Reference 72 - 0.10% Coverage
The NCAA’s current rules on amateurism place limits on the ability of those players to test the professional market for their services and to obtain assistance from an agent in assessing their potential value. This, in turn, may prevent student-athletes from taking full advantage of their collegiate opportunities.

Reference 73 - 0.07% Coverage
The Commission heard from many commenters who identified both the NCAA’s enforcement process and the substance of the NCAA’s rules as inadequate to deal with the challenges presented by Division I men’s basketball.

Reference 74 - 0.17% Coverage
Eligibility and Academic Misconduct. The Commission heard criticism of the NCAA’s rules related to academic eligibility. See NCAA Bylaws, Art. 14. With respect to post-enrollment academic performance, the NCAA’s “progress towards degree” requirements determine whether individuals remain eligible to play. Stakeholders did not take issue with the substance of these rules. Instead, the Commission heard criticism about the NCAA’s relationship with member institutions’ course offerings and academic requirements.

Reference 75 - 0.08% Coverage
Some stakeholders believe that the NCAA should not be in the business of enforcing academic standards. However, many others assert that the NCAA’s current rules with respect to academic standards undermine the integrity of the collegiate experience and game.

Reference 76 - 0.33% Coverage
Amateurism. The Commission also heard from critics of current NCAA rules regarding amateurism. NCAA rules require that students who play for college teams qualify as “amateurs” and continue to be so qualified throughout their collegiate years. Although there are exceptions and complexities, the Bylaws forbid college athletes to receive compensation in any form in the sport, to accept a promise of pay, to sign a contract or commitment to play professional athletics, to receive consideration from a professional sports organization, to compete on a professional team and to enter into an agreement with an agent. In addition, a student-athlete cannot receive preferential treatment, benefits or services because of his athletic reputation or skill, unless specifically permitted by NCAA rules. NCAA Division I Bylaws 12.1.1.2.1 (Amateur Status After Certification); 12.1.1.1.3 (Eligibility for Practice or Competition), 12.1.2 (Amateur Status); 12.1.2.1.6 (Preferential Treatment, Benefits or Services).

Reference 77 - 0.16% Coverage
Some stakeholders note that many elite players receive some form of payment to play basketball before attending college; that student-athletes are bringing substantial sums into NCAA and collegiate coffers; and that playing Division I men’s college basketball is essentially a full time job that does not leave room for a normal college experience. They conclude for some or all of these reasons that players should receive some recompense (beyond the full value of their education) for playing basketball.

Reference 78 - 0.18% Coverage
Others recognize the validity of some of these points, but contend the student-athletes receive significant benefits from their college experiences, including the value of the scholarship (the full cost of a college education), the associated training, coaching and benefits of being on a collegiate team, and the lifelong incremental increase in earning power resulting from a college degree. See ES Section 1.D. Many believe that paying players is not financially or legally feasible and that doing so would fundamentally alter the nature of the collegiate game.

Reference 79 - 0.10% Coverage

They support a variety of means – other than payment – to address the economic circumstances and equities of student-athletes in high-revenue sports, and to ensure that they receive the education that the college promises. In addition, they support continued enforcement of the amateurism rules.

Reference 80 - 0.24% Coverage

Still others believe that the NCAA rules are so focused on pre-professional sports that the NCAA has failed to create a system that makes sense for the majority of studentathletes who will not make a living at their sports. Under these rules, stakeholders assert, student-athletes who accept any “benefit,” no matter how small, risk losing their eligibility to compete. The NCAA’s administration of the “no benefit” rule, see NCAA Bylaw 16.11.2 (Nonpermissible), was criticized as penalizing student-athletes and preventing them from engaging in normal interactions with friends and mentors. Those holding this view suggest that the NCAA should engage in common sense calibration of the “no benefit” rule for particular contexts.

Reference 81 - 0.28% Coverage

Agents. NCAA rules further forbid collegiate athletes to enter into any agreement (oral or written) with agents for purposes of marketing their athletic ability or reputation for financial gain, even if that agreement is limited to future representation. Prohibited marketing includes negotiations with professional teams, seeking product endorsements and efforts to place an athlete at a particular school. The rules likewise forbid family members or other representatives to enter into such an agreement on behalf of an athlete. In addition, athletes may not accept benefits from agents even if those benefits do not have strings visibly attached. NCAA Division I Bylaws 12.3.1 (General Rule); 12.3.1.2 (Representation for Future Negotiations); 12.02.1 (Agent); 12.3.3 (Athletics Scholarship Agent); 12.3.1.3 (Benefits from Prospective Agents).18

Reference 82 - 0.23% Coverage

Some stakeholders expressed the view that agents should be permitted to have earlier access to athletes, potentially as early as during high school, and certainly at the beginning of each academic year in college. Agents opined that parents, families and students are eager for knowledge about their collegiate, professional and post-collegiate options and that they will find that information one way or another. They assert that student-athletes routinely misunderstand their own professional prospects and their best path to success and that agents and advisors could assist student-athletes in making the best choices about eligibility, including choices that would result in higher levels of educational achievement.

Reference 83 - 0.09% Coverage

In addition, many stakeholders, including agents, told the Commission that agents are determined to develop relationships with professional prospects and, whatever the rules
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provide, will find ways to make contact with student-athletes and those who influence them.

Reference 84 - 0.07% Coverage

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.

Reference 85 - 0.24% Coverage

Still other stakeholders, including a number of agents, took the position that allowing agents to have contact with high school students will result 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 violations to the NBPA or other unspecified rule changes).

Reference 86 - 0.16% Coverage

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 nonscholastic settings, and those players cannot officially visit colleges and universities until late in their junior year. See generally NCAA Division I Bylaws, Art. 13.

Reference 87 - 0.20% Coverage

Indeed, Division I coaches complain that they are dependent on non-scholastic coaches, leagues and events for opportunities to view players, giving those third parties even more leverage over high school players. In the interim, high school players are playing non-scholastic basketball sponsored by apparel companies who provide those high school players with gear, travel and experiences. Division I coaches seek to increase their direct contact with high school players at critical junctures, and to limit their dependence on non-scholastic coaches, leagues and apparel companies for access to high school players.

Reference 88 - 0.34% Coverage

Penalties. Finally, most stakeholders believe that the NCAA must have authority to impose harsher penalties on schools, coaches and administrators (including presidents) who violate the rules or know of rules violations and do nothing or who fail to cooperate with NCAA investigators. There was a strong sentiment that the NCAA must have the ability to impose loss of post-season play, including the NCAA tournament, and loss of revenue from post-season play on those who commit serious infractions and those who decline to cooperate with NCAA investigations. They believe that the availability – and utilization – of these penalties would get presidential and board-level attention at colleges. These persons further note that administrators, athletic directors and coaches who violate the rules often move on to other member institutions, and do not pay a significant price for violations that occur on their watch. Moreover, the institutions that hire individuals who have violated the rules pay no significant price for taking the risk of hiring past offenders.
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 basketball is largely unregulated.

In addition to coaching, experience, gear and travel, these non-scholastic basketball teams and events offer players exposure, including to Division I coaches. For example, Division I coaches attend and recruit at the NCAA-certified events which are held in April and July each year. Many summer coaches have ongoing relationships with Division I coaches. They can thus bring “their” players to the attention of Division I coaches and potentially influence players to attend particular schools, including schools where “their” apparel company is a sponsor.

The Commission heard varying views on whether the NCAA should be more or less or differently involved in non-scholastic basketball. All stakeholders agreed that non-scholastic basketball has provided substantial benefits to many student-athletes – competition, gear, travel and similar enriching experiences, coaching, exposure to college coaches and an opportunity to receive a college scholarship, among other things. In addition, many college coaches use the events at which significant numbers of high school players gather to evaluate potential recruits efficiently and economically. Coaches at less advantaged schools rely on these large gatherings to scout.

That said, virtually all stakeholders expressed the view that currently, nonscholastic 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 accountability or transparency about many of the sources and expenditures of those 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. Almost all elite basketball players participate in non-scholastic basketball. Thus, as noted above, many players and their families are accustomed to being paid before they attend college.

Under the current system, Division I men’s basketball players are amateurs (student-athletes) and may receive a scholarship to matriculate and play basketball for their institution, but may not be paid for doing so.
question of improper influence, accordingly, clearly extends to transfers.

Reference 95 - 0.29% Coverage

In sum, numerous players provide value to their schools and to third parties who may benefit from their success, and they and/or their families may receive offers of financial support for choices that they make. Some players and/or their families may be in challenging financial circumstances; others may become accustomed to receiving financial support and benefits even before attending a college or university. Studentathletes are currently restricted in their ability to earn income related to their status as student-athletes while matriculating. See, e.g., NCAA Division I Bylaw 12.1.2 (Amateur Status). Thus, players or their families may be offered and receive money the NCAA rules prohibit them from taking, and coaches and others associated with NCAA member institutions may be involved in those payments or themselves take payments to influence players in a variety of ways.

Reference 96 - 0.12% Coverage

As it gathered information and listened to stakeholders, the Commission heard numerous recommendations for specific reforms to address the issues in Division I men’s basketball described above. In assessing both the challenges and the potential reforms, the Commission accepted as its foundational principle the collegiate model of athletic competition.

Reference 97 - 0.31% Coverage

The NCAA’s basic purpose is “to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body and, by so doing, retain a clear line of demarcation between intercollegiate athletics and professional sports.” NCAA Constitution 1.3.1 (Basic Purpose). Member institutions are responsible for controlling their intercollegiate athletics program “in compliance with the rules and regulations of” the NCAA. NCAA Constitution 2.1.1 (Responsibility for Control). “It is the responsibility of each member institution to establish and maintain an environment in which a student-athlete’s activities are conducted as an integral part of the student-athlete’s educational experience.” NCAA Constitution 2.2.1 (Overall Educational Experience). The Commission’s recommendations seek to support and further both the NCAA’s purpose and its members’ acceptance of responsibility for its achievement.

Reference 98 - 0.12% Coverage

The issues currently confronting the NCAA and Division I men’s college basketball are long standing and complex. The Commission believes, however, that implementing the recommendations below will support the integrity of the collegiate game and the NCAA’s member institutions without unduly limiting the individual opportunities of student-athletes.

Reference 99 - 0.22% Coverage

In the Commission’s view, preventing young athletes capable of and preferring to play in the NBA from doing so, and pushing them into enrolling in college for a single year (or less), is doing more harm than good for college basketball and college. The potential earning power of marquee college players who can win championships for their schools is an irresistible draw for third-party attention and money, most notably from athlete advisors. Their game-changing potential for a college team creates the strongest motivation for improper payments from third parties and violations of NCAA rules by school administrators, coaches and other
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 cutthroat. Agents and other advisers seek to enter into relationships with potential professionals when those players are in high school and in college, and they do so by paying the players and those with influence over the players, including family members and coaches, in violation of NCAA rules. Agents and other advisers also appear to have (and many actually have) valuable information and access to opportunities, such as coaching, training and exposure to college coaches. Agents and other advisers thus form early relationships with potential professional players and their “influencers,” and players and their “influencers” become accustomed to being paid.

Eliminating one-and-done players from college basketball will remove the group of most likely future professionals, and the associated potential for corrupt payments from agents. Allowing collegiate players who become clear professional prospects to depart when they choose to do so should similarly lessen the temptation to cheat while in college.

Student-athletes, of course, are not the only ones subject to these financial temptations. The potential financial benefits that these players bring to a college can also corrupt the school’s academic program and standards; schools might offer special benefits to these athletes in violation of NCAA rules or dilute the education of all students. Finally, the matriculation of players virtually certain to attend school for a short time primarily to play Division I basketball is a public acknowledgement that certain student-athletes will not, as a practical matter, be college students.

Many Division I college basketball players who will never play in the NBA will bring championships and money to their schools and, as a result, may be offered payment by those who would benefit or by boosters. In addition, many of those players will have professional potential and receive payments based on the mistaken hopes of third parties for eventual rewards. Colleges, too, will reap enormous benefits from the attendance of players unlikely to make it to the NBA, and thus may be motivated to compromise academic standards. Many student-athletes who play Division I college basketball have the “student” part of their student-athlete experience diluted so they can focus on basketball, without regard to their professional potential.
some significant benefits. It would require students who choose the collegiate path to understand that they are making a serious commitment to their education, and it would create a context in which athletes are ultimately more likely to receive their degrees. However, the baseball rule would also force collegiate players who could sign with an NBA team to remain in school, with the negative consequences that would entail. Moreover, both the culture and professional path of a major league baseball player differ dramatically from that of an NBA player. Baseball has a tiered, large-scale minor league system, and even elite players often spend years developing in the minors. In addition, one baseball player generally cannot change the fortunes of a baseball team. As a result, the baseball rule does not translate perfectly to basketball.

Reference 105 - 0.20% Coverage

If the NBA and the NBPA were to adopt the “baseball rule,” we believe that the challenges created by the presence of one-and-done players would simply migrate to older future NBA players unhappily captive in their second and third collegiate years. Holding players with NBA opportunities hostage also feeds the narrative of collegiate player exploitation, putting pressure on the NCAA’s commitment to the collegiate model. Players with professional earning power should have the freedom to choose a professional path. The Commission believes that student-athletes should be encouraged but not forced to remain in college.

Reference 106 - 0.08% Coverage

The Commission also considered ending freshman eligibility. This change would penalize many student-athletes ready to play Division I college basketball in their first years (and their schools) in order to address a problem created by a small group.

Reference 107 - 0.21% Coverage

an alternative to the blanket elimination of freshman eligibility, the Commission also considered conditioning such eligibility on some additional measure of Freshman Readiness, a demonstration that a student-athlete’s high school experience has prepared him for college academic requirements. As a less drastic measure, the Commission considered making all Division I basketball scholarships three or four year scholarships such that colleges would be required to “lock up” scholarships if they recruited a player unlikely to matriculate for more than a year or did so regularly. There are serious downsides to each of these alternatives.

Reference 108 - 0.07% Coverage

The Commission recommends that student-athletes be permitted to enter the draft and retain their collegiate eligibility if they are not drafted, provided they otherwise remain eligible to do so and they return to the same school.

Reference 109 - 0.37% Coverage

The NCAA should provide high school and college players with additional flexibility in retaining collegiate eligibility while assessing their professional prospects. Under current NCAA rules, players may apply for an NBA Undergraduate Advisory Committee evaluation and participate in the NBA Combine, but players lose their collegiate eligibility if they do not remove their names from the draft within ten days after the NBA Combine. NCAA Division I Bylaw 12.2.4.2.1 (Exception – Basketball). It is easy to say that young players should know that they will not be drafted and that they “make their own beds” when they fail to
withdraw from the draft. But, this kind of misjudgment is widespread, and the penalty for it should not be so high, if we are serious about the value and importance of college. The quality and value of the college experience increases with the amount of time a student-athlete spends on campus. With the completion of each academic year, a student will face a lower hurdle to earning a degree. Student-athletes who are wrong about their professional prospects should retain the opportunity to work toward the degree they were promised.

Reference 110 - 0.14% Coverage

We recognize that this regime has some downsides. Under current collectively bargained rules, a player who declares for the draft, but is not drafted, is a free agent and may sign with any NBA team at any time, including the middle of the next college season. To address this problem, the Commission requests that the NBA and the NBPA agree that players who are not drafted become ineligible for the NBA until they enter the draft again.

Reference 111 - 0.24% Coverage

In addition, if players remain in the draft until it occurs, college coaches will not know until June which players are eligible for, or remain on, their rosters for the next season. However, the NBA draft is two rounds and involves only 60 players. Data show that international players will take approximately 40% of these slots. Thus, this uncertainty implicates very few players (around 36), and we believe that college coaches are sufficiently experienced and knowledgeable to accurately predict whether a young player is, in fact, likely to be drafted. Student-athletes may make some decisions that cost them collegiate eligibility, but the Commission recommends that these points of no return be modified in light of current realities.

Reference 112 - 0.31% Coverage

The Commission also has concluded that the NCAA should retain one aspect of the current transfer rule, which provides that players who transfer must sit out a season before returning to college basketball competition. NCAA Division I Bylaw 14.5.1 (Residence Requirement – General Principle). Students who transfer face serious disadvantages in completing their degrees, and are less likely to do so. Despite this issue, over the last few years, hundreds of players transfer each year, and the trend is upward.22 Division I basketball players who transfer overwhelmingly do so in order to be in a better “basketball situation,” without regard for earning their degrees. Moreover, third parties influence many transfers for their own purposes, often without the best interests of the player in mind. Thus, the Commission recommends that the “residence requirement” of the transfer rule remain in place, whatever other changes are made in the NCAA’s transfer rules.

Reference 113 - 0.20% Coverage

The Commission recommends that the NCAA and its member institutions develop strict standards for the certification of agents, and authorize and make opportunities for those certified agents to engage with student-athletes at school at specific times during the calendar year. To implement this requirement, the NCAA must appoint a Vice-President level executive to develop detailed standards for NCAA certification and administer the program. The NCAA’s program should also educate elite student-athletes at member institutions about NCAA eligibility rules and requirements and professional prospects.

Reference 114 - 0.20% Coverage
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 the draft should be allowed to engage NCAA-certified agents and advisors just as high school baseball players may engage agents for advice about the draft. Cf. NCAA Division I Bylaw 12.3.1 (Exception – Baseball and Men’s Ice Hockey – Prior to Full-Time Collegiate Enrollment).

Reference 115 - 0.33% Coverage

Current NCAA rules forbid players, their families and their associates to enter into written or oral agreements with, or to receive benefits from, individuals whom NCAA rules define as “agents.”

Yet, virtually all agents with whom the Commission met or their employees. However, the Commission was advised that agents court elite players from an early age, and that many such players are paid, either directly or indirectly.

advised the Commission not to allow high school or collegiate athletes to enter into agreements with agents in advance of their professional careers. They generally thought that this would simply increase the influence of corrupt agents at an even earlier age. Instead, agents recommended creating opportunities for “good” agents to talk with high school and collegiate players and make their cases so that players would have all available options before they enter the professional market. The Commission intends NCAA-certification to provide these opportunities for “good” agents.

Reference 116 - 0.19% Coverage

The Commission recommends that the NCAA immediately establish a substantial fund and commit to paying for degree completion for student-athletes with athletic scholarships who leave college after progress of two years towards a degree. The NCAA must require Division I programs to establish a Degree Completion Program to support degree completion by student-athletes who compete and complete two years of college and then leave school, but later seek to return to college to finish their education. The NCAA and its member institutions must keep focused on the prize here – a college degree.

Reference 117 - 0.12% Coverage

As described above, the Commission starts from the premise that students who are athletes – not paid professionals – play college sports. It is worth noting that student-athletes choose the collegiate path, and we want to enhance their ability to decide whether to do so. But they are making a choice; if it is not the right choice and a professional path is more desirable, they should take it.

Reference 118 - 0.07% Coverage

schools, cannot participate fully in the academic and social experience of college, and therefore should be treated as professional athletes and paid more than the full cost of their college educations.

Reference 119 - 0.20% Coverage

Proponents of pay-for-play contend that it is past time to recognize that men’s Division I football
and basketball players are not student-athletes, but are instead professional athletes who are not receiving a college education. As a matter of fairness, they contend, the players who earn these massive revenues should share in them, rather than seeing the money flow to coaches, athletic directors, excessive facilities and elsewhere. Thus, the argument continues, colleges should openly bid for players’ services, instead of obtaining their services through a corrupt process as they are alleged to do now.

Reference 120 - 0.32% Coverage

Opponents of pay-for-play strongly believe that college basketball should remain a game played by student-athletes that has unique value and appeal. They also strongly resist the argument that student-athletes do not benefit from attending college and participating in intercollegiate basketball. Their counter is simple. Student-athletes in fact benefit enormously. They receive full scholarships up to the cost of attendance, see ES Section 1.D. Students with demonstrated financial need are also eligible for Pell grants of $5,800 annually. Student-athletes often receive benefits such as meals, special academic support, travel expenses, coaching, training and nutritional advice, career guidance and more, worth tens of thousands of dollars annually. Obviously, student-athletes who remain in school for four years receive four times this value, along with the increased earning power of a college degree, which is roughly $1 million over a lifetime. See ES Section 1.D.

Reference 121 - 0.34% Coverage

In addition, all agree that the complexities of developing a lawful and fair pay-for-play system are staggering. In an open market for player services, payments would vary based on the talent of the individual, the revenue that he or she would generate, the local sports market, etc. It is unclear what happens to the players who are not worth that much in a pay-for-play model, or whether colleges can compete for players’ services annually. Opponents of pay-for-play also point out that no system would be fair to all students, sports and schools, and that many programs would cease to exist, depriving large numbers of student-athletes without professional potential of an opportunity to attend college. They also observe that if players were paid a salary instead of the full cost of attendance at college, they would pay taxes on that salary, and thus receive little benefit. Paying student-athletes, others assert, would erode the associations between athletes and their schools, athletes and their teammates, and athletes and their fellow students.

Reference 122 - 0.24% Coverage

This debate is longstanding, and many have entrenched views. College basketball has earned billions for NCAA institutions. Indeed, the major, revenue-generating college sports have supported the inter-collegiate athletic experiences of thousands of athletes in sports that are not profitable and have provided a multitude of other benefits to member institutions. However, those billions have also been used to finance breathtaking salaries for some coaches in revenue-generating sports and extravagant athletic facilities, while some colleges reduce academic offerings. Many, including some members of this Commission, wonder whether colleges and universities are making the right choices about their institutions’ educational missions.

Reference 123 - 0.32% Coverage

The Commission has already expressed its view that student-athletes receive valuable benefits by pursuing a degree and participating in intercollegiate sports. In addition to the economic benefits
detailed above, college sports is a valuable part of a college education, as illustrated by numerous student-athletes who study, train and compete with no thought or possibility of “going pro.” But the Commission shares the concerns of those who believe that the athletes generating these billions in revenues for NCAA colleges and universities and their coaches and administrators often are not receiving the benefit of the college education that they are promised. This problem is compounded when players with professional options are not permitted to leave college and play professionally. The Commission likewise believes that the large sums of money and the prestige that accompany college basketball championships can corrupt colleges’ admission standards, academic offerings and integrity.

Reference 124 - 0.28% Coverage

One aspect of this debate is particularly relevant to the Commission’s mandate. Paying modest salaries to Division I basketball players will not address the particular corruption the Commission confronts; nor will providing student-athletes a modest post-graduation trust fund based on licensing of names, images and likenesses. None of the contemplated payments would be sufficient to reduce the corrupt incentives of third parties who pay certain uniquely talented players in the hope of latching onto their professional futures, of coaches and boosters seeking to secure the success of their programs, or of colleges willing to undermine their education mission to ensure the eligibility of players. One would have to adopt a full-scale professional model to forestall that corruption or, as the Commission recommends, try instead to revitalize the college model.

Reference 125 - 0.13% Coverage

Finally, the Commission is also aware of many voices suggesting that allowing student athletes to earn some financial benefit from the marketing of their names, image and likenesses (NIL) is consistent with the collegiate model, particularly if students do not receive those funds until after college. Notably, the NCAA is a defendant in litigation involving the NCAA’s refusal to allow students to do so.

Reference 126 - 0.12% Coverage

The court stated that “[t]he difference between offering student-athletes education-related compensation and offering them cash sums untethered to educational expenses is not minor: it is a quantum leap. Once that line is crossed, we see no basis for returning to a rule of amateurism and no defined stopping point.” O’Bannon v. NCAA, 802 F.3d 1049, 1078 (9th Cir. 2015) (emphasis added).

Reference 127 - 0.23% Coverage

But, in the current legal circumstances, the Commission decided to address the charge of exploitation by providing individual student-athletes with access to professional opportunities, and ensuring that the student portion of student-athlete is real. Specifically, the Commission recommends allowing student-athletes with a professional pathway to make the choice to leave college every year, creating resources so that they can make an informed choice whether to do so, welcoming back student-athletes whom the NBA does not draft, making a serious financial commitment to degree completion and severely punishing those who undermine the premise that student-athletes must receive a valuable – not a sham – education.

Reference 128 - 0.29% Coverage
In sum, the Commission recognizes that the money generated by Division I basketball makes its task extremely difficult. Nonetheless, the Commission recommends changes intended to expand the professional opportunities of high school athletes who do not wish to attend college, to blunt the incentives to corrupt major college sports, to increase the likelihood that colleges, coaches and administrators participating in corruption will be punished, and to help student-athletes receive the college education they are promised. To meet the latter obligation, the NCAA must establish a substantial fund to assist its member institutions in fulfilling their commitment to student-athletes and mandate that its members establish degree completion programs. This recommendation will be expensive; but in today’s world, it is necessary to provide meaning to the phrase student-athlete.

Reference 129 - 0.35% Coverage

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 was occurring in their programs. A significant institutional overhaul is required.

Reference 130 - 0.11% Coverage

First, the Commission recommends that the NCAA establish two tracks for addressing rules violations – one track for complex cases and a second for all others. The current NCAA process would remain in place for the second category of cases, but the NCAA must create an entirely new process for investigating and deciding complex cases.

Reference 131 - 0.29% Coverage

Most significantly, the Commission recommends that the Committee on Infractions appoint a panel of paid independent decision makers, such as lawyers, arbitrators and retired judges. These decision makers would form a pool from which three adjudicators would be randomly selected to resolve each complex case. Members of the panel would serve for a term of five years (with some shorter and longer terms initially so that the entire panel does not turn over simultaneously). The panel would operate under the rules of the American Arbitration Association or analogous rules; its decisions would be final and binding, subject to review only under the Federal Arbitration Act. Volunteers and members should not decide whether fellow member institutions have violated NCAA rules, nor the appropriate punishment for those violations. It is time for independent adjudication of the NCAA’s complex cases.

Reference 132 - 0.06% Coverage

The Commission recognizes that instituting an adversary process may further delay a process already criticized as too slow. The Commission recommends two measures to address...
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Reference 133 - 0.11% Coverage

First, the NCAA should adopt rules authorizing the independent panel of adjudicators to grant preliminary injunctive relief – that is, to forbid or require certain action while the adjudication is taking place – against institutions and individuals where the NCAA’s investigator and advocate demonstrates a substantial likelihood.

Reference 134 - 0.06% Coverage

Second, the NCAA should establish reasonable time limits for submission and decision of a case, which must be enforced except in extraordinary circumstances, as determined by the panel.

Reference 135 - 0.16% Coverage

Second, the Commission recommends that the NCAA ensure professional investigation and prosecution of serious violations. There are at least two ways to do so. After its appointment, the independent adjudication panel could create a panel of outside counsel (not the NCAA’s usual counsel who would be in a conflict of interest) to investigate and advocate in complex cases. In the alternative, the NCAA could establish a separate investigation and advocacy office, with rules guaranteeing its independence.

Reference 136 - 0.27% Coverage

The Commission also recommends that the newly formed investigative office (or appointed law firm) and, indeed, all relevant NCAA investigative bodies, be instructed to exercise appropriate enforcement discretion and common sense – that is, to set appropriate priorities for enforcement, to make reasonable decisions about punishment, and not to expend excessive resources on violations that are de minimis. This investigative entity should give serious infractions substantial attention and seek punishments that will deter future violations. But it should also recognize that certain kinds of minor violations should be handled differently, both in terms of resources expended and punishment recommended. In the exercise of such discretion, plainly self-reporting and other indicia of cooperation should be considered.

Reference 137 - 0.44% Coverage

The NCAA Bylaws require member institutions, their staff and student-athletes to cooperate in NCAA investigations. See, e.g., NCAA Division I Bylaw 19.2.3 (Responsibility to Cooperate). A failure to cooperate is one factor the NCAA can consider in assessing penalties. NCAA Division I Bylaw 19.9.2 (Factors Affecting Penalties). This regime has proved insufficient. The NCAA also must adopt rules that require member institutions and their personnel to cooperate with NCAA investigations, with a failure to respond to investigators’ requests promptly bearing significant consequences, including loss of post-season eligibility and revenues. Specifically, to participate in Division I basketball, member institutions and their presidents, administrators, and coaches must agree to cooperate with NCAA investigations, including by providing documents and testimony where sought by NCAA investigators. In addition, while the NCAA does not have subpoena power, it can adopt rules requiring as a condition of membership, that member institutions enter into contractual agreements to cooperate in investigations and that member institutions contractually impose the same requirement of cooperation on presidents, administrators and coaches. NCAA rules should specifically protect whistleblowers who report and provide evidence of violations.
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 associated revenues.

In a related point, the NCAA must authorize its investigators and advocates to submit and rely on the evidence admitted in judicial and administrative tribunals and on the decisions of those tribunals. There is no reason to require the NCAA to redo the work of other tribunals. The independent panel of adjudicators can determine the reliability of the evidence and the preclusive effect of other decisions.

The Commission recommends significant changes in the penalty structure and the nature of penalties imposed on NCAA member institutions for certain violations. The Commission considers non-cooperation a separate serious offense that should receive substantial penalties, including the loss of participation in and revenues from the NCAA tournament for up to five years. In addition, the Commission believes that serious repeated violations of NCAA rules must be subject to these same severe penalties.

Current core penalties for violations of NCAA rules are set out in the Division I Manual, Article 19, Figure 19.1. The NCAA adopted these penalties in October 2012, effective August 2013. Due to the length of the NCAA’s adjudication process, the first cases in which the current penalty matrix applies have only recently been resolved. (The penalty matrix in effect at the time of a violation applies to that violation without regard to subsequent amendments.) The matrix provides appropriate types of penalties for violations by institutions – i.e., probation, fines, suspensions, scholarship reductions, forfeitures, post-season bans, head-coach restrictions, recruiting visit restrictions.

The Commission considered whether the core institutional penalties are sufficiently severe to have the desired deterrent effect. The Commission believes that many at NCAA member institutions consider the rewards of NCAA rule violations to outweigh the risks, and thus it recommends the following changes in the NCAA’s institutional penalties and penalty structure:

First, the Commission recommends the following increases in the core penalty structure: (i) increase the competition penalties for Level I violations to allow a five-year post-season ban; (ii) increase the financial penalties for Level I violations to allow loss of all sharing in post-season play, including the NCAA tournament, for the same five-year period; (iii) increase the penalties for a show-cause order to allow life-time bans.

Second, the Commission recommends that the NCAA inform members that past penalties
imposed for particular violations have no precedential value, and that the independent panel shall conduct a de novo assessment of the appropriate penalties for violations with the need for deterrence in mind. The panel must be free to calibrate punishment without regard to past practice.

Reference 145 - 0.12% Coverage

Third, the Commission recommends that member institutions that employ a coach, athletic director or other administrator under a show-cause order for a previous violation of NCAA rules must receive enhanced penalties if that individual’s program reoffends. Institutions that hire an individual under a show-cause order must be aware that they are taking a significant risk.

Reference 146 - 0.20% Coverage

Fourth, the Commission recommends that the NCAA highlight the availability of a five-year ban from the NCAA tournament and the loss of all revenues from the tournament for that same period for member institutions’ programs found to have engaged in systematic, severe and repeated violations of NCAA rules. The Commission acknowledges that imposing this penalty will result in significant punishment of innocent members of the college community and beyond, and that it must be limited to the extreme circumstances. Nonetheless, the NCAA should use this punishment where necessary to address sufficiently grave patterns of misconduct.

Reference 147 - 0.10% Coverage

certify annually that they have conducted due diligence and that their athletic programs comply with NCAA rules. The NCAA rules should provide for significant penalties for those individuals if they knew or should have known of violations and did not address them, up to and including termination.

Reference 148 - 0.36% Coverage

In terms of substantive rules changes, the NCAA’s jurisdiction with respect to academic issues must be clarified, stated in amended rules and communicated to member institutions. The rules must be amended to allow the NCAA to address all academic fraud and cheating to the extent it is used to corrupt athletic eligibility. Member institutions should not be able to shield academic fraud to ensure athletic eligibility by extending that fraud to the entire student body. In addition, the NCAA’s imposition of discipline for academic fraud and misconduct has been inconsistent and untimely. The relationship between punishment and the school’s involvement, including its self-reporting, is unclear. Member institutions do not fulfill their commitment to student-athletes when they allow them to maintain eligibility through academic fraud or misconduct. The NCAA must also amend its rules to clarify the standard for academic fraud and misconduct and to establish consistent punishments for the violations of these rules. Going forward, the NCAA must apply a revised standard consistently across member institutions.

Reference 149 - 0.34% Coverage

Finally, in connection with its certification of agents who may engage in sanctioned on-campus meetings with high school and college students, the NCAA must enact rules to ensure that agents who participate in rules violations are punished. As noted above, agents who participate in violations of NCAA rules must lose their certification and be banned from NCAA-certified non-scholastic basketball events. Decertified agents may not pass along their student-athlete clients to
others in their agencies. In addition, the Commission recommends that the NCAA report any agents’ participation in NCAA rule violations to the NBPA. The Commission believes that the NBPA would be willing to punish and potentially decertify agents who participate in violations of NCAA rules. Indeed, the NBPA is currently focused on improving the quality and ethics of the agents it certifies. The NBPA has a large stick and its efforts in increasing the standards for certification and in regulating agents will be invaluable to the NCAA’s efforts to limit the influence of corrupt agents.

Reference 150 - 0.28% Coverage

Putting to one side agents paying large sums of money to players, the Commission heard comments that collegiate players or their families may receive from agents a meal or minor travel expenses or some other small benefit that those with limited financial means are strongly tempted to accept. The Commission concludes that the NCAA and its member institutions must enhance the resources of Student Assistance Funds and educate student-athletes about the benefits that it can provide to address the legitimate school-related needs of student-athletes. NCAA Division I Bylaws 15.01.6.1, 16.11.1.8 (Student Assistance Fund). Specifically, the Commission believes that the Fund should be increased and used for additional purposes, such as providing Division I schools with the resources to assist parents and families to travel to student-athletes’ games, subject to means testing.

Reference 151 - 0.20% Coverage

The NCAA must adopt rules that will reform non-scholastic basketball or disassociate college basketball from the corrupt aspects of non-scholastic basketball. The Commission recommends that the NCAA take both short and long-term action. In the short term, the NCAA must adopt rigorous certification criteria for non-scholastic basketball events its coaches may attend, including significant measures to ensure financial transparency and accountability. In the long term, the NCAA should administer its own regional camps for high school players in the group subject to college recruiting in July of each year.

Reference 152 - 0.08% Coverage

The Commission heard from numerous stakeholders that non-scholastic basketball provides recreation, competition and gear for thousands of children who will never play elite high school or college basketball, let alone play professionally.

Reference 153 - 0.06% Coverage

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.

Reference 154 - 0.06% Coverage

The NCAA certifies non-scholastic basketball events and leagues, but the requirements for certification are minimal and those that exist appear to be poorly implemented and inadequately enforced.

Reference 155 - 0.31% Coverage

The NCAA must manage its relationships with non-scholastic basketball, with the objective of preventing the corruption of college basketball. The Commission believes that the elimination of one-and-done players from college basketball will diminish the influence of non-
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scholastic basketball event organizers and coaches with college programs. Clearly, however, problems will remain. College coaches recruit roughly 1125 high school players to Division I programs every year. To the extent college coaches and non-scholastic basketball event organizers and coaches are scratching each other’s backs for personal gain, they are corrupting college basketball. To the extent non-scholastic basketball event organizers and coaches are paying – or arranging for the payment of – players and their families to participate in or enter particular summer programs, they are creating a culture that contributes to the expectation of continued payment while in college.

Reference 156 - 0.18% Coverage

The NCAA and its member institutions have some leverage in their relationship with non-scholastic basketball. Players whom the NBA will not draft from high school – that is, most players – seek to play college basketball. To do so, they must be seen and evaluated by college coaches. Most college coaches cannot see sufficient players by attending high school games, involving only one or two players whom they are recruiting at a time. Instead, they assess players at summer events where numerous players with the potential to play college basketball compete against each other.

Reference 157 - 0.13% Coverage

non-scholastic basketball needs NCAA coaches, and NCAA coaches need non-scholastic basketball. The Commission’s guiding principle in this area is that the NCAA should not certify, and NCAA coaches should not participate in, non-scholastic basketball events involving coaches, leagues or sponsors who are not fully transparent about the sources and amounts of their financial support.

Reference 158 - 0.10% Coverage

More specifically, while NCAA coaches are forbidden to attend non-scholastic basketball events not certified by the NCAA, the NCAA’s current criteria for certification are plainly insufficient. The new criteria for certification must include detailed requirements for financial transparency.

Reference 159 - 0.24% Coverage

Any person or entity that sponsors a summer league, team or event must disclose any payments made to or received from any coach, event operator, owner or any other entity associated with that league, team or event. Any coach, event operator, owner or other entity associated with that summer league, team or event must disclose any payment received that is related to the event and how the payments will be expended. The Commission leaves to the NCAA the design of the disclosure forms and the details of the requirements, but it must require the provision of any non-profit organization’s financial filings with the government and full financial transparency – going both ways – for non-scholastic basketball sponsors, event operators and coaches.

Reference 160 - 0.30% Coverage

The Commission further recommends that the NCAA enforce existing requirements and impose additional prerequisites for certification of non-scholastic basketball events. Current NCAA rules require as a condition of certification that nonscholastic basketball events contain an educational component. That requirement is not effectively administered and enforced – a missed opportunity. Moreover, the NCAA should enforce limits on the paid travel and other benefits associated with the events, and require commercially standard charges for
admission (where allowed) and programs (rather than allowing individualized expensive arrangements for college coaches). Further, the certification should specifically state that NCAA enforcement personnel have unfettered access to any event, including physical access to the venue and the ability to inspect all financial documentation associated with the event.

Reference 161 - 0.10% Coverage

It is important to note that the Commission believes developing players at each level will require a 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.

Reference 162 - 0.14% Coverage

At Level 1, USA Basketball with the NBA should take the lead in organizing and implementing a program targeting this tier of players. USA Basketball with the NCAA should take the lead in organizing and implementing Level 2, and the NCAA should take the lead in organizing and implementing Level 3. Each of the stakeholders will need to bring commitment, experience, financial resources, and the necessary authorities to this shared effort.

Reference 163 - 0.09% Coverage

Player development must expand well beyond basketball to include academic, health, wellness, and life skills. The Commission recommends four physical interactions with pre-collegiate players at each level annually (camps, clinics and tournaments) with continuing on-line.

Reference 164 - 0.09% Coverage

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.

Reference 165 - 0.06% Coverage

Finally, the Committee recommends that participation in NCAA summer events be limited to students making appropriate academic progress towards initial college eligibility.

Reference 166 - 0.27% Coverage

In conclusion, the Commission received extensive commentary about the corruption prevalent in youth basketball organized outside the high school academic setting. We believe that the only way to mitigate the influence of third parties (who may not be working in the best interest of young, talented players) is to introduce financial transparency and accountability to all such entities, establish NCAA youth development programs and provide regulated access to expert player evaluation for students and their families. Individually, none of these reforms is sufficient, but taken together the Commission hopes they will improve the corrosive culture of youth basketball. Protecting, educating and developing youthful players – from the time they first enter high school – is likely to be among the most challenging and important tasks ahead.

Reference 167 - 0.07% Coverage

recommendations are intended to strengthen the relationships between NCAA coaches and prospective and current student-athletes so that these coaches are not required to recruit and
instruct through third parties.

Reference 168 - 0.19% Coverage

First, the Commission supports the NABC’s recommendation that the summer recruiting calendar for evaluating college prospects be modified to allow college coaches to attend two weekends of scholastic-sponsored events in June and to attend three weekends of NCAA-sponsored events in July (once established). The Commission further supports the requirement that once NCAA-sponsored events for July are established, NCAA coaches be limited to recruiting at those events during that time. Many of the problems associated with non-scholastic basketball occur in the summer.

Reference 169 - 0.21% Coverage

Second, the Commission supports NABC’s recommendation that official visits be permitted to begin during the summer between a prospective student-athlete’s sophomore and junior years. The rules should allow five official visits before completion of the junior year and five additional visits during the senior year, and limit the student to one visit per year per institution. Prospective student-athletes are visiting colleges earlier in their development, and third parties may fund those visits where families cannot afford the trips. The Commission agrees that allowing earlier official visits may alleviate some of this pressure.

Reference 170 - 0.14% Coverage

Third, the Commission further supports the recommendation that coaches be permitted to provide more than two hours of skills instruction per week in the off-season. We are informed that an unintended consequence of current limits on NCAA coaches’ hours of skills instruction is that agents and other third parties pay for trainers, and we agree that allowing coaches additional time to work with players would be preferable.

Reference 171 - 0.14% Coverage

Finally, to establish additional points of interaction between college coaches and student-athletes, the Commission supports the recommendation that video operators and other “staff” be permitted to coach their teams. The Commission was informed that NCAA schools are not doing enough to develop the next generation of coaches; in any event, this restriction sets artificial limits on relationships between coaching staffs and team members.

Reference 172 - 0.07% Coverage

The Commission believes that additional recommendations of the NABC and others are worthy of NCAA study. It also supports the NABC’s intent to reinvigorate its Code of Ethics and disciplinary rules and enforcement.

Reference 173 - 0.13% Coverage

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 public members also be a member of the NCAA’s Executive Board.

Reference 174 - 0.14% Coverage

The NCAA Board of Governors is currently composed of presidents or chancellors of NCAA
colleges and universities, chairs of NCAA division governance bodies and the NCAA president. NCAA Constitution 4.1.1. Each of these Board members wears a second hat for a school, conference or NCAA division or body that creates at least an appearance that he or she cannot be entirely objective in determining the direction of the Association.

Reference 175 - 0.12% Coverage

The NCAA administers what is effectively a public trust in the United States — athletic competition among college athletes. Public members of boards serve important functions. They provide objectivity, fresh perspectives and independent viewpoints and judgments. Many non-profit associations utilize public board members for precisely these reasons.

Reference 176 - 0.15% Coverage

The NCAA Board needs excellent public members, with the benefits that such members provide. The NCAA should promptly amend its Constitution to restructure the Board to include public voting members, while simultaneously creating a slate of candidates with the appropriate stature and characteristics. The Commission will provide recommendations to assist the NCAA in ensuring compilation of a high-quality slate of potential public board members.

Reference 177 - 0.02% Coverage

The Commission has made a number of important recommendations.

Reference 178 - 0.15% Coverage

Most call for substantial NCAA action. Some are simple in concept, but not in execution — such as creating independent investigative and adjudicative systems. Others should be easy to execute — specific changes in the available punishments under Article 19 and in the recruiting rules. Some do not require rules changes, but instead the devotion of financial and administrative resource to planning, for example, the creation of NCAA non-scholastic basketball camps.

Reference 179 - 0.10% Coverage

The Commission is committed to completing the task that its recommendations will start. It must have a chance to review the responsive draft legislation and action plan, to provide its viewpoint and, hopefully, its affirmation of the NCAA’s plan to help ensure the success of this important effort to renew college basketball.

Files\CCB4 - Recruiting and College Choice Study - § 9 references coded [ 10.99% Coverage]

Reference 1 - 1.55% Coverage

The survey also attempted to identify “elite” student-athletes. This includes those who were ranked in the ESPN, Rivals or Scout Top 100, those named Max Prep All-Americans, or those who played in either the McDonalds All-American Game or the Jordan Brand Classic. 21% of student-athletes in the sample (N=522) have been classified as “elite” in the following analyses.

Reference 2 - 1.67% Coverage

Men’s basketball student-athletes reported high parental/family expectations of playing college and/or professional basketball that started at a young age. Expectations of a pro-career are higher among elite players (59%) as compared to non-elite (35%). These family expectations may fuel unrealistic professional expectations expressed by the student-athletes themselves in the survey.
While a majority attended one high school and played on one or two AAU/club teams, 17% of non-elite players and 28% of elite players indicated that they moved “specifically to play for a new high school or AAU/Club team during high school.” Elite players were slightly more likely to attend more than one high school and to play on multiple AAU teams. Over half indicated receiving additional skill instruction or personal training outside of the team context during high school.

Elite players are more likely to have played on an AAU team affiliated with an apparel company (84%, versus 56% for non-elite players).

The opportunity to develop skills to compete at a higher level was the greatest driver in college choice. The presence of a particular coach was a stronger factor among elite players (78%) than non-elite players (66%). Three out of four student-athletes also indicated that academic programs contributed to their reason to attend their current college.

Student-athletes who played on an AAU/Club team affiliated with Adidas or Nike are slightly more likely to play on college teams sponsored by the same apparel company.

Nine out of 10 student-athletes reported feeling positive about both the efforts they have made in their college classes and the likelihood that they will graduate from college. Additionally, over 90% believe that having a college degree is important to their long-term success.

59% of the student-athletes in the sample believe it is likely that they will play professional basketball in some capacity. In both the non-elite and elite subgroups, those whose parents held expectations that they would play professionally are much more likely to have pro-aspirations themselves.

Under half of the sample reported having access to accurate information about their chances of playing professionally (43% non-elite, 52% elite).

It is an extraordinarily sad time in college sports. Ten people were arrested Tuesday and charged with fraud and corruption after a two-year FBI investigation.

A Hall of Fame coach was, as the attorney for Louisville’s Rick Pitino said, "essentially fired," as was one of the most respected athletic directors in the country, Tom Jurich.
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A high-ranking Adidas employee was charged in a bribery scheme, as were assistant basketball coaches at Arizona, Oklahoma State, USC and Auburn.

Reference 4 - 0.91% Coverage

This is certainly not the end of this scandal, as its tentacles reach far and wide. This probe could extend to high-profile agents, other programs and others in the sports apparel industry and grassroots basketball industry.

Reference 5 - 0.51% Coverage

While this is horribly unpleasant and far from over, I don’t see meaningful change coming to college sports. The reason? Money.

Reference 6 - 0.27% Coverage

While this ugly scandal seems to be the NCAA’s worst ever, it is not.

Reference 7 - 0.47% Coverage

We have seen big scandals before, and as long as we maintain the current corrupt system and rules, we will be here again.

Reference 8 - 0.58% Coverage

We have implemented rules after each scandal to make ourselves feel better, but they don’t do any good. They can’t do any good. The reason? Money.

Reference 9 - 0.85% Coverage

Why do you suppose we don’t see such scandals in Division II or Division III sports? Money. In Divisions II and III, the salaries, revenues and expenditures are in line with the stated missions of the institutions.

Reference 10 - 0.68% Coverage

Division I football and basketball are multibillion-dollar industries, paying coaches and administrators multimillion-dollar salaries while generating billions

Reference 11 - 0.27% Coverage

of millions from apparel deals with Adidas, Nike and Under Armour.

Reference 12 - 1.10% Coverage

Let’s not pretend that Ed McMahon knocked on the NCAA’s door and surprised the organization with a check for billions of dollars. The NCAA and its members carefully, thoughtfully and purposefully built a multibillion-dollar industry. This was no accident. It was planned.

Reference 13 - 0.82% Coverage

In college sports, money will find a way. Money will always find a way, because the NCAA and its member institutions are addicted to money and will continue to chase it. That seems beyond reasonable dispute.

Reference 14 - 0.86% Coverage

That is not to say that the NCAA’s corrupt system and rules are the reason that rules and laws were broken, or to excuse rule-breaking and lawbreaking. There is no legitimate excuse to break
the rules or break the law.

Reference 15 - 0.52% Coverage

Instead, we should endeavor to change the rules to make them fair, reasonable and moral. Right now, they are none of those things.

Reference 16 - 1.07% Coverage

The current NCAA system and rules are largely responsible for creating the underground black-market economy for players. There are contradictions everywhere, to the point of hypocrisy, and business relationships with third parties that strain the imagination.

Reference 17 - 1.14% Coverage

Do you believe the shoe companies will go away based upon this scandal? No way. They are partners with the NCAA and its member institutions. NCAA institutions accept hundreds of millions of dollars annually to wear apparel and shoes and use the unpaid, amateur players as billboards.

Reference 18 - 0.29% Coverage

given the NCAA’s amateurism rules, it sure does create a contradiction.

Reference 19 - 0.73% Coverage

There is no question that NCAA schools could buy the apparel they need, but instead they choose to accept the revenue and profit from the relationship while using the players to do it.

Reference 20 - 0.81% Coverage

Do you believe that the NCAA can stop the influence of grassroots basketball or the AAU scene? No way. There is nothing inherently wrong with players playing basketball at camps or in summer tournaments.

Reference 21 - 1.13% Coverage

Players will continue to play, and tournament operators will continue to make money off the players and college recruiters who come to watch the players. If the NCAA attempted to affect the grassroots culture, it would open itself up to legal action for anticompetitive practices.

Reference 22 - 1.30% Coverage

Do you believe that the NCAA will stop the influence of agents? No way. Because of NCAA rules that disallow a player from having an agreement with an agent, the ethical agents are on the sideline while the unethical and lesserqualified agents have full access and open-field running to unpaid, amateur players and prospects.

Reference 23 - 0.50% Coverage

Unintentionally, but predictably, the NCAA’s amateurism rules have helped create the black-market economy for players.

Reference 24 - 0.58% Coverage

The NCAA uses the players as billboards for apparel deals and uses their names and likenesses to sell the product, and to sell media-rights deals.

Reference 25 - 0.80% Coverage
The NCAA continues benefiting from this multibillion-dollar business, while the players get only a scholarship, and the only ones exploiting the athletes are the NCAA and the member institutions.

Reference 26 - 0.69% Coverage

When you use a person to make money while at the same time limiting that person from making money, you exploit. Players are certainly not mistreated, but they are exploited.

Reference 27 - 0.76% Coverage

These players are worth a ton of money, to schools, to agents and to shoe companies. And these players are worth far more than a scholarship. In fact, a scholarship is the LEAST they are worth.

Reference 28 - 0.85% Coverage

Schools do not have to offer scholarships, but do. They do not have to offer stipends, but do. If they didn’t, they would be hurt in the marketplace, even though there is a unilaterally imposed wage cap on athletes.

Reference 29 - 0.21% Coverage

Money will find a way. In NCAA sports, it always does.

Files\ESPN2 - NCAA announces new college basketball policy, including agents for players and longer postseason bans - § 38 references coded [ 32.85% Coverage]

Reference 1 - 0.83% Coverage

The NCAA adopted a sweeping series of policy and rules changes Wednesday that it hopes will clean up college basketball, which has been engulfed by an FBI investigation and other corruption over the past two years.

Reference 2 - 2.15% Coverage

Among the significant changes that were adopted by the NCAA’s board of governors and Division I board of directors are allowing elite high school basketball recruits and college players to be represented by agents who are certified by the NCAA; allowing eligible underclassmen to enter the NBA draft and return to school if undrafted; introducing more rigorous certification requirements for summer amateur basketball events; and imposing longer postseason bans, suspensions and increased recruiting restrictions for coaches who break rules.

Reference 3 - 0.77% Coverage

Since 2016, eligible underclassmen were able to enter the NBA draft, participate in the combine and then return to school as long as they withdrew from the draft no more than 10 days after the combine.

Reference 4 - 0.87% Coverage

Pending anticipated approval from the NBA and National Basketball Players Association, the NCAA will now allow underclassmen to enter the draft, participate in the combine and then return to school if they go undrafted.

Reference 5 - 1.00% Coverage

The only requirements are that they request an evaluation from the NBA Undergraduate Advisory Council before deciding to enter the draft and then notify their school’s athletics
director of their intention to return by 5 p.m. on the Monday after the draft.

Reference 6 - 0.44% Coverage

The players who return would be ineligible for the NBA draft until the end of the next college basketball season.

Reference 7 - 0.51% Coverage

Enforcement: The NCAA is overhauling its process for investigating and adjudicating complex cases involving rules violations.

Reference 8 - 0.65% Coverage

Two independent groups will be appointed to oversee and resolve complex cases, which might involve academic misconduct, major penalties or adversarial behavior.

Reference 9 - 0.87% Coverage

Emmert said the enforcement rule changes will apply to all sports in Division I, and that the NCAA expected to have between three to five such cases every year, based on recent history. The new process will begin on Aug. 1, 2019.

Reference 10 - 0.98% Coverage

School representatives, NCAA Division I Committee on Infractions members or NCAA enforcement staff can request that the independent groups review a complex case. An Infractions Referral Committee will then decide whether the request is granted.

Reference 11 - 0.93% Coverage

The first independent group, called the Complex Case Unit, will include both external investigators with no school or conference affiliation and select NCAA enforcement staff. It will decide whether further investigation is needed.

Reference 12 - 1.25% Coverage

A second group, called the Independent College Sports Adjudication Panel, which will comprise 15 people with backgrounds in law, higher education and sports and with no affiliations to NCAA schools or conferences, will review the findings of the first group, oversee the hearing and decide penalties, if applicable.

Reference 13 - 0.49% Coverage

The NCAA said it is also holding school presidents and athletics staff more accountable for cooperating with investigators.

Reference 14 - 0.50% Coverage

They’ll be contractually obligated to report violations in a timely manner and provide documentation and evidence when asked.

Reference 15 - 1.02% Coverage

The chair of the Division I Committee on Infractions or the Independent College Sports Adjudication Panel will have the power to impose immediate penalties when schools or individuals do not cooperate, including loss of revenue or postseason opportunities.

Reference 16 - 1.03% Coverage
In another change that takes effect now, the people investigating NCAA cases will be allowed to accept information established by another administrative body, including a court of law, government agency, accrediting body or a commission authorized by a school.

Reference 17 - 1.04% Coverage

For example, the NCAA would be able to accept evidence and findings from the federal government’s investigation into bribes and other corruption in college basketball and punish those found guilty of wrongdoing, without investigating the allegations on its own.

Reference 18 - 1.26% Coverage

The NCAA said coaches and staff members who break its rules will face more severe penalties, including longer postseason bans (up to five years), longer head coach suspensions (beyond one season) and longer employment limitations (potentially lifetime show-cause orders). Those changes also take effect immediately.

Reference 19 - 1.15% Coverage

Agents: Effective immediately, the NCAA will allow college players to be represented by NBPA-certified agents (the agents must become NCAA-certified no later than Aug. 1, 2020) beginning after any season, as long as they request an evaluation from the NBA Undergraduate Advisory Committee.

Reference 20 - 0.36% Coverage

Agents will be permitted to pay for meals and transportation for players and their families.

Reference 21 - 1.39% Coverage

If the NBA and National Basketball Players Association change their rules and make high school basketball players eligible for the draft at age 18, as expected, they’ll be allowed to sign with an NCAA-certified agent starting July 1 before their senior year of high school, as long as they have been identified as an elite senior prospect by USA Basketball.

Reference 22 - 0.49% Coverage

A USA Basketball official told ESPN that his group hadn’t yet approved some of the changes announced by the NCAA on Wednesday.

Reference 23 - 0.56% Coverage

Several NBA officials have also told ESPN that they didn’t think the league’s age requirement would be lowered to 18 until 2021 at the earliest.

Reference 24 - 0.43% Coverage

The agent agreements must be in writing and will be terminated when the student enrolls or returns to college.

Reference 25 - 0.53% Coverage

Beginning later this month, basketball prospects will now be allowed to take as many as 15 official visits, compared to only five before.

Reference 26 - 1.47% Coverage

The prospects can begin making trips on Aug. 1 before their junior year of high school. They’ll
be permitted to make five visits between Aug. 1 and the end of their junior year; five visits between the end of their junior year and Oct. 15 after high school graduation; and five more visits between Oct. 15 after high school graduation and the remainder of their college eligibility.

Reference 27 - 1.19% Coverage

A student-athlete can visit a particular campus only once per year, and Division I schools will now be permitted to pay for 28 official visits over a rolling, two-year period (34 visits for service academies.) The previous totals were 24 official visits for Division I programs and 30 for service academies.

Reference 28 - 0.86% Coverage

Starting in August 2019, Division I schools will be required to pay for tuition, books and fees for scholarship basketball players who leave school and return within 10 years to the same school to earn their first degree.

Reference 29 - 0.33% Coverage

Only players who attended school for at least two years before leaving are eligible.

Reference 30 - 0.48% Coverage

The NCAA is establishing a fund for schools that are financially unable to pay for the players’ education when they return.

Reference 31 - 0.85% Coverage

Beginning in January, basketball-related events for high school students will be more scrutinized during certification to address concerns about corruption and third-party influence among high school players.

Reference 32 - 0.68% Coverage

A new recruiting calendar in 2019 will allow college coaches to attend more high school-sponsored events, but will limit their access to events not sponsored by high schools.

Reference 33 - 1.19% Coverage

College coaches will be permitted to attend the National Basketball Players Association Top 100 Camp in mid-June, as well as two more events at the end of that month, if the National Federation of State High School Associations has approved them. Four-day recruiting periods were added to April, as well.

Reference 34 - 0.67% Coverage

The new calendar also allows coaches to attend NCAA youth development camps in late July, which are a new collaboration between the NCAA, USA Basketball, the NBA and NBPA.

Reference 35 - 0.63% Coverage

They can also still attend one weekend youth basketball event in early July; coaches could previously attend three weekends of youth basketball events in July.

Reference 36 - 1.26% Coverage

Effective immediately, college coaches and staff must now report to the university’s president or chancellor their athletics-related income that exceeds more than $600 from any source outside
their school, including endorsement or consultation contracts with apparel companies like Adidas, Nike and Under Armour.

Reference 37 - 0.97% Coverage

The NCAA said it is pursuing agreements with the apparel companies on its expectations for more accountability and transparency regarding the companies’ involvement in youth basketball, which it hopes to have in place within six months to a year.

Reference 38 - 0.80% Coverage

The NCAA board of governors hopes to develop agreements that require apparel companies to make annual disclosures, report NCAA violations and obtain NCAA certification for its youth basketball events.

Files\ESPN3 - NCAA’s new proposed rules blindside NBA, USA Basketball officials - § 9 references coded [ 15.78% Coverage]

Reference 1 - 1.48% Coverage

Top officials with the NBA and USA Basketball were blindsided by the NCAA’s announcement of future rules changes regarding pro basketball prospects, as well as the timing of it, sources told ESPN.

Reference 2 - 3.22% Coverage

The NCAA launched a commission and set of subcommittees to address the fallout from the recent FBI investigation into the college basketball industry, resulting in several policy shifts, including the assigning of responsibility to USA Basketball for something the organization had already told the NCAA it wanted no part of: selecting elite senior high school prospects who will be allowed to sign with registered agents.

Reference 3 - 2.11% Coverage

USA Basketball doesn’t have the infrastructure or interest in accepting the role of evaluating the nation’s top prospects for selecting a yet-to-be-determined number of players who will annually be allowed to sign with agents at the end of their junior years, sources told ESPN.

Reference 4 - 0.55% Coverage

USA Basketball prefers that the NBA make those decisions, sources said.

Reference 5 - 3.16% Coverage

The NBA already oversees the invitation process to the Chicago pre-draft combine and Portsmouth Invitational camps every spring. The NBA will be immersed in scouting the high school ranks once those players have an earlier target date for entering the draft, and if the NCAA wants to allow a select number of high school players to sign with agents, the belief is that NBA front offices would be most informed to cull a list.

Reference 6 - 1.77% Coverage

The NBA, USA Basketball and NCAA did meet and discuss these prospective changes, but the NBA and USA Basketball never believed they had come to a consensus with the NCAA on how they would move forward together on the issues, sources said.

Reference 7 - 0.51% Coverage
Then the NCAA’s announcement of a litany of changes came Wednesday.

Reference 8 - 1.71% Coverage

Several NBA officials were surprised over the presumptive and premature nature of the NCAA’s rules changes, which assumed that the NBA and National Basketball Players Association will abandon the one-and-done college rule

Reference 9 - 1.26% Coverage

While that appears to be the direction the league and union are headed, discussions are centered on the 2022 draft as the earliest date for that change to go into effect.

Reference 2 - 0.33% Coverage

The Commission on College Basketball recommended an end to the one-and-done rule, potential lifetime bans for rule-breakers, and changes to the relationship between the NCAA and apparel companies.

Reference 3 - 0.43% Coverage

On Wednesday, the NCAA Board of Governors and Division I Board of Directors said it has unanimously endorsed all the commission’s recommendations.

Reference 4 - 0.13% Coverage

The endorsement isn’t an immediate change.

Reference 5 - 0.89% Coverage

now begin the hard work of changing rules, crafting legislation and building consensus among 351 Division I members on how best to make all this work. NCAA’s Division I Council, comprised mostly of athletic directors, had already begun working on some of the areas where the commission recommended reforms.

Reference 6 - 0.43% Coverage

The 12-member commission was formed in the wake of last fall’s FBI investigation into corruption and fraud in college basketball and recruiting.

Reference 7 - 0.59% Coverage

Ten people were arrested in September, including officials at Adidas and assistant coaches at Arizona, Oklahoma State, USC and Auburn. NC State and Kansas were mentioned in more recent court documents.

Reference 8 - 0.54% Coverage

Former Louisville head coach Rick Pitino also lost his job as a result of the probe, whose findings allege that five-star recruit Brian Bowen received $100,000 to sign with the Cardinals.
A Critical Discourse Analysis of the NCAA

Reference 9 - 0.65% Coverage
The committee’s report called the environment surrounding college basketball "a toxic mix of pervasive incentives to cheat," and said that responsibility for the current mess goes all the way up to university presidents.

Reference 10 - 0.37% Coverage
Ending one-and-done is the biggest change suggested by the commission, even though it’s an NBA rule -- which Rice pointed out.

Reference 11 - 0.41% Coverage
The rule was implemented in 2006 despite the success of straight-from-highschool stars such as LeBron James, Kobe Bryant and Kevin Garnett.

Reference 12 - 0.64% Coverage
If a change is not made to one-and-done, Rice said the commission will look into options, such as making freshmen ineligible or locking a scholarship for three or four years if the recipient leaves a program after one year.

Reference 13 - 0.59% Coverage
The NBA and NBPA conversations on eliminating the one-and-done rule are centered on the 2020 draft as the earliest possible date for change, league sources told ESPN’s Adrian Wojnarowski on Wednesday.

Reference 14 - 0.35% Coverage
The Players Association’s executive committee, including president Chris Paul, won’t meet until after the NBA season.

Reference 15 - 0.45% Coverage
The commission also recommends college players should be able to return to school if they go undrafted, as long as they don’t sign a professional contract.

Reference 16 - 0.45% Coverage
As it stands, players can test NBA draft waters without an agent, but must withdraw their name weeks before the draft should they decide to return to school.

Reference 17 - 0.61% Coverage
NBA commissioner Adam Silver and NBPA executive director Michele Roberts released a joint statement Wednesday saying they will "continue to assess" the commission’s suggestions on draft eligibility rules.

Reference 18 - 0.57% Coverage
Another change to the current process suggested by the commission would be enabling high school and college players to sign with certified agents before deciding on whether to enter the NBA draft.

Reference 19 - 0.62% Coverage
Dawkins allegedly helped funnel money to prospects through assistant coaches and shoe companies. Once a player signs with an agent or accepts money from an agent, he is ineligible
according to current NCAA rules.

Reference 20 - 0.25% Coverage

Rice also called for an overhaul to the investigative and enforcement arms of the NCAA.

Reference 21 - 0.44% Coverage

In addition to using independent and neutral investigators, the commission recommends much harsher NCAA penalties for cheaters and rulebreakers.

Reference 22 - 0.34% Coverage

For Level I violations, that includes a five-year postseason ban and loss of all revenue sharing in postseason play.

Reference 23 - 0.42% Coverage

Most noticeably, the commission recommends stiffer penalties for coaches that knowingly break rules -- including potential lifetime bans.

Reference 24 - 0.38% Coverage

The commission also called out university presidents, saying administrators can’t be allowed to turn a blind eye to infractions.

Reference 25 - 0.48% Coverage

In a direct reference to the recent NCAA investigation into academic fraud at North Carolina, the commission recommended the NCAA have jurisdiction into that area.

Reference 26 - 0.42% Coverage

She said the loophole that all students, not just athletes, were able to benefit from the fraudulent classes should not be a legitimate defense.

Reference 27 - 0.70% Coverage

can go to watch prospects at events sponsored by Nike, Adidas or Under Armour or are run independently. The commission recommends the NCAA start its own regional events in July, and make them the only events that coaches can attend that month.

Reference 28 - 0.39% Coverage

The commission also called for the NCAA to work closer with USA Basketball, the NBA and the NBPA to start a new youth basketball program.

Reference 29 - 0.22% Coverage

It’s not yet clear how the governing body would pay for some of the proposals.

Reference 30 - 0.30% Coverage

Adidas was at the forefront of the FBI investigation, with two Adidas officials among those arrested.

Reference 31 - 0.60% Coverage

According to court records, they allegedly helped funnel money to prospects in order to get them to sign with Adidas-sponsored schools. The commission calls for more financial transparency in this area.
The commission did not make any recommendations in the area of paying collegiate athletes or enabling them to earn money off their names or likenesses. Rice did address the issue, but acquiesced to the courts for now.

At the Final Four, Emmert said he didn’t see paying players as a likely option.

The commission, in addition to Rice and Robinson, also includes NBA Hall of Famer Grant Hill, former coaches John Thompson III and Mike Montgomery, school presidents, athletic directors and USA Basketball chairman Martin Dempsey.

It was tasked to focus on three areas: the relationship of the NCAA with apparel companies, grassroots basketball and agents; the NCAA’s relationship with the NBA and the one-and-done rule; and the relationship between schools and the NCAA.

ESPN reported in November that the group met with Silver and Roberts. Emmert has also said the commission met with agents and officials from apparel companies.

The commission’s report admonished those within college sports who use the NCAA as a scapegoat for the problems in basketball, saying universities and

Coaches at Arizona, Creighton, DePaul, LSU, Maryland and Michigan State also were involved in recruiting the top prospects in question: Brian Bowen, Silvio De Sousa, Balsa Koprivica and Nassir Little.

Arizona was heavily involved in recruiting Bowen and Little before they ended up signing with Louisville and North Carolina, respectively. In fact, Bowen was probably headed to Arizona until Wildcats guard Rawle Alkins decided to return for the 2017-18 season. Little had Arizona among his final five schools until former Wildcats assistant Emanuel "Book" Richardson was among the coaches arrested by the FBI in September 2017.

ESPN reported in February that defendant Christian Dawkins and Arizona coach Sean Miller had discussions about a $100,000 payment to ensure that star center DeAndre Ayton, the No. 1 pick in June’s NBA draft, signed with the Wildcats. Arizona’s outside counsel, Paul Kelly of Boston, said Ayton denied receiving money to influence his decision in multiple interviews with the FBI and NCAA.
At the time, Miller denied the allegations -- and adamantly insisted he had never willfully broken NCAA rules.

Reference 5 - 1.39% Coverage

Arizona officials have denied multiple open records requests from ESPN for any subpoenas the university received from the federal government for information and grand jury testimony related to the investigation. They repeatedly cited "the balancing test established by the Arizona courts to protect the best interests of the state."

Reference 6 - 0.69% Coverage

Creighton also recruited Bowen -- he made two visits to the Omaha, Nebraska, campus -- and Bluejays assistant Preston Murphy grew up with Dawkins in Saginaw, Michigan.

Reference 7 - 1.07% Coverage

owen also strongly considered DePaul, which hired two assistant coaches with strong ties to him: Shane Heirman, Bowen’s coach at La Lumiere School in LaPorte, Indiana, and Tim Anderson, who coached Bowen in the Nike-affiliated Mean Streets program in Chicago

Reference 8 - 1.89% Coverage

In court documents filed last month in former Louisville coach Rick Pitino’s lawsuit against the university, the school’s attorneys alleged that Pitino ignored red flags after hearing allegations that DePaul had offered Bowen $200,000 to play there. The court filing included a text message that Pitino is said to have sent to then-Cardinals assistant Kenny Johnson on June 2, 2017, saying: "Coach DePaul trying to pay Bowen 200 k to come there. Crazy world!"

Reference 9 - 0.63% Coverage

After the court filing was released, Pitino said he never believed DePaul had the financial means to pay Bowen that much money, and DePaul officials told

Reference 10 - 0.85% Coverage

Michigan State also recruited Bowen, and Spartans coach Tom Izzo has been a longtime friend of Dawkins’ family. Jason Richardson, the nephew of Bowen’s father, also played for the Spartans from 1999 to 2001.

Reference 11 - 0.42% Coverage

LSU recruited Little and Koprivica, who might decide to skip college altogether, sources told ESPN.

Reference 12 - 1.26% Coverage

Tigers coach Will Wade signed the No. 5 class in the country this past year, including four players in the ESPN Top 100. In response to an open-records request from ESPN, LSU officials said no calls were found in records for Wade’s university-issued cell phone to two cell phone numbers registered to Dawkins.

Reference 13 - 1.33% Coverage

THIS IS ONLY the beginning. The scandal could grow even more after the current trial of Adidas executive James Gatto, Adidas consultant Merl Code and Dawkins, all charged with
conspiring to pay high school prospects and/or their families to sign with Adidas-sponsored schools. Another five defendants await prosecution.

Reference 14 - 0.94% Coverage

Former Auburn assistant Chuck Person and onetime NBA referee Rashan Michel are scheduled for trial in New York on Feb. 4. Person is accused of accepting $91,500 over 10 months to steer Auburn players to certain financial advisers.

Reference 15 - 1.28% Coverage

Three other former assistant coaches -- Arizona’s Emanuel Richardson, Oklahoma State’s Lamont Evans and USC’s Tony Bland -- are scheduled for trial on April 22. They’re accused of accepting bribes from Dawkins and financial adviser Munish Sood to steer players toward certain agents and financial planners.

Reference 16 - 0.91% Coverage

People involved in the current case believe there might be another superseding indictment coming from the government in the Evans case that could add criminal charges related to the pay-for-play schemes at other schools.

Reference 17 - 0.70% Coverage

Multiple people involved in the federal investigation have told ESPN in recent months that the FBI advised NCAA officials to stand down until the criminal trials are over.

Reference 18 - 0.58% Coverage

Yahoo reported in February that NCAA officials were taking a closer look at LSU’s recruiting practices; the school and NCAA denied the report

Reference 19 - 1.36% Coverage

When Kansas officials self-reported details of freshman Billy Preston’s car wreck -- the school later suspended him while it looked into the "financial picture" of the car -- to NCAA officials in November, there wasn’t much the NCAA could do because the FBI was also investigating alleged payments from Adidas to Preston’s mother.

Reference 20 - 0.87% Coverage

The government contends the defendants and others purposely concealed illicit payments from coaches and university officials, so it’s difficult to say how schools such as Kansas and Maryland will be impacted.

Reference 21 - 0.73% Coverage

Miami’s coaches contend they were unaware of a pay-for-play scheme involving Little, and attorneys involved in the case told ESPN that the Hurricanes are probably in the clear.

Reference 22 - 0.84% Coverage

There is evidence, however, that assistant coaches at Louisville and NC State might have been involved in the facilitation of impermissible payments, which might open those schools to NCAA punishment.

Reference 23 - 0.66% Coverage
In March, Cal State Northridge hired Mark Gottfried, who was NC State’s coach when Dennis Smith Jr., whose father is said to have received $40,000, played there.

De Sousa, meanwhile, was expected to sign with Maryland before switching to Kansas, and Terrapins officials revealed in July that the school received a federal subpoena requesting information about his recruitment.

On Aug. 9, the NCAA adopted a sweeping series of policy and rules changes that it hopes will clean up college basketball, based on a series of recommendations from a committee led by former U.S. Secretary of State Condoleezza Rice.

change that took effect immediately was allowing people investigating NCAA cases to accept information established by another administrative body, including a court of law, government agency, accrediting body or a commission authorized by a school. For example, the NCAA could accept evidence and findings from the federal government’s investigation and punish those found guilty of wrongdoing -- without conducting its own investigation.

GOVERNMENT PROSECUTORS ARE taking some action to limit schools’ exposure in this trial. They have asked U.S. District Judge Lewis A. Kaplan to limit what defense attorneys can say about the four victim schools’ past infractions, including the stripper parties that occurred inside Louisville’s athletics dormitory and the actions of Ponzi schemer Nevin Shapiro, who alleged he provided impermissible benefits to more than 70 Miami student-athletes between 2002 and 2010.

Additionally, the federal government wants to prohibit defense attorneys from discussing cases that involve non-victim schools. For example, the government might not want defense attorneys talking about how former USC basketball star O.J. Mayo and football star Reggie Bush allegedly received tens of thousands of dollars in impermissible benefits while playing for the Trojans and yet no one was prosecuted.
issues and recommend necessary changes.

Section Four: Add Five Independent Public Members to The NCAA’s Board of Governors.

University of Kansas men’s basketball student-athlete Silvio De Sousa must sit out the remainder of the 2018-19 season and the 2019-20 season because his guardian received payment from a university booster and agent and agreed to receive additional funds from the same person.

According to the facts provided for purposes of the reinstatement request, De Sousa’s guardian received payment of $2,500 from an agent and booster of the school. He agreed to accept additional payment of $20,000 from the same individual and an Adidas employee for securing De Sousa’s enrollment at Kansas.

According to the guidelines adopted by the NCAA Division I membership, when a prospective student-athlete allows a third party to involve himself in the recruitment process, the prospective student-athlete is then responsible for the actions of that person, regardless of whether the prospective student-athlete had knowledge or if benefits were received.

Acting on recommendations from the Commission on College Basketball, the NCAA on Tuesday announced it will certify scholastic boys’ basketball events this June for high schools that are not members of state high school associations affiliated with the National Federation of State High School Associations.

The relationship of the NCAA national office, member institutions, student-athletes and coaches with outside entities

Nonscholastic basketball, with a focus on the appropriate involvement of college coaches and others.
In the sneaker business, the feet of professional athletes are the most valuable billboards in the world. The company that gets its shoes on the best basketball players, football players and soccer players wins, because those athletes’ footwear choices have outsize influence over everyone else’s purchasing decisions.

That fundamental truth about high tops and cleats — that getting top players in your brand and keeping them there is good business — was the subtext of a critical piece of a corruption and bribery network outlined on Tuesday by federal prosecutors, which swiftly resulted in the demise of a Hall of Fame coach’s career.

The University of Louisville announced on Wednesday that it had abruptly ended the coaching tenure of Rick Pitino, winner of two national championships and among the most successful coaches in college basketball history. The decision was made a day after the United States attorney for the Southern District of New York said in a criminal complaint that two coaches had been part of a scheme to funnel money from the university’s apparel partner, Adidas, to two high school prospects.

The complaint, which accused an Adidas executive and others of wire fraud and money laundering, did not disclose the names of anyone at Louisville. Pitino denied any knowledge or responsibility for the accusations.

The plan, prosecutors said, was that the teenage athletes would play for a university that had a sponsorship deal with Adidas and then sign sponsorship deals of their own with the company once they turned pro and potentially earned millions of dollars in the N.B.A. In other words, investing in athletes at a young age could yield huge returns later.

The accounts by federal prosecutors were not unlike those that the Department of Justice described in 2015 in the sweeping corruption case focused on FIFA, international soccer’s governing body. No one from Nike was charged in that case, but American prosecutors said that bribes helped secure Nike’s breakthrough sponsorship deal with Brazil’s national soccer team in the mid-1990s, elevating the company’s global profile and helping it expand into soccer.

Nike contracted to pay $160 million for that deal — and the company paid an additional $40 million that was not reflected in the official agreement, federal authorities said. Nike brokered the deal through a Brazilian businessman who pleaded guilty in the United States to an array of corruption charges, admitting to having solicited and accepted hundreds of millions of dollars in bribes from people seeking lucrative marketing and media contracts.

Shoe company involvement in college sports dates to 1977, when Sonny Vaccaro — a longtime
basketball hand and then shoe-company executive — signed several coaches he knew, including Jerry Tarkanian of Nevada-Las Vegas, to contracts with Nike. For a fee, the coaches were sent shoes to have their players wear.

Reference 9 - 0.84% Coverage

Vaccaro said that “the world changed” in 1987, when Nike signed its first all-school deal, agreeing to sponsor all the athletic teams at the University of Miami.

Reference 10 - 1.60% Coverage

Last month, the Louisville athletic director, Tom Jurich, announced a 10-year, $160 million sponsorship deal with Adidas. On Wednesday, the university announced that he, too, was being removed from his position, “until the board of trustees has an opportunity to evaluate his continued employment.”

Reference 11 - 1.68% Coverage

Adidas manufacturers shoes in China, India, Cambodia and other countries and sells them around the world. But the actions of Jim Gatto, the Adidas executive named in the criminal complaints, show that high schools and summer-league teams throughout the United States are particularly vital to the sneaker business.

Reference 12 - 1.23% Coverage

Nike, Adidas and Under Armour are the biggest players on the college basketball scene. In recent years, all three have invested vast sums in so-called grass-roots basketball leagues, which exist outside the high school structure.

Reference 13 - 1.34% Coverage

The three companies have their own leagues — Nike’s E.Y.B.L., Adidas’s Gauntlet, Under Armour Association — each with dozens of teams. The companies shower teams with money, swag and perks. Parents of top prospects are commonly involved with the teams.

Reference 14 - 1.63% Coverage

The companies fiercely compete with one another to have the best 16-year-old prospects playing in their leagues. Two years ago, for instance, Nike auspiciously scheduled an impromptu trip to the Bahamas for the best players in its league at the same time as a celebrated Under Armour tournament in New York City.

Reference 15 - 2.11% Coverage

The nexus of grass-roots teams, colleges and sneaker companies was a significant portion of the criminal complaints. Prosecutors said an agent was recorded discussing how to get a high school player to commit to Louisville, and said the key was to keep money going to the player’s grass-roots basketball coach, who could in turn pass it on to the player’s family. The coach’s team was sponsored by Adidas.

Reference 16 - 0.59% Coverage

Though the company name is redacted in the documents, the coach himself added, “all my kids will be Adidas kids.”

Reference 17 - 2.27% Coverage
The criminal complaints describe rampant under-the-table payments that were commonly inspired by a young athlete’s future earning potential. One player agent, in a recorded conversation, urged that an offer to a player be increased because a rival company was “coming in with a higher number,” and an Adidas official discussed masking payments from apparel companies to high school athletes as though it were business as usual.

Reference 18 - 1.11% Coverage

In the Louisville case, prosecutors said $100,000 was to be steered to a teenage player from Adidas. The complaint referred to two unnamed coaches as being involved. It is not known whether Pitino was one of them.

Reference 19 - 0.70% Coverage

It is not out of the question that Pitino will find another college coaching job; he has survived several major scandals in his career.

Reference 20 - 1.67% Coverage

In 2009, he confessed that he had an affair with the wife of the team’s equipment manager and paid for her to have an abortion. In 2015, a former director of basketball operations was found to have provided strippers and prostitutes to the Louisville team’s players and recruits in a campus dormitory over several years.

Reference 21 - 1.48% Coverage

But for many in Kentucky, he will remain a coaching legend. Long before winning a title with Louisville, he resurrected Kentucky’s storied program and led the Wildcats to the 1996 national title. That team, regarded as one of the best in college basketball history, wore Converse.
The dimension of the scandal was clear when the University of Louisville ousted its coach, Rick Pitino, on Wednesday.

One complaint, while not actually naming Louisville or Mr. Pitino, implied that someone in the basketball program directed money from Adidas to two high school prospects. The university signed a 10-year, $160 million contract this summer with Adidas for the men’s basketball program.

But the coach, the nation’s highest paid, at $7.7 million a year, has a reputation for cutting ethical corners. He was suspended and his program were put on N.C.A.A. probation in June after investigators found prostitutes were provided for players and teenage recruits.

Other N.C.A.A. practices are in need of reform, like the “one-and-done” phenomenon, in which high school stars play at universities for just a year before moving on to professional careers.

This situation arose after the National Basketball Association and its players’ union agreed to bar players before they have turned 19 or until a year after high school graduation. Previously, high school players could sign on and earn full professional salaries — safe from the no-income college rules and fictions that invite the sort of abuses laid bare in the complaints.

College basketball programs unscrupulously compete for top players to earn more from the immense pot of profit from television. The complaints cast a spotlight on that greed and hypocrisy, which is infesting what is supposed to be, but hasn’t been for some time, an innocent and amateur sport.

Responding to federal charges last month that depicted a corrupt black market for high school and college basketball players, the N.C.A.A. on Wednesday said that it would create a college basketball commission to investigate changes for “a system that clearly is not working.”

In September, United States prosecutors in the Southern District of New York announced charges against 10 men — assistant coaches, an Adidas official, an A.A.U. coach, an aspiring agent and others — stemming from schemes to funnel money to players and coaches in return for players’ commitments to teams or pledges to sign with Adidas or with certain money managers or agents once they turned professional.

According to the statement, the commission will meet starting next month and deliver
recommendations to the boards that set the rules for the N.C.A.A., a membership association, in April. Its chairwoman will be Condoleezza Rice, the former national security adviser and secretary of state, who has also served as Stanford’s provost and a member of the College Football Playoff selection committee.

Reference 4 - 1.82% Coverage

The commission’s members include Jeremy Foley, who retired last year as Florida’s athletic director; Mary Sue Coleman, president of the Association of American Universities; and Gene Smith, Ohio State’s athletic director.

Reference 5 - 0.55% Coverage

The group will examine three broad areas, according to the N.C.A.A.:

Reference 6 - 1.54% Coverage

The N.C.A.A.’s fundamental regulatory arrangement, which requires colleges and universities to self-police and police one another, a model that, Emmert said, had failed in this instance.

Reference 7 - 6.59% Coverage

The rules regarding three interrelated institutions that were crucial to the scandal outlined by federal authorities: apparel companies, nonscholastic basketball programs and agents. The three main apparel companies — Nike, Adidas and Under Armour — sponsor most of the highprofile teams as well as their own leagues for teenage players that exist outside the high school structure. Players who are, or wish to be, college athletes are barred from signing with apparel companies, but agents and other middlemen are widely suspected of connecting players and companies under the table, including through A.A.U. teams; one complaint alleged that an Adidas official had conspired to pay three players to commit to college programs sponsored by Adidas. As of now, college basketball players also cannot sign with agents.

Reference 8 - 3.10% Coverage

The N.C.A.A.’s relationship to the N.B.A., and the N.B.A. rule, initiated more than a decade ago, barring players from entering the league until they are 19 or one year removed from high school. The so-called one-and-done rule leads the best high school prospects to play college basketball for just one season, under little pretense that they are interested in other aspects of college.

Reference 9 - 1.62% Coverage

Emmert, who will sit on the commission alongside the former N.B.A. stars David Robinson and Grant Hill, said that in his personal view prospects should be able to go straight from high school to the N.B.A.

Reference 10 - 1.17% Coverage

But he drew the line at changes to the amateur model, which prevents colleges from compensating athletes beyond scholarships and related costs.

Reference 11 - 1.63% Coverage

While he declined to speak for the commission, its members do not include any public critics of amateurism, and some — such as the Rev. John I. Jenkins, the president of Notre Dame — are outspoken supporters.
Emmert confirmed that he and the rest of the N.C.A.A. office in Indianapolis learned about the yearslong federal probe from news media reports. But if the criminal investigation surprised him, not all of the allegations did.

N.C.A.A. leaders endorsed a series of broad recommendations they received Wednesday from a commission chaired by the former secretary of state Condoleezza Rice in the latest attempt to clean up men’s college basketball and fix a system mired with corruption.

But while the proposed changes would alter the texture of the sport, they stopped well short of challenging the longtime requirement that the college athletes remain amateurs, uncompensated beyond a scholarship and a stipend for their talents and efforts.

Mark Emmert, the president of the N.C.A.A., asked Ms. Rice to lead the commission last fall after federal prosecutors filed bribery and fraud charges against 10 people connected with men’s college basketball.

The defendants include assistant coaches, a shoe company executive and two associates who were implicated in schemes to funnel money to prospects and their families in exchange for commitments to attend certain colleges.

Many of the proposed changes could become a part of the N.C.A.A. legislative code in August. Mr. Emmert, who is relying on Ms. Rice’s stature to boost the credibility of the N.C.A.A., has said he is aiming for results “by tip-off 2018.”

The commission proposed allowing regulated contact between athletes and agents to give players access to more information about their prospects as professionals.

It recommended overhauling summer basketball, requiring the shoe and apparel companies that run the showcase events to assume far more “transparency and accountability.”

It even raised the possibility of eliminating the companies from the crucial July evaluation period, when coaches attend the events to scout recruits.

It also noted the widespread public support for plans to pay players.
The commission also recommended eliminating the so-called one-and-done rule, which requires players to be 19 years old or a year removed from high school to be eligible for the N.B.A. draft, though that rule will not change without the N.B.A. and the National Basketball Players Association changing it.

Reference 11 - 1.03% Coverage

In an interview at N.C.A.A. headquarters here, Ms. Rice described the proposals as essential to rescuing the most popular college sport other than football and the one that provides the vast majority of the N.C.A.A.’s revenue.

Reference 12 - 0.74% Coverage

But Ramogi Huma, the president of the College Athletes Players Association, an advocate for more rights for athletes, said the commission dodged the main issues.

Reference 13 - 0.85% Coverage

The last time a scandal of this nature and scope hit college basketball may have been in the early 1950s, when revelations of point shaving by several top teams knocked the sport on its back.

Reference 14 - 1.83% Coverage

The federal charges, which were followed by indictments, introduced the risk of criminal prosecution into a well-known part of college basketball. The allegations made a mockery of N.C.A.A. amateurism rules and painted a black mark on several of the most prominent basketball programs. Documents obtained by Yahoo Sports in February seemed to implicate players at a dozen other blue-chip programs.

Reference 15 - 2.07% Coverage

Eliminating one-and-done would produce a noticeable difference in how the sport has operated for more than a decade. The most talented players play only their freshman season, attend college for less than a year and mainly congregate at a few programs, notably Kentucky and Duke. The commission said that if the N.B.A. and its players’ union did not change the rule, it would reconvene to consider unilateral alternatives such as freshman ineligibility.

Reference 16 - 0.69% Coverage

In a joint statement, the N.B.A. and the players’ union pledged only to continue assessing the rules, but no changes are expected before the 2020 draft.

Reference 17 - 2.44% Coverage

The commission, which included former players (Grant Hill, David Robinson), former coaches, university presidents, the heads of the Association of American Universities and U.S.A. Basketball, and others, called on the N.C.A.A. to establish a new system for summer basketball, so central to the recruitment process, that could diminish the influence of the three main apparel companies. Adidas, Nike and Under Armour sponsor not only summer basketball but also most of the college teams that high school prospects aspire to play for.

Reference 18 - 1.74% Coverage

Specifically, the commission envisioned allowing coaches as soon as next year to attend only N.C.A.A.-administered regional events during the crucial July evaluation period. It was not clear what role the three main sneaker companies would or would not have at those events. Each of
them currently sponsors gigantic events in July that are unmissable for top prospects and coaches.

Reference 19 - 2.12% Coverage

Prosecutors in the Southern District of New York have said that an Adidas executive and several others with ties to the sneaker giant were central to schemes to bribe players’ families and college basketball coaches to coax top prospects to commit to colleges that Adidas sponsored, like Louisville, Miami and Kansas, and later sign with Adidas. Narratives outlined by prosecutors strongly suggest that similar behavior is conducted in the name of Adidas’s rivals.

Reference 20 - 1.16% Coverage

The commission suggested allowing players to have limited contact with agents, starting in high school, to help make decisions about the N.B.A. And it proposed permitting players who declare for the N.B.A. draft but are not selected to return to college.

Reference 21 - 1.41% Coverage

It also recommended increasing the severity of penalties for teams and coaches who violate rules, to five-year postseason bans for teams and lifetime suspensions for coaches. In addition, it said people outside the organization should be involved with the penalties process and serve on the N.C.A.A.’s board.

Reference 22 - 1.66% Coverage

And yet throughout the report the commission performed a delicate dance — acknowledging that the very corruption it sought to eliminate arose in part because players generate substantial sums for high school teams, agents, money managers, college teams, coaches and shoe companies but can’t take money beyond a scholarship and related costs of attending school.

Reference 23 - 0.61% Coverage

In fact, many of the commissioners endorsed providing athletes with a cut of the revenue they helped generate, according to Ms. Rice.

Reference 24 - 1.55% Coverage

She said the commission declined to address this topic because of pending litigation. Plaintiffs in the so-called Jenkins case want a federal court to strike down the N.C.A.A. ban on player compensation on antitrust grounds.

A lawyer representing the Jenkins plaintiffs, Jeffrey Kessler, said that his case concerned a different nuance.

Reference 25 - 1.09% Coverage

Ms. Rice’s remarks, along with things Mr. Emmert has said and sentiments athletic directors have expressed recently, have lent momentum to the sense that there will be more payments to players, of some kind, in the not-too-distant future.

Reference 26 - 0.80% Coverage

Seasoned observers dismissed both the notion that the proposals would solve all of college basketball’s problems and the notion they would accomplish essentially nothing.

Reference 27 - 1.18% Coverage
Gabe Feldman, director of Tulane’s sports law program, said allowing contact with agents was provocative. “That was completely taboo for a very, very long time,” he said, adding that any major changes to N.C.A.A. rules would take time. “It’s a big ship to move.”

Files\NYT5 - N.C.A.A. Alters Rules for Agents and Draft in Wake of Basketball Corruption Scandal - § 15 references coded [ 38.46% Coverage]

Reference 1 - 1.46% Coverage
College basketball players who declare for the N.B.A. draft will be allowed to hire agents after two N.C.A.A. boards adopted a series of reforms to the sport’s rules on Wednesday.

Reference 2 - 2.47% Coverage
The changes, which also could apply to certain high school players if the N.B.A. changes its draft rules, were made as the N.C.A.A. continues to grapple with the fallout of the federal indictments last year that suggested extensive corruption in recruiting at the nexus of apparel companies and agents.

Reference 3 - 1.01% Coverage
But the governing body stopped short of making the more fundamental changes to the amateur model that some have long sought.

Reference 4 - 3.17% Coverage
In a stark departure from the N.C.A.A.’s longtime ban on agents’ involvement, the reforms would permit college players who declare for the draft to employ agents, and they would extend the same exception to certain high school seniors whom U.S.A. Basketball deems elite — but only if the N.B.A. changes draft rules that currently bar players from going directly from high school to the pros.

Reference 5 - 2.66% Coverage
Also notable: Players who declare for the N.B.A. draft but are not selected will be allowed to return to their college teams. Under previous rules, players with college eligibility remaining who wanted the option of returning to college could not hire an agent and had to withdraw from the N.B.A. draft well before it took place.

Reference 6 - 3.98% Coverage
The N.C.A.A. board of governors and the Division I board of directors also approved alterations to the summer basketball calendar meant to increase the transparency, and perhaps reduce the influence, of summer showcases typically sponsored by the same apparel companies — Nike, Adidas and Under Armour — that sponsor most top college basketball teams. New disclosure requirements for those companies as well as for coaches are intended to reveal just who is paying for what, and how much.

Reference 7 - 5.10% Coverage
And the boards proposed changes to the N.C.A.A.’s governance and penalty structure, some of which need to be ratified at its annual convention in January: increasing penalties; making university presidents and chancellors accountable for violations; adding the first independent members to the N.C.A.A. board of governors; and permitting N.C.A.A. inquiries to use information found by other investigative bodies. This last change could allow the N.C.A.A. to
rely on the work currently being done by federal prosecutors, who have tools like subpoenas and the threat of jail time at their disposal during investigations.

Reference 8 - 1.54% Coverage

The new rules followed recommendations made in April by a panel that Emmert convened to investigate the corruption crisis and that was led by the former secretary of state Condoleezza Rice.

Reference 9 - 4.10% Coverage

That group’s most eye-catching suggestion was the elimination of the so-called “one-and-done” rule, the requirement that N.B.A. draftees be 19 years old or a year removed from high school. That rule, created for the 2006 draft, birthed a system in which the most talented college players competed in college during their freshman seasons and then left to play professionally. Change on that front will have to wait for action from the N.B.A. and its players’ union; it is not expected before at least 2020.

Reference 10 - 1.75% Coverage

Last September, prosecutors in the United States Southern District of New York charged nearly a dozen individuals, including assistant coaches at major programs, a former Adidas executive, middlemen and others

Reference 11 - 2.76% Coverage

In some cases, assistant coaches were said to have steered players toward a money manager who had bribed the coaches; in others, Adidas employees were accused of funneling money to prospects’ families in exchange for pledges to commit to teams sponsored by the company and to sign endorsement deals with Adidas once the players turned pro.

Reference 12 - 2.83% Coverage

Several complaints have implicated prominent basketball teams in Adidas’s stable: Kansas, Louisville (whose former head coach, the Hall of Famer Rick Pitino, lost his job amid the charges) and Miami. Documents and bank records from the investigation, obtained in February by Yahoo Sports, implicated at least 20 top men’s basketball programs.

Reference 13 - 2.50% Coverage

The federal investigation has brought attention to open secrets in men’s college basketball, including the involvement of agents and the power the gigantic apparel companies exert over the system by showering many millions of dollars every year on both college teams and precollege grass-roots leagues.

Reference 14 - 1.26% Coverage

The accusations also raised anew the question of whether to allow some athletes to collect compensation beyond a scholarship and an educational stipend.

Reference 15 - 1.86% Coverage

While Rice’s group, and Rice personally, suggested such fundamental reform made sense, it declined to make any suggestions in this area, citing pending antitrust cases targeting the N.C.A.A.’s restrictions on compensation.
Basketball student-athletes have more freedom and flexibility to decide about going pro or getting a college education, and they can receive financial assistance if they leave school early and wish to return later to finish their degree.

Basketball student-athletes can make more frequent campus visits paid for by colleges (referred to as official visits), which can begin as soon as Aug. 1 the summer before their junior year in high school.

Five visits between Aug. 1 and the end of their junior year of high school. Five visits between the end of their junior year and Oct. 15 after high school graduation. Five visits between Oct. 15 after high school graduation and the remainder of their college eligibility.

A student-athlete can visit a school only once per year. Unofficial visits — those made at his or her own expense — cannot begin before Aug. 1 of the student’s sophomore year of high school.

Schools now can pay for 28 official visits for recruits (34 for national service academies) over a rolling, two-year period.

College basketball players can be represented by an agent beginning after any basketball season if they request an evaluation from the NBA Undergraduate Advisory Committee.

All agreements between agents and high school or college student-athletes must be:
In writing. Terminated when the student enrolls in or returns to college. Disclosed to the NCAA (for high school students) or the school (for students already in college).

Since 2016, college athletes who are interested in going pro have been able to declare for the draft and attend the NBA combine but have been required to withdraw no more than 10 days after the combine to stay eligible.

The recruiting calendar, which creates more restrictions around events not sponsored by high schools, will allow coaches to attend additional high school-sponsored events. The new rules add four-day recruiting periods (Monday through Thursday) in April but do not increase the limit on days individual coaches can recruit. Also, coaches will be allowed to attend and evaluate recruits at the National Basketball Players Association Top 100 Camp in mid-June.
Additionally, coaches will be able to attend events during the last two weekends of June if the events are approved by the National Federation of State High School Associations; organized by groups affiliated with high schools or high school coaching associations; and occur at middle schools, high schools or colleges. Coaches also can attend one weekend youth basketball event in early July.

The calendar also allows coaches to attend NCAA youth development camps in late July, a new collaboration between the NCAA, USA Basketball, the NBA, the NBPA and NFHS.

Coaches and athletics staff must report to the university’s president or chancellor athletics-related income of more than $600 from any source outside their school.

One of the public members will lead the group. In addition to general oversight, this committee will nominate members for the new independent groups listed below and work with the Division I Board of Directors on policies and procedures for the independent enforcement and infractions processes.

This independent investigations group will include both external investigators with no school or conference affiliations and select NCAA enforcement staff. Independent investigators are a key part of the new process. Once a case is referred, unit members will decide whether further investigation of the facts is needed and, if it is, conduct the investigation and shepherd the case through its review by the Independent Resolution Panel.

Full cooperation means reporting violations in a timely manner; sharing all knowledge and documents requested in a timely manner; providing access to all electronic devices, social media and other technology; and maintaining confidentiality.

Pending adoption at the NCAA Convention in January, five independent members will be added to the NCAA Board of Governors, which is responsible for oversight of the entire Association. Each member will be nominated by the Board of Governors Executive Committee, approved by the full board and serve a three-year term, which can be renewed once. The terms of the independent board members are longer than those served by school representatives. One member, voted on annually by all the independent members, will serve as a lead independent member and can serve in that role for no more than three years.
The Commission on College Basketball released its findings Wednesday morning, calling for those in charge to take control of the sport by reforming the one-and-done rule, allowing players to return to school if they go undrafted by the NBA and getting rid of coaches who cheat by banning them for life.

In the 60-page report, the commission said that college basketball is "a toxic mix of perverse incentives to cheat" and called on university presidents to step up.

It presented the proposed reforms to university presidents of the NCAA Board of Governors and the Division I Board of Directors at the NCAA headquarters in Indianapolis.

The next step is implementing these changes for next season.

The commission was chaired by former U.S. Secretary of State and Stanford provost Condoleezza Rice.

accretions of widespread bribery, wire fraud and corruption in college basketball, leading to the arrest of 10 people, including four former assistant college basketball coaches.

Schools such as Louisville, Kansas, North Carolina State and Miami have been implicated in the scandal.

Former Louisville head coach Rick Pitino, who was dismissed in October, has been the most prominent name to lose his job as a result of the FBI findings. Pitino has denied any wrongdoing.

The group was tasked with reforming rules, including looking at the NCAA’s relationship with the NBA.

The 12-member commission included former NBA stars Grant Hill and David Robinson, former Georgetown coach John Thompson III and Ohio State athletic director Gene Smith, among others.
The NCAA announced a series of policy changes regarding their rules for student athletes on Wednesday following the ongoing FBI Investigation into several prominent college basketball programs.

Reference 2 - 3.96% Coverage

Among the most significant changes are the new rules that allow players participate in the NBA combine but are not selected in the draft to return to school, provide financial assistance to players who leave school early and wish to return later to finish their degree, and give "elite" high school and college athletes the opportunity to be represented by an agent. Agents must be certified by an NCAA program.

Reference 3 - 1.53% Coverage

The NCAA clarified that this rule would only apply after the NBA and NBPA begin allowing players to be drafted out of high school, meaning 2021 at the earliest.

Reference 4 - 2.00% Coverage

College players can be represented by an agent after any season if they have requested an "evaluation from the NBA Undergraduate Advisory Committee," but must end the relationship if they return to school.

Reference 5 - 1.57% Coverage

If a high school player has been designated an "elite senior prospect" by USA Basketball, the player can be represented beginning July 1 before their senior year.

Reference 6 - 2.44% Coverage

USA Basketball has not had any substantive conversations with the NCAA or given their approval for these changes yet, ESPN’s Jonathan Givony reports. It is unclear how this decision will impact high school players who are not USA Basketball eligible.

Reference 7 - 3.53% Coverage

In response to the recommendations issued in April from the Commission on College Basketball, the NCAA’s Board of Governors and Division I Board of Directors are implementing changes to provide student-athletes more freedom and flexibility to decide about going pro and minimize the leverage of outside influences on high school recruits and college athletes.

Reference 8 - 3.13% Coverage

The changes will also make the NCAA investigations and infractions process more efficient, setting stronger penalties for schools or individuals who violate NCAA rules to deter future violations and bringing independent investigators to the table to make decisions, enforce rules, and reduce conflicts of interest.

Reference 9 - 1.35% Coverage

University presidents and chancellors will also now be personally responsible for their athletics programs abiding by the NCAA’s rules.

Reference 10 - 1.27% Coverage

The investigation launched in 2017 uncovered mass corruption, bribery and wire fraud involving some of the sport’s top programs.
Several coaches were indicted in a fraud and corruption scheme—which also included managers, financial advisers and Adidas representatives.

The new policies were put in place to prevent further corruption and dissuade future rule-breakers.

The news breaks have been slow since then, but the fallout has been considerable.

Louisville fired Hall of Fame coach Rick Pitino for his role in recruiting Brian Bowen, whose family allegedly received $100,000 from Adidas to sign with the Cardinals.

Bowen transferred to South Carolina, but the NCAA declared him ineligible for 2018–19; he will instead play professionally in Australia.

A handful of other players reneged on their commitments to schools caught up in the FBI probe, which didn’t make national news but will change the championship picture. Point guard Jahvon Quinerly (now at Villanova) and forward Shareef O’Neal (UCLA) both decided not to play for Arizona after assistant coach Emanuel (Book) Richardson was arrested and charged with five felonies as part of the investigation. (He is awaiting trial.)

Many expected Arizona coach Sean Miller to be dismissed after a February ESPN report alleged that he had been recorded in 2016 discussing a payment for forward Deandre Ayton, but Miller’s contract was merely amended to dock him $1 million if he is criminally charged.

Yet changes to the system that birthed all of this—one that can turn paying a teenager to play basketball into a potential federal crime—have been merely incremental.

In April, an NCAA-appointed committee headed by Condoleezza Rice announced a package of nonbinding recommendations that were oddly preoccupied with the NBA’s changing its draft-entry rules.

Last month the NCAA made tweaks to the spring and summer recruiting schedule, but those will go unnoticed.
It also accepted the Rice committee’s advice by allowing basketball players to join baseball and hockey players in having permission to work with agents.

Reference 10 - 2.12% Coverage

But those eligible for this benefit are limited to 1) incoming freshmen who have been designated “elite senior prospects” by USA Basketball and 2) underclassmen who declare for the draft and get invited to the NBA’s combine but are not selected, which rarely happens.

Reference 11 - 2.34% Coverage

In the process, the NCAA excluded those not ticketed for the NBA but who want to gauge pro opportunities overseas, as well as those not part of USA Basketball—a body reportedly rankled by not having been consulted in the NCAA’s decision to bestow on it the power to determine who is agent-eligible.

Reference 12 - 0.94% Coverage

And so we sit on the verge of a season with a game largely unchanged from the one that was supposedly imploding a year ago.

Reference 13 - 2.75% Coverage

Still unaddressed are the core economic realities and motivations fueling the black market, so simple any student-athlete being compensated with Economics 101 credits could explain it: The players have a value to schools, coaches, boosters, communities and shoe companies that is drastically out of line with what they can receive in return.

Reference 14 - 1.38% Coverage

Perhaps each of these changes is just a step in the inevitable march toward larger reform—a continuation of the past decade’s gradual easing of various arcane restrictions.

Reference 15 - 1.78% Coverage

More change could come this month when the class-action lawsuit brought by former West Virginia running back Shawne Alston and former Cal center Justine Hartman against the NCAA and 11 major conferences is heard in Oakland.

Reference 16 - 2.13% Coverage

Alston and Hartman contend that the NCAA’s capping of scholarship value is equivalent to suppressing market competition. There is a chance the outcome in this case will have more direct and wide-ranging results than the headline-grabbing results from the FBI sting.

Reference 17 - 2.45% Coverage

As much as the NCAA has lobbied for the NBA to abolish its age minimum of 19 for draft eligibility, the change would likely have less effect on illicit payments than many hope: The suitors for elite high school prospects would then include the NBA, increasing colleges’ needs to offer financial benefits as well.

Reference 18 - 2.15% Coverage

Of course, it is worth keeping in mind that a year ago there was no inkling that college basketball was on the brink of significant change. We may soon learn we’re not so much a year past one bombshell than a short time away from another. Maybe that will be the true wake-up call.
For some three weeks Judge Lewis A. Kaplan reminded jurors in this month’s college basketball corruption case that NCAA rules were not on trial.

The defendants’ counsel readily admitted in their opening remarks that their clients had broken such by paying money to top high school players.

Time and time again Kaplan made clear that the case’s central question was not whether the individuals standing trial had violated these regulations, but if they had undertaken criminal actions in doing so and hiding it from the colleges these recruits planned to attend.

On Wednesday, in the middle of its third day of deliberations, the jury determined that they had. All three defendants in the case—Adidas executive Jim Gatto, former Adidas consultant Merl Code and aspiring player representative Christian Dawkins—were found guilty

It is important not to lose sight of this scene’s root cause: the NCAA’s rules.

Gatto and Code worked for Adidas, which paid millions to its partner schools and their coaches to benefit their basketball programs; Dawkins, working as a sort of recruiter for an agency that represented NBA players, worked as an informal liaison that helped broker deals for players before they reached the pros.

The trio, along with others, arranged payments to players so that they would attend Adidas-affiliated universities, but unlike the company’s payments to athletic departments and coaches, the NCAA does not permit such deals with players.

The defendants then schemed to shield these transactions from university compliance offices and NCAA overseers—which the government contended amounted to defrauding these schools of their ability to award athletic scholarships to players who would be eligible under the NCAA’s

Which is why, regardless of Kaplan’s instructions to the jury, this case was indeed about the NCAA rulebook all along.

The prosecution even argued as much in its closing statement, asserting that the defendants’ entire scheme depended on misleading schools regarding players’ eligibility—eligibility that is wholly determined by the NCAA’s archaic, unrealistic definition of amateurism.
That standard has yet again been shown to be completely detached from the realities of a market that the NCAA and its member institutions are otherwise gladly willing to let freely seep into their every pore.

Blaming rules for rule-breaking is often seen as a bad-faith tactic for absolving blame, and understandably so. But in this case it is the rules themselves that have been made in bad faith.

Seven-figure coaching salaries, nine-figure apparel sponsorships, 11-figure TV deals—for decades the college sports industrial complex has continually and exponentially engorged itself at every turn.

Still as the size of its financial pie has been stretched and stretched, it has steadfastly fought to deny anything more than a scholarship-and-stipend-sized slice to the labor that performs its essential product by playing the games.

These players, as has been argued by an increasing number of voices and as was thoroughly demonstrated in this trial, have a value far exceeding this slice.

The coaches are paid in part on the basis of being able to attract these players; the apparel companies are partly inspired to enter contracts with the schools in order to be associated

Yet the NCAA’s rules force the market for these players’ services into the shadows—the place where the defendants and their ilk operate.

The trial’s illumination of this marketplace was as unseemly as it was telling, with testimony referencing shady invoices, deceitful cover stories and clandestine “Bat phones.” Still, it was not a complete reveal, as the defense’s attempts to admit evidence of similar dealmaking beyond the charges—in order to portray their clients as simply players of a dirty game in which the university’s basketball coaches were knowing participants—were denied by Judge Kaplan, pointing jurors toward evaluating the defendants in isolation instead of their larger context.

These denials may set the stage for the defense’s case in appeals court, where it could find more sympathetic ears. But in the meantime three men face potential prison time because they included players and their families into the mutually beneficial financial relationship enjoyed by the schools and companies that relies on said players’ talents—and the body in charge of the sport decided it cannot stand as much, elevating what otherwise seems like natural market forces into something the government could convince a jury is a federal crime.
Beyond the courtroom’s walls, the prosecution’s contention that the universities were the victims of a scheme by those convicted can be a harder sell; do not hold your breath waiting for these schools to take action against their apparel-company benefactors.

Reference 21 - 2.15% Coverage

In their minds this trial, which was ostensibly not about NCAA rules, had sufficiently proven the defendants’ guilt. To those not bound by the confines of a judge’s instructions and a trial’s scope, a truer blame lay elsewhere, in the very rules whose violation were this crime’s original sin—and constitute the NCAA’s too.

Reference 1 - 2.92% Coverage

In a decisive victory for federal prosecutors and a frightening warning to those involved in the payment of college recruits, a New York jury has convicted Adidas director of global marketing James Gatto, Adidas consultant basketball organizer Merl Code and client recruiter (a.k.a. runner) Christian Dawkins of wire fraud and conspiracy to commit wire fraud charges. U.S. District Judge Lewis Kaplan will sentence the defendants on March 5, 2019. While a pre-sentencing report will influence Judge Kaplan in determining appropriate prison sentences, it’s expected that the three men will likely be sentenced to somewhere between two to five years in prison.

Reference 2 - 0.73% Coverage

Prosecutors from the Southern District of New York convinced jurors that the necessary elements of wire fraud and conspiracy were proven beyond a reasonable doubt.

Reference 3 - 0.50% Coverage

prosecutors established that top basketball recruits were paid thousands of dollars in clandestine exchanges.

Reference 4 - 1.20% Coverage

This was not an especially stunning point. For years, if not decades, the idea that basketball recruits were paid money “under the table” to attend certain colleges (in this case, colleges sponsored by Adidas) was well known to many in the basketball and apparel industries.

Reference 5 - 1.29% Coverage

The more difficult challenge for prosecutors was to persuade jurors that these payments were not only NCAA rule violations but also, much more importantly, crimes. They did so by depicting the universities that enrolled the paid student-athletes—namely Louisville and Kansas—as victims.

Reference 6 - 0.74% Coverage

This deduction may seem illogical since those universities enrolled players who would helped their basketball programs win games and generate accompanying revenue.

Reference 7 - 0.76% Coverage

But prosecutors convinced jurors that they should regard the basketball program and its coaching
staff as possessing disparate interests from the rest of the university.

Reference 8 - 2.05% Coverage

While the coach may gain from the enrollment of a superior player, the university provided that same player a full athletic scholarship and financial aid under a false pretense. Along those lines, the university and its admissions office staff purportedly believed that the player was eligible to play under NCAA rules when in fact he was not. The university, then, lost control of its finite financial assets, namely athletic scholarship and financial aid packages

Reference 9 - 1.30% Coverage

risk of punishment under NCAA amateurism rules. Likewise, prosecutors argued that there was intent to harm these schools: certain Adidas employees, agents, coaches and family members of the schools knowingly conspired to facilitate the enrollment of paid-off student athletes to the school.

Reference 10 - 1.48% Coverage

The decisions of Gatto, Code and Dawkins to go to trial surprised some given data on federal criminal trials. Approximately 90% of defendants in federal prosecutions plead guilty rather than go to trial. Further, defendants who go to trial usually lose; federal prosecutors secure convictions in somewhere between 85% and 95% of trials.

Reference 11 - 1.27% Coverage

Unfortunately for these three men, their odds of waging a successful appeal are also strikingly low. According to the Judiciary Data and Analysis Office of the Administrative Office of the U.S. Courts, only 7% of criminal conviction appeals to federal appellate courts lead to reversals.

Reference 12 - 1.80% Coverage

Still, Gatto, Code and Dawkins have an opportunity to petition the U.S. Court of Appeals for the Second Circuit to review their guilty verdicts. A successful appeal is not one that claims the jury “got it wrong.” Rather, a successful appeal proves that the presiding judge—here, Judge Kaplan—made a mistake of law in his administration of the trial and that it was so meaningful as to lead to a wrongful conviction.

Reference 13 - 0.55% Coverage

Typical grounds for an appeal are to argue the presiding judge mistakenly permitted or denied certain evidence or testimony.

Reference 14 - 0.63% Coverage

the judge provided the jury with confusing instructions, and that led jurors into misunderstanding legal principles and misapplying the law.

Reference 15 - 1.31% Coverage

Under rules in the Second Circuit, Gatto, Code and Dawkins have 30 days to file a notice of appeal. The notice costs $505. To be clear, the notice is not itself an appeal. It merely expresses a desire to appeal and secures the opportunity to do so. An appeal, with detailed legal arguments, would follow.

Reference 16 - 3.05% Coverage
An appeal would likely take months if not over a year. Appeals involve written briefs and, in some cases, 10-or 15-minute oral arguments by attorneys before a panel of three appellate judges. An appeal is nothing like a trial. No evidence is offered, no testimony is presented, no witnesses appear—the record is over and complete. Even the defendants themselves do not need to attend any oral argument or otherwise actively participate in the appeal. Rather, the appellate panel takes the facts and testimony established in the trial as the relevant record. The panel then considers the defendants’ arguments that the law was misapplied. Far more often than not, convictions are upheld on appeal.

Reference 17 - 0.88% Coverage

DEFENDANTS IN RELATED TRIALS MIGHT NOW WANT TO REACH PLEA DEALS—AND THAT COULD IMPLICATE OTHERS

The convictions of Gatto, Code and Dawkins could motivate the other basketball corruption defendants

Reference 18 - 1.11% Coverage

In February, a trial for former NBA player and Auburn assistant Chuck Person is scheduled, and in April three coaches—Tony Bland, Lamont Evans and Emanuel “Book” Richardson—go to trial. Prosecutors are likely emboldened by Wednesday’s convictions.

Reference 19 - 1.50% Coverage

A jury unanimously agreed that Gatto, Code and Dawkins desired to injure Louisville and Kansas. The trio did so by conspiring to induce elite recruits into accepting NCAA-violating inducements and by conspiring to induce those recruits into attending Louisville and Kansas, thereby placing those institutions at risk of NCAA punishments.

Reference 20 - 0.95% Coverage

Armed with the convictions of Gatto, Code and Dawkins, prosecutors are likely more confident than ever that they’ll likewise be able to establish that Person, Richardson and others fraudulently deceived colleges.

Reference 21 - 1.79% Coverage

With that in mind, attorneys for Person, Richardson and the other defendants might strongly encourage their clients to weigh the possibility of seeking plea deals with prosecutors. Any plea deal would entail these defendants pleading guilty to crimes with the expectation that they would not face prison time or face much less time than the years that Gatto, Code and Dawkins will probably spend behind bars.

Reference 22 - 0.52% Coverage

In return, the defendants will need to play ball with the government. They’ll have to (1) share any electronic records

Reference 23 - 0.99% Coverage

and (2) agree to testify against others, possibly including those who hired, mentored and trusted them. As a result, in the coming weeks and months, additional persons in the basketball industry could be charged with crimes.

Reference 24 - 1.06% Coverage
Also, prosecutors normally prioritize convictions of the persons who had ultimate authority over unlawful acts. Such convictions hold responsible the decision-makers, rather than those who only implemented or administered decisions.

Reference 25 - 1.28% Coverage

Here, if prosecutors believe that head coaches and athletic directors were involved in corrupt practices, they would be more inclined to cut plea deals with assistant coaches and other defendants who could help prosecutors prove that the head coaches and athletic directors were involved.

Reference 26 - 1.52% Coverage

This is why Wednesday’s convictions should worry anyone in college basketball who has partaken in NCAA-violating payments to recruits and who are in any way connected to those still facing trial: their names and wrongdoing could soon become bargaining chips in plea deals. The government’s net of basketball corruption, then, could grow wider.

Reference 27 - 0.48% Coverage

While the NCAA was not a party in this trial, its ability to enforce compliance of rules stands to gain from it.

Reference 28 - 1.46% Coverage

To the extent a highly regarded high school basketball player believes he can go to college and get paid under-thetable, Wednesday’s convictions may cause that player to rethink his assumptions. The pot of money being dispensed could become a lot smaller. For that reason, the G League may become a much more attractive alternative.

Files\TDG1 - Drake Group Blames Outdated NCAA Amateur Status Rules for Criminalizing Outside Athlete Compensation - § 5 references coded [ 18.32% Coverage]

Reference 1 - 2.94% Coverage

Institutions of higher education have used this definition of “amateur” combined with rules that keep young athletes captive (such as onerous transfer restrictions) and the selfish motives of professional sports leagues that do not have to fund minor leagues in football and basketball to unreasonably limit the compensation that can be earned by collegiate athletes under the rubric of “athletic scholarship.”

Reference 2 - 2.74% Coverage

Amateur” is nothing more than an NCAA overly broad mechanism that allows multi-million-dollar coaches and extraordinarily well-compensated athletic directors to earn lavish salaries and perks while institutions of higher education receive tax deductible donations from exploiting the value of collegiate athletes they refuse to allow the same earning rights as other students.

Reference 3 - 2.90% Coverage

The NCAA has the right and the obligation as an educational non-profit institution to limit institutional compensation of athletes to the cost of education. College sports should not be “pay for play” professional sports, but continuing to treat college athletes as employees and commodities for financial gain and entertainment instead of as students, makes it a very tough argument to continue to justify.
Reference 4 - 6.62% Coverage

In other words, there are simple changes for the association to make that positions the athlete as a student rather than an employee. The inability to separate the two has largely driven this underground economy in college sports. While the NCAA also has the right to prohibit professional athletes from participating in college sports, it shouldn’t have the right to prohibit college athletes from working outside the university, contracting with an agent and using their names, images and likenesses for private gain as long as the athlete does not use of the name or affiliation with the institution. Athletes should be allowed to earn whatever the marketplace dictates from endorsements (including the use of shoes, gloves or other items of personal sports equipment), modeling, conducting a sports camp business or giving sports lessons to others as long as the athlete does not enter into a contract to play professional sports.

Reference 5 - 3.12% Coverage

It is also proper for the NCAA to insist that such work be conditioned on the athlete independently obtaining such employment, meaning that such work not be arranged by individuals engaged by the collegiate institution or representatives of the institution’s athletics interest for that purpose. It is also proper for the NCAA to insist on transparency in the athlete reporting such income and to require that it reflect marketplace value.

Reference 1 - 0.86% Coverage

First, we absolutely agree with the Commission that an elite athlete should have choices for competition and development beyond the educational space if that is an athletes’ desire.

Reference 2 - 1.14% Coverage

We also strongly support a change in the NBA’s age limit restriction on NBA draft entry as well as allowing elite basketball athletes the opportunity to test the waters of the NBA draft and seek advice from agents without losing NCAA eligibility.

Reference 3 - 2.19% Coverage

TDG strongly believes that elite development opportunities should exist outside of intercollegiate athletics and that professional leagues have an obligation not to impede that effort. Should athletes be good enough to go professional, they should be allowed to do so at a time that is best for them. Also, if athletes want to attend college they should be allowed to do that for as long or short a time as they desire just as other non-athlete students have such options.

Reference 4 - 0.96% Coverage

Other positives of the Commission report include requiring the certification of agents and reforming the sordid world of non-scholastic youth basketball. However, the Commission has not gone far enough.

Reference 5 - 3.59% Coverage

Although the Report correctly emphasizes the value of a college education and the necessity of it remaining the priority, the Commission only addressed academic integrity in the context of
fraudulent coursework and the ill-conceived notion of institutional self-policing. It did not acknowledge the far more widespread practice of institutions turning a blind eye to normal athletic departments practices designed to keep athletes eligible through selection of less-demanding majors, easy (or fake) courses, and friendly professors, rather than provide a real education. Transparency and oversight by every institution’s faculty senate in this area would go a long way toward showing that institutions are committed to providing a legitimate education.

Reference 6 - 2.06% Coverage

The biggest miss was the Commission’s failure to make a recommendation on allowing athletes to earn money outside their participation in intercollegiate athletics via being allowed to market their own names, images and likenesses (NILs) and how such freedom might address some of the corruption and scandal at issue. The Commission avoided this opportunity because it believed it needs first the “legal parameters [to] become clearer.”

Reference 7 - 3.37% Coverage

Indeed, the O’Bannon case in the Ninth Circuit recently decided on the proper antitrust framework—the rule of reason—for the payment of NILs to athletes. Significantly, the Chief Judge in that case noted that the Ninth Circuit’s decision was limited to the facts at hand, stated that “the national debate about amateurism in college sports is important. But our task as appellate judges is not to resolve it. Nor could we..” The Supreme Court, despite petitions for certiorari by both sides, declined to review the decision. Other cases concerning payment of athletes exist in courts throughout the states and 12 federal regional circuits. Waiting for the courts to develop clarity is risky and likely to be frustrating.

Reference 8 - 1.16% Coverage

Courts decide cases on specific, relatively narrow sets of facts. As a result, absent an overarching Supreme Court decision, which is by no means assured, a clear judicial resolution of the athletic compensation issue could be a decade or more away.

Reference 9 - 2.08% Coverage

Quizzically Dr. Rice, in her remarks accompanying the Report’s release, did not shy away from discussing the NIL and compensation matter issues, saying that “for the life of me I don’t understand the difference between Olympic payments and participation in Dancing with the Stars—and what can’t be allowed . . . .” She pointed out that most Commissioners believe that the NIL rules should be taken up as soon as the legal framework is established.

Files\TDG3 - The Drake Group Questions NCAA Division I Basketball Rules Changes - § 10 references coded [16.56% Coverage]

Reference 1 - 1.45% Coverage

Despite its recent reforms to Division I basketball, the NCAA continues to react to events instead of leading college athletics to a more educationally sound future. The changes it has made to Division I basketball misled the public into thinking that the corruption recently unearthed in that
sport has been addressed. It hasn’t.

Reference 2 - 1.78% Coverage

In the Drake Group’s view, the NCAA’s lack of leadership is reflected in its failure to make rules that promote athlete welfare and academic integrity. Instead, it uses a flawed academic metric (the Graduation Success Rate or GSR) designed to hide the underperformance of football and basketball players and refuses to remedy the academic fraud that its member institutions commit to keep athletes eligible.

Reference 3 - 1.63% Coverage

“The use of independent investigators and a fifteen-member adjudication panel are long overdue changes. NCAA members and the public have criticized the bias and conflict of interest inherent in members judging institutions against which they compete. The perception exists that the major revenue-producing institutions receive favored treatment under this system.”

Reference 4 - 0.85% Coverage

reinstatement of rules requiring coaches to declare outside income, to make such reports publicly available, and to establish more rigid certification standards for high school summer events.

Reference 5 - 2.04% Coverage

TDG Concern: No process has been defined to determine “elite” status, which may invite antitrust or equal protection litigation regarding an arbitrary evaluation and labeling system. Athletes in all sports should be permitted to hire agents. It is reasonable for the NCAA to control expense reimbursement by agents, but the NCAA must also control certification of agents to ensure that an agent does not represent both athletes and the coaches who are recruiting them.

Reference 6 - 1.87% Coverage

TDG Concern: All athletes should have the right to participate in a professional draft with no penalty unless they actually accept an offer of employment. Athletes should not be considered “professionals” and declared ineligible for college sport unless they sign a professional contract. If an athlete is “selected” in the draft and then decides not to turn professional, the athlete should remain eligible for college play.

Reference 7 - 1.47% Coverage

TDG Concern: How these institutional leaders will be held accountable is undefined, except for the suggestion that they may be ineligible to serve on the NCAA Board of Governors. The NCAA refuses to use enforcement mechanisms that would be more effective, such as ineligibility for national championships or suspension of membership.

Reference 8 - 1.86% Coverage

TDG Concern: It is unclear how an athlete will prove that he or she has exhausted all other funding options. There are numerous local, national and institutional scholarships available from multiple sources for which these students might be able to qualify. It seems unlikely that the NCAA will or could maintain a list of such sources that the athletes need to try in order to determine whether the search has been “exhaustive”.

Reference 9 - 1.85% Coverage

Polite added, “The Drake Group is disappointed that the NCAA continues to ignore the athlete
employment issue, which was the primary underlying issue in the FBI investigation of the NCAA basketball debacle and which the Rice Commission Report also ignored. Athletes should be allowed to earn money outside of school by exploiting their names, images, and likenesses (NILs) just as any other student with a special talent.”

Reference 10 - 1.77% Coverage

Drake Group is particularly concerned that the NCAA continues to ignore its responsibility to find member institutions guilty of academic fraud committed for the purpose of maintaining athlete eligibility. Expecting institutions to self-police in this area is unrealistic and a serious dereliction of duty with regard to the basic responsibilities of a national athletic governance organization.”

Files\TKC1 - Knight Commission Sees Integrity of College Sports at Risk - § 9 references coded [ 17.61% Coverage]

Reference 1 - 1.10% Coverage

At today’s fall meeting, NCAA President Mark Emmert told the Knight Commission, “We cannot go into the next basketball season without seeing fundamental change in the way college basketball is operating.”

Reference 2 - 1.53% Coverage

Emmert acknowledged that the schools have a public trust problem. He said recent NCAA polling showed that nearly 80 percent of people believed “big universities put money ahead of their student-athletes,” and that nearly 70 percent of big schools are part of the problem, not the solution

Reference 3 - 1.51% Coverage

“We need to find a way to avoid careening from crisis to crisis,” he added. Emmert criticized the NBA’s one-and-done rule for college basketball players, saying, “We do have 2 to 5 percent of basketball players who really want to be professional basketball players, and if they want to be a

Reference 4 - 1.49% Coverage

Federal bribery and fraud charges were brought last month against 10 men, including four assistant coaches and an Adidas official. The Commission believes that the basketball scandals are symptomatic of broader, systemic problems in men’s Division I basketball and FBS football.

Reference 5 - 1.71% Coverage

NCAA enforcement and compliance tools and practices have consistently failed to uncover the type of behaviors exposed in the federal investigation. Yet these alleged illegal acts have been rumored for years, fostering a recruiting culture in Division I men’s basketball that too often crosses the line into corruption.

Reference 6 - 1.92% Coverage

“The Commission is deeply troubled by mounting evidence that the NCAA is unable to ensure a level of integrity that must be a priority in the education and treatment of college athletes,” said Commission co-chair Arne Duncan, former U.S. Secretary of Education, “These threats to the integrity of college sports are an urgent call to reform, if ever there was one.”

Reference 7 - 2.63% Coverage
The Commission meeting highlighted several broad areas of Division I basketball in need of farreaching reform: Exploitation of college athletes by shoe companies and agents; the largely unregulated structure of non-scholastic youth basketball and its recruiting culture; and changes to the NCAA’s compliance and enforcement powers. Among other changes the Knight Commission will explore are expanding the range of practices and tools for NCAA investigations, including subpoena power.

Reference 8 - 2.91% Coverage

The Commission called on the NCAA to modify a rule that now effectively allows an institution under investigation to make its own determination about the academic legitimacy of its courses. The NCAA should not be handcuffed in its authority to consider independent assessments of academic fraud, such as those made by accrediting agencies and state licensing bodies. Other loopholes in NCAA rules governing academic integrity, including the determination of what constitutes impermissible academic benefits for athletes, also need to be closed.

Reference 9 - 2.81% Coverage

The Commission plans to continue its exploration of other reform ideas – including how a limited antitrust exemption for the NCAA, with restrictions, might address current problems, and whether financial benefits could be provided to players for the use of their names, images, and likenesses. These issues have been studied and discussed in prior Commission meetings, such as those in May 2015 and May 2016. The Commission will also be studying and monitoring reforms to improve the integrity and fairness of the transfer process.

Reference 1 - 5.63% Coverage

Over the past decade, several recommendations to align financial and athletic incentives with educational values and to treat athletes like students helped propel the following policy changes: Requiring teams to be on track to graduate at least 50 percent of their players to be eligible for March Madness and other postseason championships and bowl games; adding substantial academic incentives in the NCAA’s revenue distribution plan (and decreasing the amounts awarded for success in the men’s basketball tournament); and reducing athletics time demands on college athletes.

Reference 2 - 2.05% Coverage

Unfortunately, in the past, change and improvements have taken years to accomplish. We think the ground is more fertile now for far-reaching reforms that the Commission on College Basketball may be considering.

Reference 3 - 3.28% Coverage

These recommendations grew out of research conducted for the Knight Commission with university presidents and higher education leaders in 2009 and again in 2012, and from the many public meetings the Commission has held over the years with university presidents, faculty, athletics administrators, coaches, athletes and other experts.

Reference 4 - 6.17% Coverage

First, the Knight Commission has recommended that independent directors be added to the NCAA governing boards. This recommendation was initially made, but not accepted, when the
NCAA restructured in 2013. We think at least one of these independent directors should be a former men’s basketball player, given the role that March Madness plays in funding the NCAA and its member conferences and institutions, and in holding the NCAA together. There could be another spot among the independent directors for a former female athlete in any sport. Other independent directors could be experts in fields like athlete health, safety and wellness.

“Files\TKC3 - Statements in Response to the Report by the Commission on College Basketball - § 3 references coded [ 14.01% Coverage]
Reference 1 - 3.19% Coverage
“We applaud the far-reaching reforms recommended by the Commission on College Basketball, which we will examine at the Knight Commission public meeting May 7 in Washington, D.C.,”
Reference 2 - 5.64% Coverage
“We are pleased to see the Rice Commission endorse a longstanding goal of the Knight Commission, to add independent directors to the NCAA governing board. The addition of at least five independent public members to the NCAA Board of Governors will improve governance for all of college sports, not just college basketball.”
Reference 3 - 5.19% Coverage
“We still don’t know yet that the NCAA is capable of truly protecting and supporting the education, health, safety, and well-being of student-athletes — and big challenges to the integrity of college basketball persist. We look forward to addressing these challenges at our meeting next month.”

“Files\TKC4 - Knight Commission Urges Tougher NCAA Reforms to Regain Public Confidence in College Sports - § 13 references coded [ 11.66% Coverage]
Reference 1 - 0.50% Coverage
“The Commission on College Basketball rightly emphasized that ‘the NCAA administers what is effectively a public trust in the United States — athletic competition among college athletes,’”
Reference 2 - 1.55% Coverage
At today’s spring meeting, Commission members endorsed many of the recommendations made by the panel led the Rice Commission, which the NCAA Board of Governors and Division I Board of Directors accepted last week. Specifically, the Knight Commission expressed its support for changes that will create a healthier summer recruiting environment for youth basketball. It also supported the Rice Commission proposal to change the NBA draft eligibility rule, but cautioned that allowing students to turn pro without a high school diploma could have a corrosive effect on educational attainment.
Reference 3 - 0.61% Coverage
Governance. As a first step, add at least six independent directors to the 24-member Division I Board of Directors, now comprised solely of institutional representatives, with an ultimate goal of a majority of independent directors.
Reference 4 - 0.69% Coverage
Integrity and Financial Transparency. Adopt new and more stringent approvals, terms of conditions, and financial disclosures for income that NCAA institutions and their employees —
particularly coaches — receive from shoe, equipment, and apparel companies.

Reference 5 - 0.62% Coverage

Student-Athlete Education and Development. Develop minimal professional standards that NCAA coaches will be required to meet to ensure they are prepared for their roles as educators and leaders in the development of student-athletes.

Reference 6 - 1.49% Coverage

“Adding independent directors will improve governance for all of college sports, not just college basketball,” said Knight Commission co-chair Carol Cartwright. “As we first suggested in 2013, we also want to see independent directors added to the NCAA Division I Board of Directors. In the long run, we’d like to see independent directors comprise a majority of both boards. Too often, board members are expected to represent their conferences’ competitive and financial interests first, instead of what may be best for student-athletes and college sports as a whole.”

Reference 7 - 0.77% Coverage

The recent college basketball scandal demonstrated that transparency and new restrictions are needed for income obtained from shoe, equipment, and apparel companies, which have close ties to non-scholastic basketball teams (club/travel teams), recruiting events, and NCAA institutions.

Reference 8 - 1.27% Coverage

The Rice Commission report recommended new financial requirements for non-scholastic basketball events attended by NCAA coaches, and called on shoe and apparel companies to “implement financial transparency and accountability with respect to their own investments in non-scholastic basketball.” The Knight Commission supports these measures but believes that standards must be set higher for NCAA schools and college coaches than for those not directly affiliated with the NCAA.

Reference 9 - 0.72% Coverage

No university can give the right to any employee to have a contract with shoe, equipment, and apparel companies that are expressly or indirectly contingent on players wearing or using the companies’ equipment or products. Such contracts must be made only with the university.

Reference 10 - 0.61% Coverage

Adopting new restrictions and imposing financial disclosures on athletically-related outside income received by employees, and making a failure to comply with these new requirements subject to significant infractions penalties.

Reference 11 - 1.56% Coverage

The Commission on College Basketball concluded that “NCAA schools are not doing enough to develop the next generation of coaches.” The Knight Commission agrees with that conclusion and recommends the development of minimal professional standards that NCAA coaches must meet to ensure they are prepared for their roles in the education and development of student-athletes. Such standards could require the completion of different levels of coaching licenses or professional certificates to redress the profession’s lax — and in some cases nonexistent — certification and licensure standards.

Reference 12 - 0.75% Coverage
In a separate discussion related to NCAA transfer rules, the Knight Commission supported the NCAA’s efforts to eliminate the requirement that student-athletes must seek permission to transfer from their institution to receive an athletics scholarship from their second institution.

Reference 13 - 0.52% Coverage

The change will allow student-athletes to notify their institutions of their intent to transfer so that their names can appear in a national database of transfer students eligible for recruitment.

Reference 1 - 1.68% Coverage

In addition to adding at least five independent directors to the NCAA Board of Governors as recommended by the Commission on College Basketball, add at least six independent members to the NCAA Division I Board of Directors, and move towards making independent appointees the majority on both boards.

Reference 2 - 1.41% Coverage

Background: The Commission on College Basketball, led by Condoleezza Rice, rightly emphasized the NCAA’s often overlooked role: To administer what “is effectively a public trust in the United States—athletic competition among college athletes.”

Reference 3 - 1.50% Coverage

We believe the NCAA can only fulfill its responsibility to administer this “public trust,” if its governing board and the Division I Board of Directors are controlled by a majority of independent appointees, much as is the case with many corporate and nonprofit boards.

Reference 4 - 0.63% Coverage

As a matter of guiding principle, independent directors should ultimately comprise majorities of both boards.

Reference 5 - 3.37% Coverage

This change will shift the NCAA’s governance model from solely being a membership association, with inherent conflicts of interest, to being more of a leadership organization capable of propelling real change. In the current model, board members are often expected to represent their conferences’ competitive and financial interests first, instead of what may be best for student-athletes and college sports as a whole. More independent leadership of the NCAA will provide greater objectivity, unhindered by institutional self-interest, to better safeguard the integrity of college athletics.

Reference 6 - 1.03% Coverage

Adopt new and more stringent approvals, terms of conditions, and financial disclosures for income that institutions and coaches receive from shoe, equipment, and apparel companies.

Reference 7 - 1.53% Coverage

No university can give the right to any employee to have a contract with shoe, equipment, and apparel companies that is expressly or indirectly contingent on players wearing or using the companies’ equipment or products. Such contracts must be made only with the university.
Reference 8 - 2.25% Coverage

For any school where student-athletes are required or asked to wear or use apparel or equipment displaying a company logo, mandate public disclosure of outside income that school employees, including coaches, receive directly from the company or from the school with designated funds from the company. This required public disclosure would extend to any private university that competes in the NCAA.

Reference 9 - 3.99% Coverage

Reinstate the requirement for coaches and other administrators to receive approval from the university CEO to receive any athletically-related outside income (e.g., income from shoe, equipment and apparel companies). Further, strengthen this requirement by specifying that the amount of income approved must be given in writing and prior to the receipt of such income. [Note: This requirement would bring back and strengthen a requirement first adopted in 1992 at the Knight Commission’s urging but rescinded in 2016.] In addition, university presidents should be required to annually report to their governing boards the amounts and sources of athletically-related outside income received by employees.

Reference 10 - 0.70% Coverage

Require the reporting of all athletically-related outside income for coaches and administrators in NCAA financial reports.

Reference 11 - 2.73% Coverage

The Rice Commission report recommended new financial requirements for non-scholastic basketball events attended by NCAA coaches, and called on shoe and apparel companies to “implement financial transparency and accountability with respect to their own investments in non-scholastic basketball.” The Knight Commission supports these measures but believes that standards must be set higher for NCAA schools and college coaches than for those not directly affiliated with the NCAA.

Reference 12 - 2.32% Coverage

Develop minimal professional standards that NCAA coaches will be required to meet to ensure they are prepared for their roles as educators and leaders in the development of student-athletes. Such standards could require the completion of different levels of coaching licenses or professional certificates to redress the profession’s lax—and in some cases nonexistent—certification and licensure standards.

Reference 13 - 3.41% Coverage

The Knight Commission is concerned about the implications of the National Association of Basketball Coaches’ proposal to allow non-coaching personnel, such as basketball video analysts, to engage in coaching activities. While the Knight Commission supports professional development efforts, it cautions against any changes that will lead to further proliferation of coaching staff members and the inability to enforce reasonable personnel limits. The ratio of money spent on coaching and noncoaching personnel, compared to other program areas and student-athlete support, is already badly skewed.

Reference 14 - 1.72% Coverage

The Knight Commission supports the Commission on College Basketball suggestion for the
NBA and its players association to change the NBA draft eligibility rule but cautions that allowing students to turn pro without a high school diploma could undermine educational attainment among high school players.

The Knight Commission on Intercollegiate Athletics met on May 7, 2018 to consider the Commission on College Basketball report and related issues. At the conclusion of our meeting, we shared a series of recommendations that in a number of instances go beyond those proposed by the Commission on College Basketball. The attached document provides additional information.

Governance. In addition to adopting the Commission on College Basketball proposal to add at least five independent members to the NCAA Board of Governors, we recommend adding at least six independent directors to the Division I Board of Directors. As a matter of guiding principle, independent directors should ultimately comprise majorities of both boards.

Integrity and Financial Transparency. Adopt new and more stringent approvals, terms of conditions, and financial disclosures for income that NCAA institutions and their employees—particularly coaches—receive from shoe, equipment, and apparel companies.

Student-Athlete Education and Development. Develop minimal professional standards that NCAA coaches will be required to meet to ensure they are prepared for their roles as educators and leaders in the development of student-athletes.

So today, we have Auburn, Southern California, Oklahoma State and Arizona as the bad apples. They’re the college basketball programs that have assistant coaches who have been charged by federal authorities because they allegedly accepted bribes to push players toward a slew of potential moneymakers — financial advisers, Adidas, on and on.

It would appear, too, from easily connected dots in the documents, that Louisville is being accused of funneling $100,000 to gain the services of a single player, and Miami is accused of planning to float a $150,000 offer for a recruit.

Tuesday’s developments are the essence of breaking news. On the face of them, they’re alarming — not so much because of the programs or coaches involved or the specifics of the transactions (though, $100,000?!?) — but because this comes from the FBI, adding weight and heft. The idea of undercover videos in Las Vegas hotel rooms provides Hollywood intrigue, for sure.
There are likely clean major college athletics programs out there. Likely. But it’s also likely there were baseball players who didn’t take performance-enhancing drugs around the turn of this century. Saying with absolute certainty that a particular entity, though, is or was clean — that’s perilous, for sure.

Yet outright shock here? Really, there can’t be. The coaches arrested weren’t the head coaches at those programs, not Auburn’s Bruce Pearl or Arizona’s Sean Miller, not USC’s Andy Enfield or Oklahoma State’s Mike Boynton — or, the biggest among them all, Rick Pitino of Louisville

Yet whatever the feds announced Tuesday, Pitino won’t be on the Cardinals’ sideline for the first five games of the ACC season. Suspended, he is, for this previous isolated incident about which he had no knowledge.

The four assistant coaches arrested aren’t victims, for sure, because they surely knew what they were doing was against rules, if not laws. But they are part of a machine that is powered by the basic structure of college sports. When a system has billions of dollars flowing into it — and the NCAA’s contract with CBS and Turner Sports for the NCAA tournament alone is worth $8.8 billion through 2032 — and yet has a major part of the workforce that is unpaid, well, then, how is this not the end result?

Six years ago, Michael Beasley laid out much of how this works. The Prince George’s County kid was one of the most heralded recruits in the country back in 2006. He played one year at Kansas State (yep, nothing strange going on there) and then became the second pick in the NBA draft.

But in a lawsuit, Beasley showed how a former agent bankrolled his AAU basketball team so the coach of that team would push Beasley to that agency.

That’s what the feds were alleging Tuesday, even in cases where athletes and their families aren’t receiving $100,000.

There’s so much money involved, someone’s going to get it. And unless and until players receive some sort of compensation that’s commensurate with their value to the school, there is going to be corruption. Sometimes it will violate NCAA rules. Sometimes it will violate the law.

Either way, given the current structure of college sports, we’re only minutes away from the next violation — whether it’s exposed or not. There is drama on Tuesday, for sure, and the more details we learn, the more damning it will feel to those individual coaches, to those individual
programs. And yet, we know — despite the inevitable upcoming denials from all sorts of sources — it’s not just them.

In an effort to solve the “crisis of accountability” in college basketball, a commission chaired by former secretary of state Condoleezza Rice on Wednesday issued substantive, far-reaching recommendations that called for tougher penalties for NCAA rules violations, financial transparency by apparel companies and an end to the NBA’s “one-and-done” rule.

But the panel did not recommend that athletes be paid, staunchly affirming the values of amateurism and an education for the 98.8 percent of college basketball players who do not go on to NBA careers.

While it called for a fresh look at whether athletes should be able to earn money from the marketing of their name, image or likeness, the panel noted that the NCAA should not — and, in fact, could not — act until the courts resolve the issue via pending legal cases.

The 14-member Commission on College Basketball was created in October by NCAA President Mark Emmert in response to a federal investigation into bribery and fraud in the sport. The FBI probe, which is ongoing, led to the arrests of 10 men, including assistant coaches at four schools, on fraud and bribery charges for improper payments to steer top recruits to preferred agents and financial advisers. It found that Adidas officials were offering six-figure payments to get top recruits to Adidas-sponsored teams and that coaches accepted five-figure bribes to steer college players to preferred agents and financial advisers.

The relationship between shoe companies and college basketball has long bedeviled NCAA and college officials. In their quests to gain advantages on signing NBA prospects, Nike, Adidas and Under Armour all sponsor extensive grass-roots leagues for teenagers across the country. And observers of the game have wondered whether there is a quid-pro-quo in cases in which Nike’s grass-roots stars sign with Nikesponsored college teams and top Adidas grass-roots stars sign with Adidas-sponsored college teams.

With members of the panel seated on either side, Rice called on every stakeholder in college basketball — coaches, athletic directors, university presidents, boards of trustees, the NCAA, apparel companies, athletes and their parents — to “accept their culpability in getting us to where we are today.” And where we are, Rice made plain at the outset, is a “crisis.”

Rice explained Wednesday that the goal in calling on the NBA to end its “one-and-done” rule and make 18-year-olds eligible for the NBA draft was to separate athletes who are on the “college
track” from those elite players who aspire only to an NBA career. The downside of essentially “forcing” the latter group to enroll in college for one year or less, she said, outweighed the good.

Reference 8 - 0.51% Coverage

If the NBA declines to abandon one-and-done, Rice said, the panel will reconvene and consider ending freshman eligibility.

Reference 9 - 0.97% Coverage

The panel also called on the NCAA to let underclassmen test their chances in the NBA draft without losing their college eligibility. If they’re not drafted, they would be able to return to school and continue playing college basketball.

Reference 10 - 1.03% Coverage

It further recommended the NCAA allow certified agents to talk with players during their high school years to give them a realistic sense of their professional prospects before they made the decision to enroll in college. Such contact is prohibited.

Reference 11 - 0.36% Coverage

But the panel consistently rejected remedies that would “professionalize” the sport.

Reference 12 - 1.63% Coverage

To that end, the panel called on the NCAA to require universities to pay for the cost for any scholarship athletes to complete their degrees if they earned at least two years of academic credit before leaving school. Some schools already do this; others don’t and would find it costly. But covering the expense, Rice’s panel concluded, would “restore credibility to the phrase ‘student-athlete.’ ”

Reference 13 - 1.90% Coverage

ESPN analyst Jay Bilas said he believes the commission “got a lot right” — particularly in calling for athletes to be able to confer with licensed agents and declare for the draft without losing their college eligibility. Bilas also favors the idea of an independent entity to investigate NCAA infractions, as well as the addition of outside professionals to the NCAA governing board to get away from the college sports “echo chamber” in which nothing ever changes.

Reference 14 - 1.59% Coverage

But he was disappointed that the report didn’t tackle college basketball’s commercialization head on. College basketball is a multibillion dollar industry in which coaches and schools make millions from shoe companies, Bilas noted, but paying players — or providing them anything more than a cost-of-living stipend and chance at an education — is cast by the report as “morally wrong.”

Reference 15 - 0.27% Coverage

In many respects, the panel found NCAA rules enforcement lacking.

Reference 16 - 0.50% Coverage

The panel also recommended the NCAA create independent entities to investigate “high-stakes” cases of rule-breaking.

Reference 17 - 0.90% Coverage
In response, the panel urges the NCAA to certify specific youth basketball events that college coaches may attend, demanding that financial transparency of the youth programs be among the criteria for certification.

Reference 18 - 0.50% Coverage

It called for full disclosure of spending on youth basketball by apparel companies, such as Adidas, Nike and Under Armour.

Reference 19 - 1.04% Coverage

And it called for the NCAA to join with the NBA and USA Basketball to create a new youth basketball program by 2019 that would have as its centerpiece tournaments and events each July that would be the sole events college basketball recruiters could attend.

Reference 20 - 0.77% Coverage

Turning to the NCAA, Rice noted that its current structure “isn’t working” and called for five independent, public members with voting rights to be added to the NCAA’s board of directors.

Reference 21 - 1.30% Coverage

The 14-member commission included former Georgetown coach John Thompson III, former NBA stars Grant Hill and David Robinson, former Stanford coach Mike Montgomery, Ohio State Athletic Director Gene Smith, former Florida AD Jeremy Foley and retired U.S. Army Gen. Martin Dempsey, who is chairman of USA Basketball.

Reference 22 - 0.80% Coverage

While Emmert and the NCAA lauded the commission’s work, the National College Players Association — a nonprofit that represents the interests of college athletes — panned the results as a failure.

Files\WP3 - Breaking down the NCAA basketball report - The key word is ‘recommendations’ - § 12 references coded [ 22.89% Coverage]

Reference 1 - 1.44% Coverage

On Wednesday morning, the College Basketball Commission chaired by former Secretary of State Condoleezza Rice unveiled its recommendations for how to fix college basketball. The panel provided suggestions for everything from ending the NBA’s one-and-done rule to reforming youth programs such as AAU basketball.

Reference 2 - 1.91% Coverage

It’s important to remember that the commission’s recommendations are just that: recommendations of an independent group. When and how any rule changes will be adopted or implemented is up to the NCAA member schools. As the report read, “the NCAA is not really Indianapolis: It is the sum total of its member institutions.” For the NCAA to implement any change, even those it can control, its member schools have to be on board.

Reference 3 - 0.98% Coverage

Can the NCAA do that? No. That’s up to the NBA and its players’ union, which require that players be at least 19 years old or at least one year removed from the graduation of their high school class before entering the draft.
Can the NCAA do that? Yes, with a caveat. Under current NCAA rules, there are multiple ways players could lose their eligibility when entering the NBA draft, the most common of which is by hiring an agent. Rice’s commission recommended the NCAA lets players who enter the draft but are not drafted change their minds and go back to school.

Can the NCAA do that? Yes, with some help. The idea behind this recommendation is that high school and college players seeking professional advice — including whether to declare for the draft — often do so illicitly because NCAA rules don’t allow players to openly speak with paid advisers. Rice’s commission recommended the NCAA appoint a vice president-level executive to develop standards for certifying agents, and to administer a program that enforces rules for contact between agents and players.

Can the NCAA do that? Yes, if its members are willing to share a bigger portion of their revenue. Under current rules, NCAA member schools can decided on their own whether to provide degree-completion programs. Rice’s commission recommended making the programs mandatory, perhaps using revenue from the NCAA basketball tournaments to help fund such programs at “relatively disadvantaged schools.”

Can the NCAA do that? Yes, but it will take big changes. The commission concluded that “the NCAA’s investigative and enforcement powers are inadequate to effectively investigate and address serious violations of NCAA rules in consequential situations” and called for “a complete overhaul” of how infractions are handled. It recommended the creation of independent bodies to investigate and impose punishment on member schools to commit violations, and that penalties be given for schools that do not cooperate with investigator.

Can the NCAA do that? Yes. The commission recommended that in the case of Level I violations, which are the most serious, member schools could be subjected to a five-year postseason ban. It also recommended that financial penalties for Level I violations allow for loss of revenue sharing in postseason play — including the NCAA tournament — for the duration of the ban.

Of course, the NCAA has come under criticism in many instances for failing to make full use of its power under current rules to punish violators.

Can the NCAA do that? Definitely not on its own. The commission made three recommendations meant to clean up college recruiting: certifying non-scholastic basketball events attended by coaches of its member schools (for example, summer AAU tournaments); calling for increased financial transparency from the apparel companies, who in addition to sponsoring AAU tournaments and teams and have extensive relationships with colleges and individual coaches; and finally, suggesting the NCAA administer its own youth basketball programs and recruiting events, with support from the NBA and USA Basketball.
Those recommendations would require the cooperation of USA Basketball, the NBA, NBPA and WNBA, as well as apparel companies such as Nike, Under Armour and Adidas. The NCAA would also have to coordinate with tournament owners, event operators and sponsors to keep these events above board. The hurdle, of course, is that the NCAA holds no power over any of those bodies, and it’s unclear what incentive they would have to work with the NCAA.

Reference 11 - 1.30% Coverage

Can the NCAA do that? Yes, since coaches are employees of member schools. The commission recommended a few things here, including allowing coaches to attend two weeks of scholastic-sponsored events in June and three weekends of NCAA-sponsored events (once they’re established) in July.

Reference 12 - 2.24% Coverage

Can the NCAA do that? Yes. The current board of governors comprises 16 college presidents or chancellors, the chairs of the Division I Council and the Division II and III Management Councils, and the NCAA president. The commission argued that it is difficult for the members to remain objective about decisions affecting the NCAA as a whole while representing their college, conference or NCAA division, and thus public boardmembers would provide greater objectivity and “fresh perspectives.”

Files\WP4 - Whites oppose — and blacks support — paying NCAA athletes, especially when they’re thinking about race - § 16 references coded [ 36.11% Coverage]

Reference 1 - 2.88% Coverage

Last Monday, Kylia Carter, the mother of former Duke basketball star Wendell Carter, gave a passionate speech arguing that today’s college basketball system is equivalent to slavery. Carter was reacting to the April 25 release of the Commission on College Basketball’s long-awaited report on corruption in the NCAA. Created after bribery scandals involving highly prized basketball recruits, the commission offered a host of recommendations, including imposing harsh penalties on athletic programs that knowingly violate NCAA rules.

Reference 2 - 1.65% Coverage

Conspicuously absent, however, was any suggestion that college athletes should be paid a salary. As former secretary of state and commission chair Condoleezza Rice explained, “Our focus has been to strengthen the collegiate model — not to move toward one that brings aspects of professionalism into the game.”

Reference 3 - 1.86% Coverage

That infuriated more people than Kylia Carter. “Pay for play,” as it’s called, is championed by an increasingly vocal group of journalists, broadcasters, economists, former players and their families. They argue that because the NCAA brings in billions of dollars in annual revenue from college athletics, college athletes should receive a share.

Reference 4 - 2.29% Coverage

The NCAA has refused, claiming that “pay for play” will lead college sports fans to stay home and tune out. NCAA President Mark Emmert argues that “one of the biggest reasons fans like college sports is that they believe the athletes are really students who play for a love of the sport. … To convert college sports into professional sports would [lead to a product that is not]
successful either for fan support or for the fan experience.”

Reference 5 - 0.97% Coverage

Most Americans are skeptical about paying college athletes. But public opinion on this divides sharply by race. Most whites oppose “pay for play”; most African Americans support it.

Reference 6 - 1.73% Coverage

Why is opinion on this issue so polarized by race? Because a disproportionately large percentage of college basketball and football players are African American. As with welfare, health care and criminal justice reform, that means that, for most Americans, debates over NCAA compensation are implicitly debates about race.

Reference 7 - 3.10% Coverage

Studies of intergroup relations show that people have “deep-seated psychological predispositions that partition the world into in-groups and out-groups — into ‘us’ and ‘them.’ ” Decades of research on the influence of these group attachments suggests that even the most “minimal” group identities can lead people to exhibit favoritism toward in-group members and bias toward out-group members. In earlier research, we showed that the “racialization” of “pay for play” leads racially resentful whites to oppose changes to the NCAA’s current policy. But that’s only half the story.

Reference 8 - 1.65% Coverage

The other, much less discussed, half of the story is how African Americans think about compensating college athletes. Given the power of racial identity in structuring black opinion, we looked into whether African Americans support “pay for play” primarily because it benefits other members of their in-group.

Reference 9 - 2.36% Coverage

Using the 2016 Cooperative Congressional Election Study (CCES), we conducted a survey experiment on a nationally representative sample of 1,013 Americans. Of those respondents, 164 identified as African American. We presented each African American respondent with a list of fictional college athletes and asked them to “indicate which of the college athletes you are familiar with and which of the college athletes you are unfamiliar with.”

Reference 10 - 2.30% Coverage

One group of respondents saw a list of stereotypically white names (e.g., Connor Woods, Brady White and Cody Myers). Another group saw a list of stereotypically African American names (e.g., Darnell Booker, D’Andre Walker and Donte Jackson). This technique, used in numerous studies of discrimination, primed respondents to think about the racial identities of the college athletes who might benefit from a change to “pay for play.”

Reference 11 - 5.65% Coverage

Immediately after reading this experimental treatment, respondents were asked:

Some people believe that college athletes should receive salaries in addition to their scholarships. Others disagree with this position and believe that college athletes should only receive scholarships. Do you agree or disagree that college athletes should receive a salary in addition to their scholarships?

To see whether African Americans who felt especially strongly attached to their racial group
responded differently from those who didn’t, we also asked a number of questions designed to measure what social scientists call “linked fate” and “ethnocentrism.” We assessed their perceptions of “linked fate” with the question, “Do you think what happens generally to African Americans in this country will have something to do with what happens in your life?” In line with previous work on ethnocentrism, we classified African American respondents as ethnocentric when they scored African Americans more positively on a “feeling thermometer” than they scored whites.

Reference 12 - 1.28% Coverage

Specifically, African Americans who were exposed to stereotypically black names were 13 percent more likely to support “pay for play” than African Americans who were exposed to stereotypically white names, by 59.1 percent to 45.9 percent.

Reference 13 - 1.35% Coverage

When African Americans were presented with hypothetical white athletes, their opposition to “pay for play” spiked by nearly 16 percentage points when compared to African Americans who saw a list of African American names, by 31.6 percent to 15.2 percent.

Reference 14 - 3.24% Coverage

Here’s what did not matter: We expected that our findings would be most pronounced among African Americans who exhibit out-group bias toward whites or among African Americans who have a strong attachment to the African American community. However, those who viewed their fate as linked with other African Americans and those who did not responded in the same fashion to stereotypically African American or stereotypically white names. Similarly, among African Americans who hold ethnocentric views and those that do not, we find no significant differences in their response to our experimental treatments.

Reference 15 - 1.69% Coverage

It’s important to note that our study was relatively small, involving just 164 African American respondents. That’s a perennial challenge in diving into nationally representative samples to study subgroups of racial minorities. So, we should be cautious in drawing too firm a conclusion until more studies are done.

Reference 16 - 2.11% Coverage

But the findings are consistent with the large body of literature showing that group dynamics — often characterized as “us vs. them” — strongly influence attitudes among racially resentful whites and African Americans. If the debate about compensating college athletes continues to implicitly and explicitly invoke race, our research suggests that the black-white divide is likely to persist.

Reference 1 - 2.91% Coverage

If federal prosecutors really want to clean up the muck in college basketball, then they should do it right and bring a racketeering case against a major university. One that sweeps up the entire operation: the big-donor trustee, the head coach, the athletic director, the college president and any others who are complicit in a corrupt enterprise. But if the feds don’t care to target those
white collars for their fraudulent behavior, then they shouldn’t be bringing cases at all.

Reference 2 - 3.45% Coverage

That kind of prosecution would have real impact. Think about it: The next time a high-dollar donor uses his influence to hijack a university and run it like a mafia town, when cash is laundered to blue-chip recruits in order to grab at prestige and a bigger share of $1 billion in NCAA tournament revenue, slap a RICO case on him. And on the chancellor and coach who tolerate academic frauds, and the athletic director who makes the backscratching, multimillion-dollar financial deal with a sneaker company. That would fix the NCAA with one fell swoop of indictments.

Reference 3 - 2.19% Coverage

But what’s happening in a Manhattan courtroom at the moment is a weak inversion of justice. Federal prosecutors for the Southern District of New York are aiming low, not high. They are arguing a nonsensical case that claims major colleges are somehow the defrauded victims of the elaborate black-market recruiting economy that the schools themselves created.

Reference 4 - 3.21% Coverage

Invoking organized crime is not a stretch here. U.S. District Judge Lewis A. Kaplan did it the other day during the trial of Adidas executives Jim Gatto and Merl Code and aspiring agent Christian Dawkins for wire fraud. Kaplan, quite rightly, forbade defense attorneys from arguing their clients should be acquitted because “everyone is doing it.” Such arguments don’t hold up in cases of insider trading or mafia cases, either, Kaplan pointed out. “The guys in the Five Families are just doing their jobs, too, I suppose,” he said.

Reference 5 - 2.99% Coverage

With that statement, Kaplan questioned the underlying premise of the entire trial. At the heart of the matter is this: If coaches and school officials were aware that sneaker execs and other middlemen were making illicit payments to secure five-star recruits on their behalf, then they are hardly the dupes or injured parties in a fraud. They are participants in one. This is a fundamental flaw in the Southern District’s case: It has failed utterly to identify the real perpetrators or victims.

Reference 6 - 2.15% Coverage

A year ago, the feds boasted that this investigation, which included arrests of 10 minor figures, would roll up the corruption in college athletics. “We have your playbook,” FBI assistant director William Sweeney Jr. boasted to all those engaging in corrupt practices. But in fact, they don’t have the playbook at all. That, or they are hopelessly naive.

Reference 7 - 1.20% Coverage

If prosecutors want to bring a case in which they know conviction is difficult or uncertain, but feel it’s important to fire a warning shot across the bow of wrongdoers, that’s fine. But make it count.

Reference 8 - 1.07% Coverage

So far, the proceedings are a small, petty show trial that seem unlikely to deter the truly guilty power brokers from proceeding with business as usual once the gavel comes down.
Instead of headline-hunting, prosecutors could have charted the real structure of illegal activity. Just as they do with any other racket, they would build a triangle. They’d start low and move upward to indictments of the kingpins. That hasn’t happened here. On Monday, T.J. Gassnola, the former Adidas bagman, continued his testimony, in which he has done a fine job of undercuts the prosecutors’ case that schools are victims.

Defense attorneys presented text messages between Gassnola and Kansas Coach Bill Self that showed the coach was well aware of Adidas’s efforts to steer recruits to him, if not the method. Gassnola assured Self that Adidas was “here to help” in getting players for the school, which was finalizing a 12-year, $191 million sponsorship deal with the sneaker company.

Gassnola also testified that he agreed to pay $20,000 to Fenny Falmagne, the guardian of power forward Silvio De Sousa, to get the big kid out from under an alleged cash deal with a large Maryland donor.

What Gassnola is describing is a conspiracy. A racket. And let’s be perfectly clear on who the real victims and perpetrators of it are. The real victims are not school officials who lunged at huge financial arrangements with shoe companies and boosters, then tried to isolate themselves from shady dealings with implausible deniability.

The primary victims are those collegiate athletes who are being defrauded from the legitimate educational value of their scholarship agreements, by the illicit financial forces that create academic fraud, pressure them into unwanted lesser majors, make it harder to graduate and corrode their collective reputations. Secondary victims are the 97 million viewers of the NCAA tournament who expect a reasonably fair and transparent playing field.

Six months ago, a report issued by the Condoleezza Rice-led NCAA Commission on College Basketball did a better job of delineating this conspiracy than professional prosecutors. The Rice report contained two important statements.

First of all, Rice averred, “Everybody knows.” The commission was told time and again that all parties, from the top down, were aware of these financial arrangements. Rice also stated this: “Intercollegiate athletics is a trust based on a promise; athletes play for their school and receive a realistic chance to complete a college degree in return.” The continual violations of that trust and the promise are the real crimes.

The cases that the Southern District should be bringing, if any, are RICO cases against universities. In RICO language, athletic
departments, shoe companies and high-dollar donors have had an “association in fact.” They have operated as loosely joined enterprises, engaged in a common purpose with an underlying pattern of fraud.

If prosecutors want to call recruiting schemes criminal, then roll up the whole networks. Go after the Five Families of college athletics.

**Grandstanding**

Files\CCB1 - Charter - § 1 reference coded [1.77% Coverage]

Reference 1 - 1.77% Coverage

Appointment/Terms of Office. a. Appointments. The commission chair and members are appointed by the NCAA president. b. Term. Members will serve an initial six-month term.

Files\CCB2 - Commission Remarks (As Prepared) by Dr. Condoleezza Rice - § 27 references coded [20.67% Coverage]

Reference 1 - 0.82% Coverage

This morning, the independent Commission on College Basketball led by Dr. Condoleezza Rice presented its recommendations to address the issues facing men’s collegiate basketball. Dr. Rice and members of the Commission presented their findings to the NCAA’s Board of Governors, Division I Board and Presidential Forum, and Division II and III Presidents’ Councils of the NCAA.

Reference 2 - 0.58% Coverage

It is time for coaches, athletic directors, University Presidents, Boards of Trustees, the NCAA leadership and staff, apparel companies, agents, pre-collegiate coaches – and yes – parents and athletes -- to accept their culpability in getting us to where we are today.

Reference 3 - 0.42% Coverage

The Commission has made a number of recommendations that are intended to revive and strengthen the collegiate model and give young men the opportunity to pursue both athletic and academic success.

Reference 4 - 0.45% Coverage

We are also recommending several steps to address the actual root cause of the problem – governance and leadership lapses among many who were charged with protecting the best interests of collegiate athletes.

Reference 5 - 0.40% Coverage

These are the people who are most responsible for giving them a chance to achieve a college education and a college degree – and have instead given in to the incentives to “win at all cost.”

Reference 6 - 0.54% Coverage

The vast majority of people in college basketball – athletes, coaches, administrators and others - play fair and do the right thing. We applaud them and hope that our recommendations can help to level the playing field for those who do observe the rules.

Reference 7 - 0.96% Coverage
It has been a pleasure to work with the members of this Commission, and I want to thank each of you for your fine service. I can tell you that the hours and hours of work and travel have been, for all of us, a labor of love. Each and every one of us loves the game. We love the dedication and the effort of the young men who play it. We marvel at their talents and skill – their perseverance and their commitment. We believe in the educational value of college sports.

Reference 8 - 1.08% Coverage

The members of this commission come from a wide variety of backgrounds. Some among us played the game at the highest levels; others coached or led programs; others come from the realm of public service; and some of us are educators --- dedicated to teaching and learning as a way of life. That is why it has been painful for us to hear the testimony from multiple constituencies stating that the trust that is intercollegiate athletics in general – and college basketball in particular – has often been violated.

Reference 9 - 0.79% Coverage

Given that only 1.2% of college basketball players go on to play in the NBA and that the average NBA career is 4.5 years – the college degree is the real ticket to financial security for most student-athletes. For the exceptionally talented – a professional track may be the best choice – and the choice is always there for those who are fortunate enough to succeed in the NBA.

Reference 10 - 1.24% Coverage

But the uniqueness of the opportunity that college basketball offers should not be underestimated or undervalued. One only has to think of the non-athlete whose family made tremendous sacrifices to send him to college and who works 20 hours a week and takes on loans that will need to be repaid over years and even decades in order to earn a college degree. The student athlete who fully takes advantage of this privilege will get a head start in life. And the college or university that truly provides that opportunity will fulfill its mission and its charge to educate and empower.

Reference 11 - 0.72% Coverage

Our recommendations are detailed because the problems in college basketball are complex and the resolution of them requires precise remedies. This Commission has worked hard to devise these recommendations. You can be sure that we will continue to be involved as key regulatory bodies undertake their work to implement these changes.

Reference 12 - 0.75% Coverage

The current sad state of college basketball did not appear overnight and it will not be repaired quickly. We know that there are many who argue that the problems facing college basketball are just too hard to solve. We strongly disagree. College basketball is too precious – and the fate of the young men who play it is too important --to not get it right.

Reference 13 - 0.60% Coverage

Elite high school players with NBA prospects and no interest in a college degree should not be “forced” to attend college, often for less than a year. The one-and-done regime may have provided some benefits for the NBA and NCAA in the past, but the downsides now outweigh the benefits.

Reference 14 - 0.24% Coverage
If these players are allowed to turn professional, some of the pressure on the collegiate model will be reduced.

Reference 15 - 0.65% Coverage

Elite high school and college basketball players tend to misjudge their professional prospects. Erroneously entering the NBA draft is not the kind of misjudgment that should deprive student-athletes of the valuable opportunity to enter college or to continue in college while playing basketball.

Reference 16 - 0.89% Coverage

We recommend that the NCAA and its member institutions develop strict standards for certifying agents and allow only those NCAA-certified agents to engage with student-athletes at an appropriate point in their high school careers as determined by the NCAA. The NCAA should appoint a Vice-President level executive who, among other responsibilities, would develop these standards and administer this program.

Reference 17 - 1.19% Coverage

We recommend that the NCAA immediately establish a substantial fund and commit to paying for the degree completion of student-athletes with athletic scholarships who leave member institutions after progress of at least two years towards a degree. Many member institutions already provide degree completion programs, but the NCAA rules should standardize this offering, and the NCAA must provide the necessary funds to schools that cannot afford this. This will be expensive, but it is necessary to restore credibility to the phrase student-athlete.

Reference 18 - 1.47% Coverage

That said, most Commissioners believe that the rules on name, image, and likeness should be taken up as soon as the legal framework is established. It is hard for the public, and frankly for me, to understand what can be allowed within the college model – for the life of me I don’t understand the difference between Olympic payments and participation in Dancing with the Stars – and what can’t be allowed without opening the door to professionalizing college basketball. Personally, I hope that there will be more room in the college model today for this kind of benefit to students without endangering the college model itself. And let me just say that I hope Arike wins Dancing with the Stars.

Reference 19 - 1.50% Coverage

Relatedly, the Commission recommends a significant expansion in individual accountability for rules violations for coaches, athletic directors, and college presidents. We recommend that the NCAA amend its rules to require colleges to include in the employment contracts of administrators and coaches’ individual contractual obligations to cooperate with NCAA investigations, including financial disclosure, and individual agreement to submission to NCAA enforcement proceedings, decisions and discipline – up to and including discharge. A failure to cooperate should trigger penalties – up to and including a five-year ban on participation in the tournament and loss of revenue.

Reference 20 - 0.68% Coverage

In the short term, we recommend the NCAA promptly adopt and enforce rigorous criteria for certifying the non-scholastic basketball events that its coaches attend. To certify a nonscholastic basketball event, the owners, event operators, sponsors and coaches for the event must agree to
A Critical Discourse Analysis of the NCAA

financial transparency.

Reference 21 - 1.02% Coverage

The Commission today calls on the apparel companies to significantly increase their
transparency and accountability efforts. These are public companies. It appears to us, however,
that apparel companies may not have effective controls in place for their spending in non-
scholastic basketball. These public companies should be concerned about how their money is
being used. I have served on quite a few public boards, and I can tell you, this should be an area
of concern.

Reference 22 - 0.69% Coverage

Today the Commission is sending letters to the boards of directors of the major apparel
companies calling on their boards to publicly support and implement financial transparency and
accountability for all of their employees – and those who seek to act on behalf of the apparel
companies in non-scholastic basketball.

Reference 23 - 0.45% Coverage

With respect to the longer term, the Commission recommends that, with a goal of 2019, the
NCAA work with USA Basketball, the NBA, the NBPA and others to establish and administer
new youth basketball programs.

Reference 24 - 1.27% Coverage

But the NCAA and NCAA coaches should no longer associate with non-scholastic basketball
events that are not financially transparent and otherwise compliant with NCAA requirements
regardless of when they are held. The Commission also endorses and recommends adoption of a
number of rule 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
coaches to interact with recruits and current players. These rule changes can we found in the full
report we are releasing today.

Reference 25 - 0.59% Coverage

When we assembled as a Commission, we knew our work would not be easy. But we also knew
this work was too important not to get it right. The problems facing college basketball can’t and
won’t be solved overnight. But future generations of student-athletes are counting on us all.

Reference 26 - 0.25% Coverage

The people who can truly solve these problems are right here in this room. And we, as a
Commission, call upon you to do so.

Reference 27 - 0.43% Coverage

On behalf of the Commission, let us all remember why we became educators. Let us all
remember why we became coaches and administrators. And let us never forget our duty to the
students we are here to serve.

In brief, it is the overwhelming assessment of the Commission that the state of
men’s college basketball is deeply troubled. The levels of corruption and deception are now at a point that they threaten the very survival of the college game as we know it. It has taken some time to get here, and it will take time to change course.

Reference 2 - 0.04% Coverage

The Commission offers its recommendations knowing that the road ahead is long – but that the first steps must be taken – and they must be bold.

Reference 3 - 0.07% Coverage

The indictments handed down by the Justice Department and the ongoing FBI investigation spurred the NCAA to ask for this report. Whatever the outcome of the legal process, radical changes are long overdue.

Reference 4 - 0.08% Coverage

We the commissioners believe that this is a final opportunity to turn the course of college basketball in the right direction. Every stakeholder will have to accept responsibility for what has happened in the past and commit to a new future if we are to succeed.

Reference 5 - 0.03% Coverage

Of course, student-athletes must earn that degree to receive these benefits.

Reference 6 - 0.13% Coverage

The Commission believes that the answer to many of college basketball’s problems lies in a renewed commitment to the college degree as the centerpiece of intercollegiate athletics. Intercollegiate athletics is a trust based on a promise: athletes play for their schools and receive a realistic chance to complete a college degree in return. Any policy or action that violates that trust is morally wrong.

Reference 7 - 0.15% Coverage

To this end, the Commission makes a number of recommendations set forth below. To ensure that we take advantage of the current momentum for change, the Commission further calls on the NCAA to draw up its plan to implement the Commission’s recommendations, including draft legislation, by early August 2018. The Commission will promptly reconvene and review the NCAA’s plans to provide its input for the NCAA’s concrete measures to renew college basketball.

Reference 8 - 0.15% Coverage

Elite high school players with NBA prospects and no interest in a college degree should not be “forced” to attend college, often for less than a year. These uniquely talented players are the focus of agents, apparel companies, investment advisors, college coaches and others seeking to profit from their skills and offering them cash and other benefits in hope of future gain. If they are allowed to turn professional, some of the pressure on the collegiate model will be reduced.

Reference 9 - 0.19% Coverage

requiring students who choose the collegiate path to make a long-term commitment to their education, the baseball rule increases the number of student-athletes who ultimately earn degrees. However, it would also keep collegiate players ready for the NBA in school against their will, where they will be potentially disgruntled magnets for corrupt money and the
undermining of the collegiate model. Players with professional earning power should be able to choose a professional path. The Commission’s additional recommendations will make it easier for them to return and complete their degrees.

Reference 10 - 0.12% Coverage

We fear that, should the NBA and the NBPA make 18 the minimum age for entry into the NBA, the growing trend of reclassification will accelerate, creating a new generation of 17-year-old one-and-done players. The Commission urges the NCAA to monitor this situation and to enact appropriate rule changes if that potential abuse occurs with the end of one-and-done.

Reference 11 - 0.13% Coverage

The Commission also recommends imposing two additional conditions on this retention of eligibility: The player must return to the same school, and the player must request an evaluation from the NBA’s Undergraduate Advisory Committee before entering the draft. The NBA has unique credibility with elite players who should have the benefit of the NBA evaluation in deciding whether to enter the draft.

Reference 12 - 0.11% Coverage

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 basketball players make it to the NBA (around 1.2%), let alone have successful careers.

Reference 13 - 0.12% Coverage

Erroneously entering the NBA draft is not the kind of misjudgment that should deprive student-athletes of the valuable opportunity to enter college or to continue in college while playing basketball. While this rule change may inconvenience coaches seeking to set their rosters for the following season, we conclude that the student-athletes’ interest should govern here.

Reference 14 - 0.09% Coverage

Elite high school and college players need earlier professional advice, including whether to declare for the draft or whether college basketball offers a superior pathway. If NCAA rules do not allow them to receive that advice openly, they will often seek it illicitly.

Reference 15 - 0.10% Coverage

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.

Reference 16 - 0.15% Coverage

As described below, in its specific recommendations about non-scholastic basketball, the Commission urges additional efforts at educating high school players about their professional and collegiate prospects, NCAA eligibility rules, their health and more. Student-athletes must have the information they need to understand their real choices and be better positioned to take advantage of either the collegiate or the professional path they choose.
The Commission recommends that the NCAA immediately establish a substantial fund and commit to paying for the degree completion of student-athletes with athletic scholarships who leave member institutions after progress of at least two years towards a degree. Colleges and universities must fulfill their commitments to student-athletes to provide not just a venue for athletic competition, but also an education. They must promise student-athletes that the option to receive an education will be there, even after the athlete is finished with his athletic career. This will be expensive, but it is necessary to restore credibility to the phrase student-athlete.

Many NCAA member institutions already provide Degree Completion Programs. NCAA rules should standardize this offering. The NCAA must also define a category of relatively disadvantaged schools for which this requirement would impose a substantial burden, and create a fund to provide the benefit for students at those institutions, using the revenues of the NCAA Basketball tournament.

One significant counter to that argument is that many Division I student-athletes benefit enormously from engaging in intercollegiate sports. In addition to receiving full scholarships up to the cost of attendance (ranging from $13,392 to $71,585 for in-state students and from $18,125 to $71,585 for out-of-state students depending on the institution),

receive benefits such as academic support, meals, travel, coaching, trainers, career advice and more. The value of these extra benefits may be tens of thousands of dollars annually. As noted above, for student-athletes who receive a degree, the enhanced value of their lifetime earnings averages $1 million. As noted above, for student-athletes who receive a degree, the enhanced value of their lifetime earnings averages $1 million. 10

As noted above, for student-athletes who receive a degree, the enhanced value of their lifetime earnings averages $1 million. 11

In the current uncertain legal setting, however, the Commission has decided to focus its recommendations on supporting the college model. It seeks to address the charge of player exploitation in other ways – specifically, by opening and keeping open a player’s professional pathway, by welcoming the return of undrafted players, by funding degree completion by athletes who return to school, by providing benefits that allow student-athletes to be both students and athletes

significant punishment on those who undermine the premise that student-athletes must receive an education that is valuable, not a pretense.

In addition, these and all NCAA investigators must exercise reasonable prosecutorial discretion and common sense so that resources are focused on serious infractions and punishment is appropriately calibrated and consistently administered. There are multiple examples of minor
infractions that are not worth the time and effort that the NCAA now spends on them.

Reference 24 - 0.21% Coverage

First, the Commission recommends the following increases in the core penalty structure: (i) increase the competition penalties for Level I violations to allow a five-year post-season ban; (ii) increase the financial penalties for Level I violations to allow loss of all revenue sharing in post-season play, including the NCAA tournament, for the entire period of the ban; (iii) increase the penalties for a show-cause order to allow life-time bans; (iv) increase the penalties for head coach restrictions to allow bans of more than one season; and (v) increase the penalties for recruiting visit violations to allow full-year visit bans.

Reference 25 - 0.08% Coverage

Moreover, the Commission recommends that the NCAA enact a rule requiring coaches, athletic directors, and college presidents to certify annually that they have conducted due diligence and that their athletic programs comply with NCAA

Reference 26 - 0.19% Coverage

These individuals will find it much easier to do so if they enact comprehensive compliance programs at their institutions. The costs of compliance may be significant, but they should be small by comparison to the costs of being found in violation of NCAA rules. The NCAA rules should provide for significant penalties for those individuals if they knew or should have known of violations and did not address them, up to and including termination. These penalties should be mitigated or enhanced depending up the presence and effectiveness of the institution’s compliance program.

Reference 27 - 0.26% Coverage

Finally, among other substantive rules changes, the Commission recommends that the NCAA revise and clarify its role in addressing academic fraud or misconduct by member institutions and make application of those rules consistent. The NCAA must have jurisdiction to address academic fraud and misconduct to the extent it affects student-athletes’ eligibility. Member institutions cannot be permitted to defend a fraud or misconduct case on the ground that all students, not just athletes, were permitted to “benefit” from that fraud or misconduct. Coaches, athletic directors and university presidents must be held accountable for academic fraud about which they knew or should have known. The standards and punishment for academic fraud must be clarified and then enforced consistently.

Reference 28 - 0.23% Coverage

Virtually all of the top recruits for each collegiate recruiting class participate in non-scholastic basketball. The Commission recommends that the NCAA take short and long-term actions to reform non-scholastic basketball and disassociate the NCAA and its member institutions from the aspects of non-scholastic basketball where transparency and ethical behavior cannot be assured. As part of this effort, the Commission recommends that the NCAA partner with USA Basketball, the NBA, the NBPA and others to create and administer new resources and programs for youth basketball development, including substantial regional camps for collegiate prospects in July where NCAA coaches would evaluate players.

Reference 29 - 0.34% Coverage

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 coaches attend. In order for the NCAA to certify a non-scholastic basketball event, the owners, event operators, sponsors, and coaches for the event must agree to financial transparency about all events they run, including those that are not certified by the NCAA. This requirement includes agreement (i) to be subject to audit and to provide all required IRS and other tax filings upon request; (ii) to disclose all sources of financing and other payments and the recipients of all funds provided for or collected in relation to the event; and (iii) to disclose any financial relationship between the event sponsors and coaches with any administrator, coach or booster at any NCAA school. The money flowing from apparel companies and other third parties into non-scholastic basketball must be disclosed and accounted for, in order to address the corruption arising from non-scholastic basketball.

Reference 30 - 0.19% Coverage

Further, the NCAA’s rules already require NCAA-certified events to have educational components; the NCAA must immediately implement and enforce that requirement more effectively. All benefits provided to participants and their families, including travel, meals, accommodations, gear of any sort, and any other benefit, must be disclosed to the NCAA, along with the source of their provision. The NCAA must enforce the requirement that such benefits be reasonable and appropriate and assure that these restrictions are not circumvented by delaying the timing or providing the benefits to another.

Reference 31 - 0.30% Coverage

Currently, non-scholastic basketball is an ungoverned space with coaches, players and their families, agents and sponsors exchanging money and goods in the hope of future benefits and without accountability. Of particular importance to the Commission are the cases in which non-scholastic basketball event operators and coaches seek benefits from colleges and college coaches in exchange for influencing their players’ college choices. To recruit effectively, many NCAA coaches need to attend non-scholastic basketball events in which large numbers of elite players participate. In turn, these events, leagues and teams attract high school players by giving them the opportunity to be seen and evaluated annually by college coaches. Thus, using its certification requirement, the NCAA has some leverage to impose the financial transparency requirements and other reforms that the Commission recommends above.

Reference 32 - 0.23% Coverage

It appears, however, that they do not have effective controls in place in their 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 be concerned about how their money is used in non-scholastic basketball. We expect that these companies will insist that all employees provide detailed accountability about such expenditures and cooperate with new NCAA rules about financial transparency and accountability.

Reference 33 - 0.38% Coverage

With respect to the longer term, the Commission recommends that with a goal of 2019, the NCAA work with USA Basketball, the NBA and the NBPA and others to establish and administer new youth basketball programs. We would expect the NCAA to devote significant
resources and attention to these programs. Briefly, the Commission proposes that youth basketball players be identified and developed at three levels: Level 1, players with National Team potential; Level 2, players with Highest Collegiate potential; and Level 3, players with Collegiate potential. At each level, players would have to be identified, developed and evaluated by appropriate stakeholders. Critically, that development would include not only basketball, but also academic and life skills, health and collegiate eligibility. One centerpiece of this program would be NCAA-administered regional non-scholastic basketball events in July that NCAA coaches would exclusively attend. The Commission also recommends that the NCAA— in collaboration with USA Basketball, the NBA, the NBPA, the WNBA and the WNBPA— consider similar initiatives to enhance the development of young women basketball players.

Reference 34 - 0.22% Coverage

In sum, the NCAA and NCAA coaches may no longer associate with nonscholastic basketball events that are not financially transparent and otherwise compliant with NCAA requirements regardless of when they are held. Moreover, in light of the recommendation that players be permitted to choose a professional pathway at an earlier time, the NCAA and others should devote significant resources to earlier development, including education, for players in youth basketball. The corruption we observe in college basketball has its roots in youth basketball. The reforms recommended by the Commission will be fruitless unless the NCAA gives serious attention to regulating summer programs.

Reference 35 - 0.40% Coverage

The Commission recommends that the NCAA restructure its highest governance body, the Board of Governors, to include at least five public 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. One of these public members should also serve on the NCAA’s Executive Board. The current Board of Governors includes 16 institutional presidents or chancellors, the chairs of the Division I Council and the Division II and III Management Councils, and the NCAA president. NCAA Constitution 4.1.1 (Composition). Like public companies, major non-profit associations usually include outside board members to provide objectivity, relevant experience, perspective and wisdom. Board members with those qualities will provide valuable insight to the NCAA generally, and as it works towards the restoration of college basketball. The NCAA should promptly identify candidates with the appropriate stature and characteristics, and change its rules to require public voting members on its highest governing body. The Commission will make independent board member recommendations to the NCAA to assist it in assembling a first-rate list of candidates.

Reference 36 - 0.28% Coverage

The NCAA has often failed to carry out its responsibilities to “maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body.” NCAA Constitution 1.3.1 (Basic Purpose). But, the NCAA is not really Indianapolis: It is the sum total of its member institutions. When those institutions and those responsible for leading them short-circuit rules, ethics and norms in order to achieve on-court success, they alone are responsible. Too often, these individuals hide behind the NCAA when they are the ones most responsible for the degraded state of intercollegiate athletics, in general, and college basketball in particular. The Commission makes these recommendations to support fulfillment of the NCAA’s purposes and to impose accountability on institutions and
After the announcement of these charges, the NCAA’s President, Mark Emmert, stated that it is “very clear the NCAA needs to make substantive changes to the way we operate, and [to] do so quickly.” Statement from Pres. Mark Emmert, Oct. 11, 2017. He continued: “while I believe the vast majority of coaches follow the rules, the culture of silence in college basketball enables bad actors, and we need them out of the game. We must take decisive action. This is not a time for half-measures or incremental change.” As a first step, he announced that the NCAA Board of Governors, the Division I Board of Directors and the NCAA President had established an independent Commission on College Basketball, chaired by Dr. Condoleezza Rice. The Commission was to “examin[e] critical aspects of a system that clearly is not working” and focus on three areas:

• The relationship between the NCAA national office, its members, their studentathletes and coaches and third parties, including apparel companies, nonscholastic basketball and athlete agents and advisors.

• The relationship between the NCAA and the NBA, including the challenging effect of the NBA’s current age eligibility rule which created the one-and-done phenomenon in men’s college basketball.

• The creation of the right relationship between the NCAA’s member institutions and its national office to promote transparency and accountability.

Before going further, however, the Commission believes it is important to confront the uncomfortable fact that the challenges identified in this report have been part of the landscape of pre-professional basketball for many years, and that others have previously made serious efforts to address them with only limited success. To be sure, these challenges have become more prominent in the past decade as elite basketball – pre-college, in-college and post-college – has become exponentially more lucrative. The fact remains, however, that today’s issues have been around a long time, and their existence is widely acknowledged. Virtually all stakeholders and others providing information to the Commission at some point uttered the discouraging phrase: “Everyone knows what’s been going on.”

However, the Commission recognizes that some humility is required in light of past failures and the size of the challenge. Stakeholders do not agree about either the causes or the potential solutions to the current challenges that face pre-professional basketball. The Commission believes that these challenges will persist unless all stakeholders accept responsibility for the credibility of the game, the reputations of the schools who field teams and the integrity of the athletes who compete.
entities. Thus, the financial stakes are high for elite players, 14 coaches, athletic directors, colleges and universities, apparel companies, agents and athlete advisors of all stripes. Where this much money is at stake, the incentives to break rules are high. To identify issues and craft potential recommended responses, the Commission was asked to focus on three categories of relationships in college basketball: (1) the relationships between college basketball and the NBA and NBPA; (2) the relationships between the NCAA and its member institutions; and (3) the relationships between college basketball and apparel companies, non-scholastic basketball (coaches and leagues), agents and other third parties.

Reference 41 - 0.19% Coverage

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 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.

Reference 42 - 0.23% Coverage

The one-and-done phenomenon has provided some benefits to colleges and universities and to elite high school basketball players. Schools achieve national notice and prominence with athletic success and championships due to the presence of these players, with associated financial and reputational benefits. As for players, many believe that they will have the opportunity to play professional basketball if they can draw the attention of professional coaches and scouts. Playing Division I men’s basketball allows players to make a name for themselves among professional leagues and teams. Further, these players receive some of the educational and other benefits associated with a year in college.

Reference 43 - 0.22% Coverage

In addition, elite high school players currently understand that in order to play Division I basketball, they must meet the eligibility requirements to attend a Division I school. See NCAA Division I Bylaw 14.3 (Freshman Academic Requirements). Because numerous players who will not play professional basketball nonetheless believe that they will, these players gain the benefit of educational levels and opportunities that they might otherwise have forgone. The Commission takes these benefits seriously and, in particular, does not underestimate the transformative possibilities in attaining academic eligibility for college or in spending a year or more in college.

Reference 44 - 0.11% Coverage

Specifically, the NCAA’s investigative and enforcement powers are limited and often appear inadequate to effectively investigate and address serious violations of NCAA rules in consequential situations. The Commission did not hear from a single stakeholder who supported the current system in addressing high-stakes infractions.

Reference 45 - 0.16% Coverage

In support of the allegation that the NCAA’s investigative powers are insufficient, many stakeholders noted that when the U.S. Attorney’s Office announced the charges that prompted
the NCAA to establish this Commission, no one in the relevant community expressed surprise and many stated that “everyone knows” that these kinds of payments occur. Where an entire community is aware of substantial rule breaking and the governance body fails to act, the result is cynicism and contempt.

Reference 46 - 0.19% Coverage

Virtually all stakeholders, including NCAA staff, expressed the view that the current model for adjudication of NCAA rules violations should not continue. Representatives of member institutions that have crosscutting and potentially self-interested incentives with respect to punishment administer the NCAA’s current adjudication process. While many stakeholders expressed gratitude and respect for the hard work of the volunteers who administer the current infractions process, all expressed the belief that the current system is not working in cases involving serious violations.

Reference 47 - 0.33% Coverage

Amateurism. The Commission also heard from critics of current NCAA rules regarding amateurism. NCAA rules require that students who play for college teams qualify as “amateurs” and continue to be so qualified throughout their collegiate years. Although there are exceptions and complexities, the Bylaws forbid college athletes to receive compensation in any form in the sport, to accept a promise of pay, to sign a contract or commitment to play professional athletics, to receive consideration from a professional sports organization, to compete on a professional team and to enter into an agreement with an agent. In addition, a student-athlete cannot receive preferential treatment, benefits or services because of his athletic reputation or skill, unless specifically permitted by NCAA rules. NCAA Division I Bylaws 12.1.1.2.1 (Amateur Status After Certification); 12.1.1.1.3 (Eligibility for Practice or Competition), 12.1.2 (Amateur Status); 12.1.2.1.6 (Preferential Treatment, Benefits or Services).

Reference 48 - 0.18% Coverage

Others recognize the validity of some of these points, but contend the student-athletes receive significant benefits from their college experiences, including the value of the scholarship (the full cost of a college education), the associated training, coaching and benefits of being on a collegiate team, and the lifelong incremental increase in earning power resulting from a college degree. See ES Section 1.D. Many believe that paying players is not financially or legally feasible and that doing so would fundamentally alter the nature of the collegiate game.

Reference 49 - 0.24% Coverage

Still others believe that the NCAA rules are so focused on pre-professional sports that the NCAA has failed to create a system that makes sense for the majority of studentathletes who will not make a living at their sports. Under these rules, stakeholders assert, student-athletes who accept any “benefit,” no matter how small, risk losing their eligibility to compete. The NCAA’s administration of the “no benefit” rule, see NCAA Bylaw 16.11.2 (Nonpermissible), was criticized as penalizing student-athletes and preventing them from engaging in normal interactions with friends and mentors. Those holding this view suggest that the NCAA should engage in common sense calibration of the “no benefit” rule for particular contexts.

Reference 50 - 0.28% Coverage

Agents. NCAA rules further forbid collegiate athletes to enter into any agreement (oral or
written) with agents for purposes of marketing their athletic ability or reputation for financial gain, even if that agreement is limited to future representation. Prohibited marketing includes negotiations with professional teams, seeking product endorsements and efforts to place an athlete at a particular school. The rules likewise forbid family members or other representatives to enter into such an agreement on behalf of an athlete. In addition, athletes may not accept benefits from agents even if those benefits do not have strings visibly attached. NCAA Division I Bylaws 12.3.1 (General Rule); 12.3.1.2 (Representation for Future Negotiations); 12.02.1 (Agent); 12.3.3 (Athletics Scholarship Agent); 12.3.1.3 (Benefits from Prospective Agents).18

Reference 51 - 0.07% Coverage

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.

Reference 52 - 0.34% Coverage

Penalties. Finally, most stakeholders believe that the NCAA must have authority to impose harsher penalties on schools, coaches and administrators (including presidents) who violate the rules or know of rules violations and do nothing or who fail to cooperate with NCAA investigators. There was a strong sentiment that the NCAA must have the ability to impose loss of post-season play, including the NCAA tournament, and loss of revenue from post-season play on those who commit serious infractions and those who decline to cooperate with NCAA investigations. They believe that the availability – and utilization – of these penalties would get presidential and board-level attention at colleges. These persons further note that administrators, athletic directors and coaches who violate the rules often move on to other member institutions, and do not pay a significant price for violations that occur on their watch. Moreover, the institutions that hire individuals who have violated the rules pay no significant price for taking the risk of hiring past offenders.

Reference 53 - 0.15% Coverage

A number of stakeholders expressed the view that one way to lessen the negative influence of non-scholastic basketball event operators and coaches would be for the NCAA to administer its own regional non-scholastic basketball camps in July and to restrict NCAA coaches to those NCAA camps for July. Coaches would be able to see numerous elite high school players in one location, in theory without the need for an advance blessing from a non-scholastic basketball coach.

Reference 54 - 0.16% Coverage

In the context described above, however, a player may be strongly tempted to break NCAA rules and enter into a relationship with an agent or attend a particular college in order to be paid. Similarly, coaches and other college representatives may be strongly tempted to pay players, family members and others who can influence players to attend particular schools. As illustrated by the recent charges brought by the U.S. Attorney’s Office, this possibility is not merely theoretical.

Reference 55 - 0.29% Coverage

In sum, numerous players provide value to their schools and to third parties who may benefit from their success, and they and/or their families may receive offers of financial
support for choices that they make. Some players and/or their families may be in challenging financial circumstances; others may become accustomed to receiving financial support and benefits even before attending a college or university. Studentathletes are currently restricted in their ability to earn income related to their status as student-athletes while matriculating. See, e.g., NCAA Division I Bylaw 12.1.2 (Amateur Status). Thus, players or their families may be offered and receive money the NCAA rules prohibit them from taking, and coaches and others associated with NCAA member institutions may be involved in those payments or themselves take payments to influence players in a variety of ways.

Reference 56 - 0.31% Coverage

The NCAA’s basic purpose is “to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body and, by so doing, retain a clear line of demarcation between intercollegiate athletics and professional sports.” NCAA Constitution 1.3.1 (Basic Purpose). Member institutions are responsible for controlling their intercollegiate athletics program “in compliance with the rules and regulations of” the NCAA. NCAA Constitution 2.1.1 (Responsibility for Control). “It is the responsibility of each member institution to establish and maintain an environment in which a student-athlete’s activities are conducted as an integral part of the student-athlete’s educational experience.” NCAA Constitution 2.2.1 (Overall Educational Experience). The Commission’s recommendations seek to support and further both the NCAA’s purpose and its members’ acceptance of responsibility for its achievement.

Reference 57 - 0.12% Coverage

The issues currently confronting the NCAA and Division I men’s college basketball are long standing and complex. The Commission believes, however, that implementing the recommendations below will support the integrity of the collegiate game and the NCAA’s member institutions without unduly limiting the individual opportunities of student-athletes.

Reference 58 - 0.20% Coverage

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 be most effective in combination with the other recommendations it is making, including reformed and improved NCAA investigative and adjudicative processes, higher penalties for infractions, and new requirements for financial transparency and accountability in member institutions’ athletic programs and in non-scholastic basketball.

Reference 59 - 0.10% Coverage

The Commission is optimistic that the NBA and the NBPA will agree with its assessment. If the NBA and the NBPA are unable to negotiate an end to one-and-done by the end of 2018, however, the Commission will reconvene and reassess the viability of some of these alternative tools. The current situation is unacceptable.

Reference 60 - 0.14% Coverage

We recognize that this regime has some downsides. Under current collectively bargained rules, a player who declares for the draft, but is not drafted, is a free agent and may sign with any NBA team at any time, including the middle of the next college season. To address
this problem, the Commission requests that the NBA and the NBPA agree that players who are not drafted become ineligible for the NBA until they enter the draft again.

Reference 61 - 0.31% Coverage

The Commission also has concluded that the NCAA should retain one aspect of the current transfer rule, which provides that players who transfer must sit out a season before returning to college basketball competition. NCAA Division I Bylaw 14.5.1 (Residence Requirement – General Principle). Students who transfer face serious disadvantages in completing their degrees, and are less likely to do so. Despite this issue, over the last few years, hundreds of players transfer each year, and the trend is upward. Division I basketball players who transfer overwhelmingly do so in order to be in a better “basketball situation,” without regard for earning their degrees. Moreover, third parties influence many transfers for their own purposes, often without the best interests of the player in mind. Thus, the Commission recommends that the “residence requirement” of the transfer rule remain in place, whatever other changes are made in the NCAA’s transfer rules.

Reference 62 - 0.07% Coverage

The Commission believes that this and other rule changes will provide studentathletes with better information about their likely professional careers and a greater likelihood of ultimately achieving a college degree.

Reference 63 - 0.20% Coverage

The Commission recommends that the NCAA and its member institutions develop strict standards for the certification of agents, and authorize and make opportunities for those certified agents to engage with student-athletes at school at specific times during the calendar year. To implement this requirement, the NCAA must appoint a Vice-President level executive to develop detailed standards for NCAA certification and administer the program. The NCAA’s program should also educate elite student-athletes at member institutions about NCAA eligibility rules and requirements and professional prospects.

Reference 64 - 0.20% Coverage

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 the draft should be allowed to engage NCAA-certified agents and advisors just as high school baseball players may engage agents for advice about the draft. Cf. NCAA Division I Bylaw 12.3.1 (Exception – Baseball and Men’s Ice Hockey – Prior to Full-Time Collegiate Enrollment).

Reference 65 - 0.33% Coverage

Current NCAA rules forbid players, their families and their associates to enter into written or oral agreements with, or to receive benefits from, individuals whom NCAA rules define as “agents.”

Yet, virtually all agents with whom the Commission met or their employees. However, the Commission was advised that agents court elite players from an early age, and that many such players are paid, either directly or indirectly.
A Critical Discourse Analysis of the NCAA

advised the Commission not to allow high school or collegiate athletes to enter into agreements with agents in advance of their professional careers. They generally thought that this would simply increase the influence of corrupt agents at an even earlier age. Instead, agents recommended creating opportunities for “good” agents to talk with high school and collegiate players and make their cases so that players would have all available options before they enter the professional market. The Commission intends NCAA-certification to provide these opportunities for “good” agents.

Reference 66 - 0.11% Coverage

Players and families desperate for information are entering into relationships with agents, sometimes as early as the player’s sophomore year of high school. The NCAA should bring these conversations into the light and allow elite players to discuss their prospects with agents whom it certifies under NCAA-approved standards.

Reference 67 - 0.14% Coverage

The Commission also recommends that the NCAA work with the NBA and the NBPA to establish additional venues for representatives of those entities to meet with collegiate players and provide information about professional status and opportunities. The NBA and the NBPA have unique credibility with collegiate athletes. Players would make more informed choices about college if they had additional opportunities to hear from the NBA and its players.

Reference 68 - 0.28% Coverage

One aspect of this debate is particularly relevant to the Commission’s mandate. Paying modest salaries to Division I basketball players will not address the particular corruption the Commission confronts; nor will providing student-athletes a modest post-graduation trust fund based on licensing of names, images and likenesses. None of the contemplated payments would be sufficient to reduce the corrupt incentives of third parties who pay certain uniquely talented players in the hope of latching onto their professional futures, of coaches and boosters seeking to secure the success of their programs, or of colleges willing to undermine their education mission to ensure the eligibility of players. One would have to adopt a full-scale professional model to forestall that corruption or, as the Commission recommends, try instead to revitalize the college model.

Reference 69 - 0.23% Coverage

But, in the current legal circumstances, the Commission decided to address the charge of exploitation by providing individual student-athletes with access to professional opportunities, and ensuring that the student portion of student-athlete is real. Specifically, the Commission recommends allowing student-athletes with a professional pathway to make the choice to leave college every year, creating resources so that they can make an informed choice whether to do so, welcoming back student-athletes whom the NBA does not draft, making a serious financial commitment to degree completion and severely punishing those who undermine the premise that student-athletes must receive a valuable – not a sham – education.

Reference 70 - 0.29% Coverage

In sum, the Commission recognizes that the money generated by Division I basketball makes its task extremely difficult. Nonetheless, the Commission recommends changes intended to expand the professional opportunities of high school athletes who do not wish to attend college, to blunt
the incentives to corrupt major college sports, to increase the likelihood that colleges, coaches and administrators participating in corruption will be punished, and to help student-athletes receive the college education they are promised. To meet the latter obligation, the NCAA must establish a substantial fund to assist its member institutions in fulfilling their commitment to student-athletes and mandate that its members establish degree completion programs. This recommendation will be expensive; but in today’s world, it is necessary to provide meaning to the phrase student-athlete.

Reference 71 - 0.29% Coverage

Most significantly, the Commission recommends that the Committee on Infractions appoint a panel of paid independent decision makers, such as lawyers, arbitrators and retired judges. These decision makers would form a pool from which three adjudicators would be randomly selected to resolve each complex case. Members of the panel would serve for a term of five years (with some shorter and longer terms initially so that the entire panel does not turn over simultaneously). The panel would operate under the rules of the American Arbitration Association or analogous rules; its decisions would be final and binding, subject to review only under the Federal Arbitration Act. Volunteers and members should not decide whether fellow member institutions have violated NCAA rules, nor the appropriate punishment for those violations. It is time for independent adjudication of the NCAA’s complex cases.

Reference 72 - 0.44% Coverage

The NCAA Bylaws require member institutions, their staff and student-athletes to cooperate in NCAA investigations. See, e.g., NCAA Division I Bylaw 19.2.3 (Responsibility to Cooperate). A failure to cooperate is one factor the NCAA can consider in assessing penalties. NCAA Division I Bylaw 19.9.2 (Factors Affecting Penalties). This regime has proved insufficient. The NCAA also must adopt rules that require member institutions and their personnel to cooperate with NCAA investigations, with a failure to respond to investigators’ requests promptly bearing significant consequences, including loss of post-season eligibility and revenues. Specifically, to participate in Division I basketball, member institutions and their presidents, administrators, and coaches must agree to cooperate with NCAA investigations, including by providing documents and testimony where sought by NCAA investigators. In addition, while the NCAA does not have subpoena power, it can adopt rules requiring as a condition of membership, that member institutions enter into contractual agreements to cooperate in investigations and that member institutions contractually impose the same requirement of cooperation on presidents, administrators and coaches. NCAA rules should specifically protect whistleblowers who report and provide evidence of violations.

Reference 73 - 0.16% Coverage

The Commission recommends significant changes in the penalty structure and the nature of penalties imposed on NCAA member institutions for certain violations. The Commission considers non-cooperation a separate serious offense that should receive substantial penalties, including the loss of participation in and revenues from the NCAA tournament for up to five years. In addition, the Commission believes that serious repeated violations of NCAA rules must be subject to these same severe penalties.

Reference 74 - 0.23% Coverage

Current core penalties for violations of NCAA rules are set out in the Division I Manual, Article
The NCAA adopted these penalties in October 2012, effective August 2013. Due to the length of the NCAA’s adjudication process, the first cases in which the current penalty matrix applies have only recently been resolved. (The penalty matrix in effect at the time of a violation applies to that violation without regard to subsequent amendments.) The matrix provides appropriate types of penalties for violations by institutions – i.e., probation, fines, suspensions, scholarship reductions, forfeitures, post-season bans, head-coach restrictions, recruiting visit restrictions.

Reference 75 - 0.19% Coverage

The NCAA is certainly not blameless for its failure to address the corruption in college basketball that led to the recent prosecutions, but the primary failures belong to the individuals at colleges and universities who allowed their programs to be corrupted, averting their eyes to keep the money flowing. With enhanced individual accountability, the Commission believes that more college presidents and athletic directors will find it beneficial to adopt and enforce comprehensive compliance programs. See also NCAA Constitution 2.1 (Principle of Institutional Control and Responsibility).

Reference 76 - 0.34% Coverage

Finally, in connection with its certification of agents who may engage in sanctioned on-campus meetings with high school and college students, the NCAA must enact rules to ensure that agents who participate in rules violations are punished. As noted above, agents who participate in violations of NCAA rules must lose their certification and be banned from NCAA-certified non-scholastic basketball events. Decertified agents may not pass along their student-athlete clients to others in their agencies. In addition, the Commission recommends that the NCAA report any agents’ participation in NCAA rule violations to the NBPA. The Commission believes that the NBPA would be willing to punish and potentially decertify agents who participate in violations of NCAA rules. Indeed, the NBPA is currently focused on improving the quality and ethics of the agents it certifies. The NBPA has a large stick and its efforts in increasing the standards for certification and in regulating agents will be invaluable to the NCAA’s efforts to limit the influence of corrupt agents.

Reference 77 - 0.25% Coverage

Finally, the Commission is aware of the Revised Uniform Athlete Agents Act (“RUAAA”) developed by the Uniform Law Commission, in response to an NCAA request that state law address agents’ provision of cash and other economic benefits to studentathletes. Forty-two states, DC, Puerto Rico and the U.S. Virgin Islands have adopted the Uniform Athlete Agents Act and eight have adopted the RUAAA. The Uniform Law Commission provided useful input to the Commission and sought its support in encouraging states to adopt the RUAAA. Unfortunately, while a number of states have enacted state laws regulating sports agents, the Commission is not aware of any significant number of enforcement actions. The Commission encourages States to both enact and enforce state laws regulating sports agents.

Reference 78 - 0.20% Coverage

The NCAA must adopt rules that will reform non-scholastic basketball or disassociate college basketball from the corrupt aspects of non-scholastic basketball. The Commission recommends that the NCAA take both short and long-term action. In the short term, the NCAA must adopt rigorous certification criteria for non-scholastic basketball events its coaches may attend,
including significant measures to ensure financial transparency and accountability. In the long term, the NCAA should administer its own regional camps for high school players in the group subject to college recruiting in July of each year.

Reference 79 - 0.13% Coverage

non-scholastic basketball needs NCAA coaches, and NCAA coaches need non-scholastic basketball. The Commission’s guiding principle in this area is that the NCAA should not certify, and NCAA coaches should not participate in, non-scholastic basketball events involving coaches, leagues or sponsors who are not fully transparent about the sources and amounts of their financial support.

Reference 80 - 0.10% Coverage

More specifically, while NCAA coaches are forbidden to attend non-scholastic basketball events not certified by the NCAA, the NCAA’s current criteria for certification are plainly insufficient. The new criteria for certification must include detailed requirements for financial transparency.

Reference 81 - 0.30% Coverage

The Commission further recommends that the NCAA enforce existing requirements and impose additional prerequisites for certification of non-scholastic basketball events. Current NCAA rules require as a condition of certification that nonscholastic basketball events contain an educational component. That requirement is not effectively administered and enforced – a missed opportunity. Moreover, the NCAA should enforce limits on the paid travel and other benefits associated with the events, and require commercially standard charges for admission (where allowed) and programs (rather than allowing individualized expensive arrangements for college coaches). Further, the certification should specifically state that NCAA enforcement personnel have unfettered access to any event, including physical access to the venue and the ability to inspect all financial documentation associated with the event.

Reference 82 - 0.44% Coverage

In this section, the Commission recommends significant changes to the resources and programs available for the development of young, pre-collegiate players, ideally by the summer of 2019. Allowing players to enter the professional ranks earlier brings with it the responsibility to provide appropriate resources for earlier development. We acknowledge that institutional influence—by USA Basketball, the NCAA, and the NBA and the NBPA—has been largely missing in this space for the past 20 years and that nonscholastic basketball has been largely ungoverned. We strongly recommend that the named institutions lend their expertise and, wherever possible, work together to provide an alternative to the individual and corporate influences which currently dominate precollegiate youth basketball particularly in the summer. In the Commission’s view, the NCAA, USA Basketball, the NBA and the NBPA all have significant institutional interests in developing prominent roles in non-scholastic basketball, particularly in the areas of player identification, development and evaluation. There is a great deal of work to be done in the development of pre-collegiate players, and the three institutions should also welcome partners and sponsors willing to work within the standards, disciplines, and accountability these institutions will bring to youth development.

Reference 83 - 0.14% Coverage

The Commission makes distinctions among three levels of players in addressing
pre-collegiate youth development: Level 1 for those players across the four high school years with identified National Team Potential, Level 2 for those players across the four high school years with identified Highest Collegiate Potential, and Level 3 for those players across the four high school years with identified Collegiate Potential.

Reference 84 - 0.10% Coverage

It is important to note that the Commission believes developing players at each level will require a 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.

Reference 85 - 0.27% Coverage

Player identification. USA Basketball will be primarily responsible for the identification of those players with the highest potential for Level 1 (Junior National Teams). The NCAA will be primarily responsible for identification of those players with the highest potential for Levels 2 and 3. The Commission understands that college coaches annually identify the prospects they seek to recruit using electronic databases and recruiting services. Based on these systems, players can be assigned to an appropriate level based on the interest shown in them. As a further step to ensure that players are properly identified, the Commission recommends that USA Basketball, the NCAA, and the NBA and NBPA establish a “collaborative advisory group” to annually review and validate the player identification and player evaluation processes.

Reference 86 - 0.09% Coverage

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.

Reference 87 - 0.06% Coverage

Finally, the Committee recommends that participation in NCAA summer events be limited to students making appropriate academic progress towards initial college eligibility.

Reference 88 - 0.14% Coverage

Player evaluation. The most important outcome of player evaluation is a realistic assessment of a player’s potential. The Commission recommends that a “collaborative advisory group” among the NCAA, USA Basketball and the NBA and NBPA be established to provide a realistic assessment of professional potential to players in Levels 1 and 2. Importantly, the Commission believes these evaluations must be transparent and accessible.

Reference 89 - 0.27% Coverage

In conclusion, the Commission received extensive commentary about the corruption prevalent in youth basketball organized outside the high school academic setting. We believe that the only way to mitigate the influence of third parties (who may not be working in the best interest of young, talented players) is to introduce financial transparency and accountability to all such entities, establish NCAA youth development programs and provide regulated access to expert player evaluation for students and their families. Individually, none of these reforms is sufficient, but taken together the Commission hopes they will improve the corrosive culture of youth basketball. Protecting, educating and developing youthful players –
from the time they first enter high school – is likely to be among the most challenging and important tasks ahead.

Reference 90 - 0.07% Coverage

The Commission believes that additional recommendations of the NABC and others are worthy of NCAA study. It also supports the NABC’s intent to reinvigorate its Code of Ethics and disciplinary rules and enforcement.

Reference 91 - 0.12% Coverage

The NCAA administers what is effectively a public trust in the United States — athletic competition among college athletes. Public members of boards serve important functions. They provide objectivity, fresh perspectives and independent viewpoints and judgments. Many non-profit associations utilize public board members for precisely these reasons.

Reference 92 - 0.07% Coverage

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.

Reference 93 - 0.02% Coverage

The Commission has made a number of important recommendations.

Reference 94 - 0.15% Coverage

Most call for substantial NCAA action. Some are simple in concept, but not in execution — such as creating independent investigative and adjudicative systems. Others should be easy to execute — specific changes in the available punishments under Article 19 and in the recruiting rules. Some do not require rules changes, but instead the devotion of financial and administrative resource to planning, for example, the creation of NCAA non-scholastic basketball camps.

Reference 95 - 0.10% Coverage

The Commission is committed to completing the task that its recommendations will start. It must have a chance to review the responsive draft legislation and action plan, to provide its viewpoint and, hopefully, its affirmation of the NCAA’s plan to help ensure the success of this important effort to renew college basketball.

Reference 1 - 1.60% Coverage

ESPN reported in February that defendant Christian Dawkins and Arizona coach Sean Miller had discussions about a $100,000 payment to ensure that star center DeAndre Ayton, the No. 1 pick in June’s NBA draft, signed with the Wildcats. Arizona’s outside counsel, Paul Kelly of Boston, said Ayton denied receiving money to influence his decision in multiple interviews with the FBI and NCAA.

Reference 1 - 1.79% Coverage
With two of the NCAA’s highest-ranking committees committing to take swift action to correct issues facing college basketball, NCAA leaders called upon their members Thursday to own the challenges facing them and to set college sports on a path guided by its long-held values.

promised this week to take quick action on those recommendations

The Board of Governors on Wednesday committed $10 million this year and an additional $2.5 million annually starting in 2019-20 to help implement the commission’s recommendations.

In addition, the Board of Directors on Thursday promised to act on the recommendations by the start of the 2018-19 basketball season.

So Emmert pointed to the work being done to update the NCAA’s Association-wide strategic plan

Emmert stressed that while those words can be dismissed as a bureaucratic exercise, the NCAA already has seen positive results from past efforts.

The strategic plan was last updated in 2004 to focus on academic reform, leading to improved tracking of graduation rates and the academic performance of athletes, and led to penalties for programs that failed to meet standards.

Today, student-athletes are performing at an all-time high academically and graduating at record rates.

“I’d like to use this process as a time to reestablish how we think, how we feel about this thing we call the NCAA, to elevate the conversation around it,” Jones said. “If you look at the issues of the day, they didn’t exist 14 years ago. All these things have come on the horizon, and they’ve resulted in putting the NCAA on the defensive. I’d like to use this process to propel us into a role of a leader. I think it’s a great opportunity. I think society is looking for a leader, and I think that’s what we do best.”

By the time the 2018-19 season tips off, the NCAA will adopt a series of bold legislative, policy and structures changes that will profoundly alter the college basketball landscape.

Dr. Rice and the members of the commission were clear. The collegiate model should be
strengthened and preserved.

Reference 3 - 1.65% Coverage

The NCAA will work with other organizations – including USA Basketball, apparel companies, the NBA and the NBPA – to make meaningful and lasting changes that will support the commission’s recommendations.

Reference 1 - 2.16% Coverage

Acting on recommendations from the Commission on College Basketball, the NCAA on Tuesday announced it will certify scholastic boys’ basketball events this June for high schools that are not members of state high school associations affiliated with the National Federation of State High School Associations.

Reference 2 - 2.49% Coverage

The Commission on College Basketball, following counsel provided by the National Association of Basketball Coaches, recommended the events last year as part of its outline to reform college basketball by enhancing the recruiting environment and further engaging the high school coaching community in the development and recruitment of young players.

Reference 3 - 0.85% Coverage

The NCAA Division I Men’s Basketball Oversight Committee approved the criteria, which will be used to certify the events.

Reference 4 - 1.81% Coverage

Dave Archer, the senior director of basketball operations for the National High School Basketball Coaches Association, said the collaboration between the high school coaches, the NCAA and the NFHS will improve the recruiting environment for young players.

Reference 5 - 3.72% Coverage

“The National High School Basketball Coaches Association is pleased with the action the NCAA is taking to allow an alternative path for approval of June Division I men’s basketball scholastic recruiting events,” Archer said. “This will allow hundreds and hundreds of additional high school players with the potential to play college basketball to be evaluated by college coaches in an educational environment. This is another important step as we continue to move forward to improve the recruiting culture throughout the nation.”

Reference 1 - 2.00% Coverage

This week, we delivered on a promise made just months ago to make profound and meaningful changes to college basketball.

Reference 2 - 1.68% Coverage

Ultimately, these decisions will support the success of student-athletes both on and off the court.

Reference 3 - 3.36% Coverage
The NCAA Board of Governors and Division I Board of Directors adopted a series of significant policy and legislative changes, setting in motion actions to change the structure of the NCAA fundamentally.

Reference 4 - 2.55% Coverage

These changes will promote integrity in the game, strengthen accountability and prioritize the interests of studentathletes over every other factor.

Reference 5 - 2.37% Coverage

We remain committed to promoting fairness in college sports and creating an environment that will champion the success of student-athletes.

Reference 6 - 3.26% Coverage

The NCAA and its member schools are part of the broader higher education community, and today’s actions renew our commitment to our core purpose — preparing students for a lifetime of opportunity.

Reference 7 - 4.59% Coverage

If they are unwilling or unable to act, we will consider additional changes that will support the success of student-athletes. It’s on us to restore the integrity of college basketball and continue to improve the interests of all student-athletes. They deserve nothing less.

Files\NCAA7 - Statement from President Mark Emmert on the Formation of a Commission on College Basketball - § 3 references coded [4.80% Coverage]

Reference 1 - 0.39% Coverage

We must take decisive action.

Reference 2 - 0.77% Coverage

This is not a time for half-measures or incremental change.

Reference 3 - 3.64% Coverage

Therefore, I have secured endorsement from the NCAA Board of Governors and Division I Board of Directors to form a Commission on College Basketball, which Dr. Condoleezza Rice has agreed to chair, to work with me in examining critical aspects of a system that clearly is not working.

Files\Reforms1 - Flexibility for Going Pro and Getting a Degree - § 3 references coded [5.20% Coverage]

Reference 1 - 1.77% Coverage

Basketball student-athletes have more freedom and flexibility to decide about going pro or getting a college education, and they can receive financial assistance if they leave school early and wish to return later to finish their degree.

Reference 2 - 1.61% Coverage

Since 2016, college athletes who are interested in going pro have been able to declare for the draft and attend the NBA combine but have been required to withdraw no more than 10 days after the combine to stay eligible.
Now, students who wish to enter the draft also must request an evaluation from the NBA Undergraduate Advisory Committee, which will provide valuable information to assist student-athletes in making the decision to turn pro or stay in school.

The rule promotes increased transparency between NCAA schools and outside entities. This independent investigations group will include both external investigators with no school or conference affiliations and select NCAA enforcement staff. Independent investigators are a key part of the new process. Once a case is referred, unit members will decide whether further investigation of the facts is needed and, if it is, conduct the investigation and shepherd the case through its review by the Independent Resolution Panel.

This committee will have the ability to expand upon allegations presented by the Complex Case Unit if deemed appropriate. This is a change from the current infractions process.

People charged with investigating and resolving NCAA cases can accept information established by another administrative body, including a court of law, government agency, accrediting body or a commission authorized by a school. This will save time and resources previously used to confirm information already adjudicated by another group.

Public members not affiliated with the NCAA or member schools will join the NCAA Board of Governors to bring fresh perspectives and independent judgment.

Although the latest scandal that has enveloped college sports is not surprising, it was stunning to see the federal government getting involved in policing college sports. Despite everything reported in the last week being only allegations, The Drake Group believes it is only right for the FBI to pursue any allegation concerning those who do not declare compensation for criminal tax evasion and to go after public companies that conceal payments to college athletes and avoid paying payroll and other taxes.
TDG2 - The Drake Group Finds that the Independent Commission on College Basketball Missed an Opportunity to Recommend Comprehensive Reform - § 7 references coded [ 11.62% Coverage]

Reference 1 - 1.45% Coverage

TDG and other groups have long critiqued the insular and limited NCAA enforcement and adjudication process as a facade of governance rather than a process in which unbiased investigators and adjudicators execute real enforcement and effective penalties. TDG has long supported the overhauling of this area.

Reference 2 - 1.25% Coverage

For example, current Drake Group president B. David Ridpath recommended these independent investigator/adjudicator changes to a congressional subcommittee in 2004 and TDG released a position paper on this very topic outlining exactly how these changes could be

Reference 3 - 0.56% Coverage

We urge the NCAA to immediately adopt an independent form of enforcement and infractions for serious rules violations.

Reference 4 - 1.26% Coverage

TDG also believes for any substantive college sports reform in the educational context any oversight body should have faculty representation. That did not exist on this Commission and we consider that a significant, but hopefully not purposeful, omission by the NCAA.

Reference 5 - 1.45% Coverage

TDG believes failing to allow athletes to exploit their own NILs with strict controls was a missed opportunity. Courts decide cases based on specific and relatively narrow sets of facts and we believe the courts are not the proper place to make meaningful and appropriate decisions generally about amateurism.

Reference 6 - 2.90% Coverage

We say, “Why wait?” The Drake Group has proposed a very specific framework for how to handle NILs in its position paper on that issue including calling for athlete reporting, conformance with marketplace value, no involvement of institutional representatives and other controls. To restrict athletes’ outside income while enriching coaches and athletic directors and allowing institutions to build lavish facilities that aid recruiting, but lack educational value, yet failing to meet athletes’ basic medical and insurance needs invites accusations of exploitation and perpetuates under-the-table payments.

Reference 7 - 2.74% Coverage

Lastly, The Drake Group believes the Commission missed the opportunity to identify and address other significant athlete benefit problems. With few exceptions, athletes or their families must pay for their own athletic injury insurance. There are no long-term medical guarantees except for catastrophic injuries. It is this imbalance of who is actually benefitting from the athletics revenues largesse that produces public sympathy for even illegal athlete compensation. It is this system that must be addressed and we believe the Commission should continue its work to try to do so.
In the Drake Group’s view, the NCAA’s lack of leadership is reflected in its failure to make rules that promote athlete welfare and academic integrity. Instead, it uses a flawed academic metric (the Graduation Success Rate or GSR) designed to hide the underperformance of football and basketball players and refuses to remedy the academic fraud that its member institutions commit to keep athletes eligible.

Thus, the Drake Group believes that the present NCAA leadership is unwilling to clean out the rot in commercialized college sport and fulfill its primary responsibility to ensure the welfare of college athletes and protect the academic integrity of higher education.

TDG Concern: The current rule limiting athletes to five paid visits is sufficient and far in excess of benefits provided to non-athlete students. All NCAA athletic programs are operating at a deficit except for 20-25 Division I FBS programs and most athletic programs are supported by institutional general funds or mandatory student fees. The Drake Group believes that five visits before college enrollment and five visits after college enrollment are sufficient. Any additional visits will add to the recruiting arms race and its associated expenses.

TDG Concern: All NCAA member institutions should be required to do so for all athletic scholarship athletes, not just the so-called revenue sports. Basketball and football in particular are currently exploiting underprepared college athletes, many of whom are athletes of color, by waiving regular academic admission standards and compounding their academic difficulties by imposing unreasonable sport time demands. The message sent by this rule is, “Don’t worry about performing academically. We have your back if you want to return to school.” The Drake Group believes this benefit would be acceptable only if the athlete leaves in good academic standing and if the benefit were not limited to sports that generate revenues.

Three fairly simple oversight rules previously proposed by The Drake Group could control improprieties. The member institution should be required to review written terms of any NIL agreement to ensure conformance with the following stipulations or conditions: (1) use does not include the name, marks, institutional colors, or affiliation, implied or otherwise, of the student’s institution or the use of institutional facilities or properties for such engagement; (2) the institution’s employees or others engaged by the institution are not involved (i.e., identification of possible employment opportunities, introductions, etc.) in obtaining the employment; and (3) the employer attests that the remuneration is commensurate with the going rate in that locality for services and the athlete is paid only for work specifically described and actually performed.”

Drake Group is particularly concerned that the NCAA continues to ignore its responsibility to find member institutions guilty of academic fraud committed for the purpose of maintaining athlete eligibility. Expecting institutions to self-police in this area is unrealistic and a serious
dereliction of duty with regard to the basic responsibilities of a national athletic governance organization.”

The Knight Commission on Intercollegiate Athletics said today that recent college sports scandals have threatened not only the integrity of intercollegiate athletics but raised basic questions about the NCAA’s ability to prevent abuses, protect the rights of athletes, and clean up corruption.

The Commission meeting highlighted several broad areas of Division I basketball in need of farreaching reform: Exploitation of college athletes by shoe companies and agents; the largely unregulated structure of non-scholastic youth basketball and its recruiting culture; and changes to the NCAA’s compliance and enforcement powers. Among other changes the Knight Commission will explore are expanding the range of practices and tools for NCAA investigations, including subpoena power.

The Commission commended the NCAA for creating an independent Commission on College Basketball, chaired by Dr. Condoleezza Rice, former Stanford University provost and U.S. Secretary of State. The Knight Commission, which has a long history of providing recommendations that have improved the integrity of college sports, will seek to meet with the basketball commission to outline reforms to protect the educational mission of college sports and reduce the exploitation of student athletes.

Over our more than 25-year history, the Knight Commission on Intercollegiate Athletics has established a legacy of promoting reforms that support and strengthen the educational mission of college sports.

Early efforts called on presidents themselves to govern college sports with tougher academic standards that ultimately helped lead to improved graduation success for athletes.

Over the past decade, several recommendations to align financial and athletic incentives with educational values and to treat athletes like students helped propel the following policy changes: Requiring teams to be on track to graduate at least 50 percent of their players to be eligible for March Madness and other postseason championships and bowl games; adding substantial academic incentives in the NCAA’s revenue distribution plan (and decreasing the amounts awarded for success in the men’s basketball tournament); and reducing athletics time demands on college athletes.
In many cases, our recommendations were met with cynicism and initial resistance. To cite one example, when Arne, as Secretary of Education, embraced the Knight Commission’s recommendation that teams be on track to graduate half of their players to be eligible for postseason play, a prominent college basketball coach told USA TODAY that the idea was “completely nuts.”

Reference 5 - 3.13% Coverage

Collectively, these reforms made significant improvements to Division I intercollegiate athletics by placing greater value on the “college” in college sports. However, further change still is needed and men’s college basketball, in particular, needs a far more radical overhaul than what has taken place in recent years.

Reference 6 - 3.28% Coverage

These recommendations grew out of research conducted for the Knight Commission with university presidents and higher education leaders in 2009 and again in 2012, and from the many public meetings the Commission has held over the years with university presidents, faculty, athletics administrators, coaches, athletes and other experts.

Reference 7 - 6.17% Coverage

First, the Knight Commission has recommended that independent directors be added to the NCAA governing boards. This recommendation was initially made, but not accepted, when the NCAA restructured in 2013. We think at least one of these independent directors should be a former men’s basketball player, given the role that March Madness plays in funding the NCAA and its member conferences and institutions, and in holding the NCAA together. There could be another spot among the independent directors for a former female athlete in any sport. Other independent directors could be experts in fields like athlete health, safety and wellness.

Reference 8 - 4.90% Coverage

Thank you for considering these suggestions and the additional recommendations from the Commission’s October 30, 2017 meeting outlined by Knight Commission CEO Amy Perko in her November 9, 2017 letter to you.

We reiterate our strong support for far-reaching reforms to men’s college basketball. We look forward to hearing your commission’s recommendations and to working collaboratively with you as well as with others to advance the changes needed.

Please let us know if we can be of any further assistance.

Files\TKC3 - Statements in Response to the Report by the Commission on College Basketball - § 1 reference coded [ 5.64% Coverage]

Reference 1 - 5.64% Coverage

“We are pleased to see the Rice Commission endorse a longstanding goal of the Knight Commission, to add independent directors to the NCAA governing board. The addition of at least five independent public members to the NCAA Board of Governors will improve governance for all of college sports, not just college basketball.”

Files\TKC4 - Knight Commission Urges Tougher NCAA Reforms to Regain Public Confidence in College Sports - § 9 references coded [ 8.95% Coverage]

Reference 1 - 0.79% Coverage
The Knight Commission on Intercollegiate Athletics today urged university presidents to seize a rare moment of opportunity to reform not only men’s basketball but the NCAA organization itself to restore public faith in the governing body’s ability to oversee major revenue-producing college sports.

Reference 2 - 0.95% Coverage

The Knight Commission called on the NCAA to make additional far-ranging changes to its governance beyond those recommended by the Commission on College Basketball, and to enact a series of strict requirements on college basketball coaches and their schools to bolster financial transparency, particularly for income received from shoe and apparel companies.

Reference 3 - 1.04% Coverage

The Knight Commission suggested the NCAA shift its model from a membership association, with inherent conflicts of interest, to being more of a leadership organization capable of propelling real change. That shift requires more independent leadership of the NCAA, including independent directors who can play an objective role in safeguarding college athletics, especially for revenue sports.

Reference 4 - 1.23% Coverage

The Commission on College Basketball, led by Condoleezza Rice, adopted a longstanding recommendation of the Knight Commission to add independent directors to the NCAA Board of Governors, the organization’s highest-ranking governing body. The Knight Commission also urged that the NCAA add at least six independent members to the Division I Board of Directors, because that board controls policies that shape the richest and most powerful college sports programs.

Reference 5 - 1.01% Coverage

As a matter of principle, the Knight Commission recommended that independent directors should ultimately comprise majorities of both boards. Similarly, to underscore the importance of impartial oversight, the Commission expressed its support for Rice Commission recommendations to provide for an independent infractions and enforcement process in cases of serious violations.

Reference 6 - 0.36% Coverage

“We urge university presidents to adopt the complementary reforms we are advancing as part of a more comprehensive package of measures.”

Reference 7 - 0.52% Coverage

The Rice Commission adopted a longstanding recommendation of the Knight Commission to add independent directors to the NCAA Board of Governors, the organization’s highest-ranking governing body.

Reference 8 - 1.49% Coverage

“As we first suggested in 2013, we also want to see independent directors added to the NCAA Division I Board of Directors. In the long run, we’d like to see independent directors comprise a majority of both boards. Too often, board members are expected to represent their conferences’ competitive and financial
interests first, instead of what may be best for student-athletes and college sports as a whole.”

Reference 9 - 1.56% Coverage

The Commission on College Basketball concluded that “NCAA schools are not doing enough to develop the next generation of coaches.” The Knight Commission agrees with that conclusion and recommends the development of minimal professional standards that NCAA coaches must meet to ensure they are prepared for their roles in the education and development of student-athletes. Such standards could require the completion of different levels of coaching licenses or professional certificates to redress the profession’s lax — and in some cases nonexistent — certification and licensure standards.

Reference 1 - 1.74% Coverage

The Knight Commission on Intercollegiate Athletics met on May 7, 2018 and proposed the following recommendations for the NCAA to consider as complementary reforms to those advanced by the Commission on College Basketball. The roster of Knight Commission members involved in these deliberations is attached.

Reference 2 - 1.11% Coverage

The Rice Commission adopted a longstanding recommendation of the Knight Commission to add independent directors to the NCAA Board of Governors, the organization’s highest-ranking governing body.

Reference 3 - 3.99% Coverage

Reinstate the requirement for coaches and other administrators to receive approval from the university CEO to receive any athletically-related outside income (e.g., income from shoe, equipment and apparel companies). Further, strengthen this requirement by specifying that the amount of income approved must be given in writing and prior to the receipt of such income. [Note: This requirement would bring back and strengthen a requirement first adopted in 1992 at the Knight Commission’s urging but rescinded in 2016.] In addition, university presidents should be required to annually report to their governing boards the amounts and sources of athletically-related outside income received by employees.

Reference 4 - 2.73% Coverage

The Rice Commission report recommended new financial requirements for non-scholastic basketball events attended by NCAA coaches, and called on shoe and apparel companies to “implement financial transparency and accountability with respect to their own investments in non-scholastic basketball.” The Knight Commission supports these measures but believes that standards must be set higher for NCAA schools and college coaches than for those not directly affiliated with the NCAA.

Reference 5 - 3.41% Coverage

The Knight Commission is concerned about the implications of the National Association of Basketball Coaches’ proposal to allow non-coaching personnel, such as basketball video analysts, to engage in coaching activities. While the Knight Commission supports professional development efforts, it cautions against any changes that will lead to further proliferation of
coaching staff members and the inability to enforce reasonable personnel limits. The ratio of money spent on coaching and noncoaching personnel, compared to other program areas and student-athlete support, is already badly skewed.

The Knight Commission on Intercollegiate Athletics met on May 7, 2018 to consider the Commission on College Basketball report and related issues. At the conclusion of our meeting, we shared a series of recommendations that in a number of instances go beyond those proposed by the Commission on College Basketball. The attached document provides additional information.

As we have stated previously, we believe this is a rare moment of opportunity to reform not only men’s basketball but the NCAA itself to restore public faith in the organization’s ability to be an effective steward of big-money college sports.

We are glad to answer any questions you or members of the working groups might have. Knight Commission CEO Amy Perko can arrange any follow-up conversation with us. She can be reached at 910-551-6809 or at perko@knightcommission.org.

Instead, we should endeavor to change the rules to make them fair, reasonable and moral. Right now, they are none of those things.

The current NCAA system and rules are largely responsible for creating the underground black-market economy for players. There are contradictions everywhere, to the point of hypocrisy, and business relationships with third parties that strain the imagination.

There is no way that the NCAA will adopt rules limiting the commercial opportunities of its members or its partners.

Players will continue to play, and tournament operators will continue to make money off the players and college recruiters who come to watch the players. If the NCAA attempted to affect the grassroots culture, it would open itself up to legal action for anticompetitive practices.

Do you believe that the NCAA will stop the influence of agents? No way. Because of NCAA
rules that disallow a player from having an agreement with an agent, the ethical agents are on the sideline while the unethical and lesserqualified agents have full access and open-field running to unpaid, amateur players and prospects.

Reference 6 - 0.50% Coverage

Unintentionally, but predictably, the NCAA’s amateurism rules have helped create the black-market economy for players.

Reference 7 - 0.69% Coverage

When you use a person to make money while at the same time limiting that person from making money, you exploit. Players are certainly not mistreated, but they are exploited.

Reference 8 - 0.66% Coverage

Prohibition did not stop people from drinking; it just drove it underground and created a black-market economy. That is exactly what the NCAA is doing with players.

Reference 9 - 0.76% Coverage

These players are worth a ton of money, to schools, to agents and to shoe companies. And these players are worth far more than a scholarship. In fact, a scholarship is the LEAST they are worth.

Reference 10 - 0.85% Coverage

Schools do not have to offer scholarships, but do. They do not have to offer stipends, but do. If they didn’t, they would be hurt in the marketplace, even though there is a unilaterally imposed wage cap on athletes.

Reference 11 - 0.64% Coverage

That pesky free market works incredibly well and efficiently for everyone else; it is foolish to assert that it would not work just as well for college athletes.

Reference 12 - 0.53% Coverage

After all, these schools know exactly whom to recruit and whom to play the most minutes in the games. They know whom to pay and how much.

Reference 13 - 1.67% Coverage

But in the absence of meaningful change regarding amateurism, there will be no meaningful change at all. We will all shake our heads and our fingers at the current scandal, give our full-throated speeches, and the NCAA will say "threat to integrity" and "antithetical to what college sports is about" and act righteously indignant. Then, we will all go on to the next game, and the NCAA will go on to the next big contract.

Reference 14 - 0.21% Coverage

Money will find a way. In NCAA sports, it always does.

Files\ESPN2 - NCAA announces new college basketball policy, including agents for players and longer postseason bans - § 2 references coded [ 1.05% Coverage]

Reference 1 - 0.49% Coverage

A USA Basketball official told ESPN that his group hadn’t yet approved some of the changes announced by the NCAA on Wednesday.
Several NBA officials have also told ESPN that they didn’t think the league’s age requirement would be lowered to 18 until 2021 at the earliest.

Top officials with the NBA and USA Basketball were blindsided by the NCAA’s announcement of future rules changes regarding pro basketball prospects, as well as the timing of it, sources told ESPN.

The NCAA launched a commission and set of subcommittees to address the fallout from the recent FBI investigation into the college basketball industry, resulting in several policy shifts, including the assigning of responsibility to USA Basketball for something the organization had already told the NCAA it wanted no part of: selecting elite senior high school prospects who will be allowed to sign with registered agents.

USA Basketball doesn’t have the infrastructure or interest in accepting the role of evaluating the nation’s top prospects for selecting a yet-to-be-determined number of players who will annually be allowed to sign with agents at the end of their junior years, sources told ESPN.

Several NBA officials were surprised over the presumptive and premature nature of the NCAA’s rules changes, which assumed that the NBA and National Basketball Players Association will abandon the one-and-done college rule.

While that appears to be the direction the league and union are headed, discussions are centered on the 2022 draft as the earliest date for that change to go into effect.

The endorsement isn’t an immediate change.

now begin the hard work of changing rules, crafting legislation and building consensus among 351 Division I members on how best to make all this work. NCAA’s Division I Council, comprised mostly of athletic directors, had already begun working on some of the areas where the commission recommended reforms.

Ending one-and-done is the biggest change suggested by the commission, even though it’s an NBA rule -- which Rice pointed out.
It’s not yet clear how the governing body would pay for some of the proposals.

The commission did not make any recommendations in the area of paying collegiate athletes or enabling them to earn money off their names or likenesses. Rice did address the issue, but acquiesced to the courts for now.

Arizona officials have denied multiple open records requests from ESPN for any subpoenas the university received from the federal government for information and grand jury testimony related to the investigation. They repeatedly cited "the balancing test established by the Arizona courts to protect the best interests of the state."

It’s not yet clear how the NCAA will react toward any schools

In March, Cal State Northridge hired Mark Gottfried, who was NC State’s coach when Dennis Smith Jr., whose father is said to have received $40,000, played there.

change that took effect immediately was allowing people investigating NCAA cases to accept information established by another administrative body, including a court of law, government agency, accrediting body or a commission authorized by a school. For example, the NCAA could accept evidence and findings from the federal government’s investigation and punish those found guilty of wrongdoing -- without conducting its own investigation.

GOVERNMENT PROSECUTORS ARE taking some action to limit schools’ exposure in this trial.
They have asked U.S. District Judge Lewis A. Kaplan to limit what defense attorneys can say about the four victim schools’ past infractions, including the stripper parties that occurred inside Louisville’s athletics dormitory and the actions of Ponzi schemer Nevin Shapiro, who alleged he provided impermissible benefits to more than 70 Miami student-athletes between 2002 and 2010.

The three companies have their own leagues — Nike’s E.Y.B.L., Adidas’s Gauntlet, Under Armour Association — each with dozens of teams. The companies shower teams with money, swag and perks. Parents of top prospects are commonly involved with the teams.

During summer break, high school players compete in league tournaments that are honey pots
for college coaches and recruiters.

Reference 3 - 1.63% Coverage

The companies fiercely compete with one another to have the best 16-year-old prospects playing in their leagues. Two years ago, for instance, Nike auspiciously scheduled an impromptu trip to the Bahamas for the best players in its league at the same time as a celebrated Under Armour tournament in New York City.

Reference 4 - 0.70% Coverage

It is not out of the question that Pitino will find another college coaching job; he has survived several major scandals in his career.

Reference 5 - 1.67% Coverage

In 2009, he confessed that he had an affair with the wife of the team’s equipment manager and paid for her to have an abortion. In 2015, a former director of basketball operations was found to have provided strippers and prostitutes to the Louisville team’s players and recruits in a campus dormitory over several years.

Reference 6 - 1.48% Coverage

But for many in Kentucky, he will remain a coaching legend. Long before winning a title with Louisville, he resurrected Kentucky’s storied program and led the Wildcats to the 1996 national title. That team, regarded as one of the best in college basketball history, wore Converse.

Files\NYT2 - The Corruption at the Heart of March Madness - § 6 references coded [20.54% Coverage]

Reference 1 - 2.24% Coverage

Coaches, the very people whom prized young athletes should be able to trust, were found to be profiting from them and helping others — agents, financial advisers, the Adidas shoe company — profit, too.

Reference 2 - 4.33% Coverage

The criminal complaints were rare in an area too often relegated to self-policing by universities and the N.C.A.A. — the watchdog of college sports and the umbrella organization that runs the popular, immensely profitable basketball championship tournament dubbed March Madness, where college stars compete before some of them go on to professional careers as millionaires.

Reference 3 - 3.28% Coverage

One complaint, while not actually naming Louisville or Mr. Pitino, implied that someone in the basketball program directed money from Adidas to two high school prospects. The university signed a 10-year, $160 million contract this summer with Adidas for the men’s basketball program.

Reference 4 - 3.09% Coverage

But the coach, the nation’s highest paid, at $7.7 million a year, has a reputation for cutting ethical corners. He was suspended and his program were put on N.C.A.A. probation in June after investigators found prostitutes were provided for players and teenage recruits.

Reference 5 - 4.27% Coverage
This situation arose after the National Basketball Association and its players’ union agreed to bar players before they have turned 19 or until a year after high school graduation. Previously, high school players could sign on and earn full professional salaries — safe from the no-income college rules and fictions that invite the sort of abuses laid bare in the complaints.

Reference 6 - 3.33% Coverage

College basketball programs unscrupulously compete for top players to earn more from the immense pot of profit from television. The complaints cast a spotlight on that greed and hypocrisy, which is infesting what is supposed to be, but hasn’t been for some time, an innocent and amateur sport.

Files\NYT3 - Amid Scandal, N.C.A.A. Forms Commission to Reform Men’s Basketball - § 3 references coded [ 4.59% Coverage]

Reference 1 - 1.17% Coverage

But he drew the line at changes to the amateur model, which prevents colleges from compensating athletes beyond scholarships and related costs.

Reference 2 - 1.63% Coverage

While he declined to speak for the commission, its members do not include any public critics of amateurism, and some — such as the Rev. John I. Jenkins, the president of Notre Dame — are outspoken supporters

Reference 3 - 1.79% Coverage

Emmert confirmed that he and the rest of the N.C.A.A. office in Indianapolis learned about the yearslong federal probe from news media reports. But if the criminal investigation surprised him, not all of the allegations did.

Files\NYT4 - N.C.A.A. Panel Proposes Reforms, Including End to ‘One and Done’ - § 13 references coded [ 16.84% Coverage]

Reference 1 - 1.17% Coverage

But while the proposed changes would alter the texture of the sport, they stopped well short of challenging the longtime requirement that the college athletes remain amateurs, uncompensated beyond a scholarship and a stipend for their talents and efforts.

Reference 2 - 0.31% Coverage

It also noted the widespread public support for plans to pay players.

Reference 3 - 0.74% Coverage

But Ramogi Huma, the president of the College Athletes Players Association, an advocate for more rights for athletes, said the commission dodged the main issues.

Reference 4 - 1.83% Coverage

The federal charges, which were followed by indictments, introduced the risk of criminal prosecution into a well-known part of college basketball. The allegations made a mockery of N.C.A.A. amateurism rules and painted a black mark on several of the most prominent basketball programs. Documents obtained by Yahoo Sports in February seemed to implicate players at a dozen other blue-chip programs.
In a joint statement, the N.B.A. and the players’ union pledged only to continue assessing the rules, but no changes are expected before the 2020 draft.

The commission, which included former players (Grant Hill, David Robinson), former coaches, university presidents, the heads of the Association of American Universities and U.S.A. Basketball, and others, called on the N.C.A.A. to establish a new system for summer basketball, so central to the recruitment process, that could diminish the influence of the three main apparel companies. Adidas, Nike and Under Armour sponsor not only summer basketball but also most of the college teams that high school prospects aspire to play for.

Specifically, the commission envisioned allowing coaches as soon as next year to attend only N.C.A.A.-administered regional events during the crucial July evaluation period. It was not clear what role the three main sneaker companies would or would not have at those events. Each of them currently sponsors gigantic events in July that are unmissable for top prospects and coaches.

Prosecutors in the Southern District of New York have said that an Adidas executive and several others with ties to the sneaker giant were central to schemes to bribe players’ families and college basketball coaches to coax top prospects to commit to colleges that Adidas sponsored, like Louisville, Miami and Kansas, and later sign with Adidas. Narratives outlined by prosecutors strongly suggest that similar behavior is conducted in the name of Adidas’s rivals.

And yet throughout the report the commission performed a delicate dance — acknowledging that the very corruption it sought to eliminate arose in part because players generate substantial sums for high school teams, agents, money managers, college teams, coaches and shoe companies but can’t take money beyond a scholarship and related costs of attending school.

In fact, many of the commissioners endorsed providing athletes with a cut of the revenue they helped generate, according to Ms. Rice.

She said the commission declined to address this topic because of pending litigation. Plaintiffs in the so-called Jenkins case want a federal court to strike down the N.C.A.A. ban on player compensation on antitrust grounds.

A lawyer representing the Jenkins plaintiffs, Jeffrey Kessler, said that his case concerned a different nuance.

Seasoned observers dismissed both the notion that the proposals would solve all of college basketball’s problems and the notion they would accomplish essentially nothing.
Gabe Feldman, director of Tulane’s sports law program, said allowing contact with agents was provocative. “That was completely taboo for a very, very long time,” he said, adding that any major changes to N.C.A.A. rules would take time. “It’s a big ship to move.”

But the governing body stopped short of making the more fundamental changes to the amateur model that some have long sought.

In a stark departure from the N.C.A.A.’s longtime ban on agents’ involvement, the reforms would permit college players who declare for the draft to employ agents, and they would extend the same exception to certain high school seniors whom U.S.A. Basketball deems elite — but only if the N.B.A. changes draft rules that currently bar players from going directly from high school to the pros.

That group’s most eye-catching suggestion was the elimination of the so-called “one-and-done” rule, the requirement that N.B.A. draftees be 19 years old or a year removed from high school. That rule, created for the 2006 draft, birthed a system in which the most talented college players competed in college during their freshman seasons and then left to play professionally. Change on that front will have to wait for action from the N.B.A. and its players’ union; it is not expected before at least 2020.

The accusations also raised anew the question of whether to allow some athletes to collect compensation beyond a scholarship and an educational stipend.

While Rice’s group, and Rice personally, suggested such fundamental reform made sense, it declined to make any suggestions in this area, citing pending antitrust cases targeting the N.C.A.A.’s restrictions on compensation.

The group was tasked with reforming rules, including looking at the NCAA’s relationship with the NBA.
USA Basketball has not had any substantive conversations with the NCAA or given their approval for these changes yet, ESPN’s Jonathan Givony reports. It is unclear how this decision will impact high school players who are not USA Basketball eligible.

The new policies were put in place to prevent further corruption and dissuade future rule-breakers.

Many expected Arizona coach Sean Miller to be dismissed after a February ESPN report alleged that he had been recorded in 2016 discussing a payment for forward Deandre Ayton, but Miller’s contract was merely amended to dock him $1 million if he is criminally charged.

Yet changes to the system that birthed all of this—one that can turn paying a teenager to play basketball into a potential federal crime—have been merely incremental.

But those eligible for this benefit are limited to 1) incoming freshmen who have been designated “elite senior prospects” by USA Basketball and 2) underclassmen who declare for the draft and get invited to the NBA’s combine but are not selected, which rarely happens.

In the process, the NCAA excluded those not ticketed for the NBA but who want to gauge pro opportunities overseas, as well as those not part of USA Basketball—a body reportedly rankled by not having been consulted in the NCAA’s decision to bestow on it the power to determine who is agent-eligible.

And so we sit on the verge of a season with a game largely unchanged from the one that was supposedly imploding a year ago.

Still unaddressed are the core economic realities and motivations fueling the black market, so simple any student-athlete being compensated with Economics 101 credits could explain it: The players have a value to schools, coaches, boosters, communities and shoe companies that is drastically out of line with what they can receive in return.

Perhaps each of these changes is just a step in the inevitable march toward larger reform—a continuation of the past decade’s gradual easing of various arcane restrictions.

Alston and Hartman contend that the NCAA’s capping of scholarship value is equivalent to suppressing market competition. There is a chance the outcome in this case will have more direct and wide-ranging results than the headline-grabbing results from the FBI sting.
As much as the NCAA has lobbied for the NBA to abolish its age minimum of 19 for draft eligibility, the change would likely have less effect on illicit payments than many hope: The suitors for elite high school prospects would then include the NBA, increasing colleges’ needs to offer financial benefits as well.

Of course, it is worth keeping in mind that a year ago there was no inkling that college basketball was on the brink of significant change. We may soon learn we’re not so much a year past one bombshell than a short time away from another. Maybe that will be the true wake-up call.

Time and time again Kaplan made clear that the case’s central question was not whether the individuals standing trial had violated these regulations, but if they had undertaken criminal actions in doing so and hiding it from the colleges these recruits planned to attend.

It is important not to lose sight of this scene’s root cause: the NCAA’s rules.

The defendants then schemed to shield these transactions from university compliance offices and NCAA overseers— which the government contended amounted to defrauding these schools of their ability to award athletic scholarships to players who would be eligible under the NCAA’s

Which is why, regardless of Kaplan’s instructions to the jury, this case was indeed about the NCAA rulebook all along.

That standard has yet again been shown to be completely detached from the realities of a market that the NCAA and its member institutions are otherwise gladly willing to let freely seep into their every pore.

Blaming rules for rule-breaking is often seen as a bad-faith tactic for absolving blame, and understandably so. But in this case it is the rules themselves that have been made in bad faith.

Seven-figure coaching salaries, nine-figure apparel sponsorships, 11-figure TV deals—for decades the college sports industrial complex has continually and exponentially engorged itself at every turn.

Still as the size of its financial pie has been stretched and stretched, it has steadfastly fought to deny anything more than a scholarship-and-stipend-sized slice to the labor that performs its
essential product by playing the games.

Reference 9 - 0.92% Coverage

Yet the NCAA’s rules force the market for these players’ services into the shadows—the place where the defendants and their ilk operate.

Reference 10 - 3.82% Coverage

The trial’s illumination of this marketplace was as unseemly as it was telling, with testimony referencing shady invoices, deceitful cover stories and clandestine “Bat phones.” Still, it was not a complete reveal, as the defense’s attempts to admit evidence of similar dealmaking beyond the charges—in order to portray their clients as simply players of a dirty game in which the university’s basketball coaches were knowing participants—were denied by Judge Kaplan, pointing jurors toward evaluating the defendants in isolation instead of their larger context.

Reference 11 - 3.66% Coverage

These denials may set the stage for the defense’s case in appeals court, where it could find more sympathetic ears. But in the meantime three men face potential prison time because they included players and their families into the mutually beneficial financial relationship enjoyed by the schools and companies that relies on said players’ talents—and the body in charge of the sport decided it cannot stand as much, elevating what otherwise seems like natural market forces into something the government could convince a jury is a federal crime.

Reference 12 - 1.75% Coverage

Beyond the courtroom’s walls, the prosecution’s contention that the universities were the victims of a scheme by those convicted can be a harder sell; do not hold your breath waiting for these schools to take action against their apparel-company benefactors.

Reference 13 - 2.15% Coverage

In their minds this trial, which was ostensibly not about NCAA rules, had sufficiently proven the defendants’ guilt. To those not bound by the confines of a judge’s instructions and a trial’s scope, a truer blame lay elsewhere, in the very rules whose violation were this crime’s original sin—and constitute the NCAA’s too

In a decisive victory for federal prosecutors and a frightening warning to those involved in the payment of college recruits, a New York jury has convicted Adidas director of global marketing James Gatto, Adidas consultant basketball organizer Merl Code and client recruiter (a.k.a. runner) Christian Dawkins of wire fraud and conspiracy to commit wire fraud charges. U.S. District Judge Lewis Kaplan will sentence the defendants on March 5, 2019. While a pre-sentencing report will influence Judge Kaplan in determining appropriate prison sentences, it’s expected that the three men will likely be sentenced to somewhere between two to five years in prison.

Reference 2 - 0.74% Coverage

This deduction may seem illogical since those universities enrolled players who would helped
their basketball programs win games and generate accompanying revenue.

Reference 3 - 1.52% Coverage

This is why Wednesday’s convictions should worry anyone in college basketball who has partaken in NCAA-violating payments to recruits and who are in any way connected to those still facing trial: their names and wrongdoing could soon become bargaining chips in plea deals. The government’s net of basketball corruption, then, could grow wider.

Reference 4 - 0.48% Coverage

While the NCAA was not a party in this trial, its ability to enforce compliance of rules stands to gain from it.

Reference 1 - 1.60% Coverage

Following the announcement of FBI indictments for under-the-table athlete payments, B. David Ridpath, President of The Drake Group, issued the following statement highly critical of the NCAA and its member institutions:

Reference 2 - 1.72% Coverage

However, the media and the public are missing the larger point. The NCAA and its member institutions have virtually forced the commission of these crimes by imposing compensation restrictions on athletes under the guise of “amateur status.”

Reference 3 - 2.94% Coverage

Institutions of higher education have used this definition of “amateur” combined with rules that keep young athletes captive (such as onerous transfer restrictions) and the selfish motives of professional sports leagues that do not have to fund minor leagues in football and basketball to unreasonably limit the compensation that can be earned by collegiate athletes under the rubric of “athletic scholarship.”

Reference 4 - 2.74% Coverage

“Amateur” is nothing more than an NCAA overly broad mechanism that allows multi-million-dollar coaches and extraordinarily well-compensated athletic directors to earn lavish salaries and perks while institutions of higher education receive tax deductible donations from exploiting the value of collegiate athletes they refuse to allow the same earning rights as other students.

Reference 5 - 6.62% Coverage

In other words, there are simple changes for the association to make that positions the athlete as a student rather than an employee. The inability to separate the two has largely driven this underground economy in college sports. While the NCAA also has the right to prohibit professional athletes from participating in college sports, it shouldn’t have the right to prohibit college athletes from working outside the university, contracting with an agent and using their names, images and likenesses for private gain as long as the athlete does not use of the name or affiliation with the institution. Athletes should be allowed to earn whatever the marketplace dictates from endorsements (including the use of shoes, gloves or other items of personal sports equipment), modeling, conducting a sports camp business or giving sports lessons to others as
long as the athlete does not enter into a contract to play professional sports.

The Drake Group (TDG), whose mission is to defend academic integrity in higher education from the corrosive aspects of commercialized college sports, found, in response to the recently released report by the Independent Commission on College Basketball chaired by Dr. Condoleezza Rice, that the Commission got some things right, but missed the mark on several key issues regarding reform in college sports.

TDG strongly believes that elite development opportunities should exist outside of intercollegiate athletics and that professional leagues have an obligation not to impede that effort. Should athletes be good enough to go professional, they should be allowed to do so at a time that is best for them. Also, if athletes want to attend college they should be allowed to do that for as long or short a time as they desire just as other non-athlete students have such options.

For example, current Drake Group president B. David Ridpath recommended these independent investigator/adjudicator changes to a congressional subcommittee in 2004 and TDG released a position paper on this very topic outlining exactly how these changes could be

We urge the NCAA to immediately adopt an independent form of enforcement and infractions for serious rules violations.

Other positives of the Commission report include requiring the certification of agents and reforming the sordid world of non-scholastic youth basketball. However, the Commission has not gone far enough.

TDG also believes for any substantive college sports reform in the educational context any oversight body should have faculty representation. That did not exist on this Commission and we consider that a significant, but hopefully not purposeful, omission by the NCAA.

The biggest miss was the Commission’s failure to make a recommendation on allowing athletes to earn money outside their participation in intercollegiate athletics via being allowed to market their own names, images and likenesses (NILs) and how such freedom might address some of the corruption and scandal at issue. The Commission avoided this opportunity because it believed it needs first the “legal parameters [to] become clearer.”
Courts decide cases on specific, relatively narrow sets of facts. As a result, absent an overarching Supreme Court decision, which is by no means assured, a clear judicial resolution of the athletic compensation issue could be a decade or more away.

**Reference 9 - 0.70% Coverage**

The NCAA needs to do its job which is to establish broad amateurism policy based on a thoughtful analysis and considering all stakeholder interests.

**Reference 10 - 2.08% Coverage**

Quizzically Dr. Rice, in her remarks accompanying the Report’s release, did not shy away from discussing the NIL and compensation matter issues, saying that “for the life of me I don’t understand the difference between Olympic payments and participation in Dancing with the Stars–and what can’t be allowed . . .” She pointed out that most Commissioners believe that the NIL rules should be taken up as soon as the legal framework is established.

**Reference 11 - 2.74% Coverage**

Lastly, The Drake Group believes the Commission missed the opportunity to identify and address other significant athlete benefit problems. With few exceptions, athletes or their families must pay for their own athletic injury insurance. There are no long-term medical guarantees except for catastrophic injuries. It is this imbalance of who is actually benefitting from the athletics revenues largesse that produces public sympathy for even illegal athlete compensation. It is this system that must be addressed and we believe the Commission should continue its work to try to do so.

**Files\TDG3 - The Drake Group Questions NCAA Division I Basketball Rules Changes - § 12 references coded [ 24.20% Coverage]**

**Reference 1 - 1.45% Coverage**

Despite its recent reforms to Division I basketball, the NCAA continues to react to events instead of leading college athletics to a more educationally sound future. The changes it has made to Division I basketball misled the public into thinking that the corruption recently unearthed in that sport has been addressed. It hasn’t.

**Reference 2 - 1.78% Coverage**

In the Drake Group’s view, the NCAA’s lack of leadership is reflected in its failure to make rules that promote athlete welfare and academic integrity. Instead, it uses a flawed academic metric (the Graduation Success Rate or GSR) designed to hide the underperformance of football and basketball players and refuses to remedy the academic fraud that its member institutions commit to keep athletes eligible.

**Reference 3 - 1.92% Coverage**

It also permits financially wasteful special treatment for athletes – particularly lavish athletes’-only facilities that isolate the athletes – to satisfy coaches’ insatiable appetite for a recruiting advantage, while hoping to hide the costs from the public. Real leadership on these issues would
put in place practices that enhance athletes’ educational experiences and protect them from injury, abuse, and academic exploitation.

Reference 4 - 1.17% Coverage

Thus, the Drake Group believes that the present NCAA leadership is unwilling to clean out the rot in commercialized college sport and fulfill its primary responsibility to ensure the welfare of college athletes and protect the academic integrity of higher education.

Reference 5 - 2.04% Coverage

TDG Concern: No process has been defined to determine “elite” status, which may invite antitrust or equal protection litigation regarding an arbitrary evaluation and labeling system. Athletes in all sports should be permitted to hire agents. It is reasonable for the NCAA to control expense reimbursement by agents, but the NCAA must also control certification of agents to ensure that an agent does not represent both athletes and the coaches who are recruiting them.

Reference 6 - 1.87% Coverage

TDG Concern: All athletes should have the right to participate in a professional draft with no penalty unless they actually accept an offer of employment. Athletes should not be considered “professionals” and declared ineligible for college sport unless they sign a professional contract. If an athlete is “selected” in the draft and then decides not to turn professional, the athlete should remain eligible for college play.

Reference 7 - 1.47% Coverage

TDG Concern: How these institutional leaders will be held accountable is undefined, except for the suggestion that they may be ineligible to serve on the NCAA Board of Governors. The NCAA refuses to use enforcement mechanisms that would be more effective, such as ineligibility for national championships or suspension of membership.

Reference 8 - 3.19% Coverage

TDG Concern: All NCAA member institutions should be required to do so for all athletic scholarship athletes, not just the so-called revenue sports. Basketball and football in particular are currently exploiting underprepared college athletes, many of whom are athletes of color, by waiving regular academic admission standards and compounding their academic difficulties by imposing unreasonable sport time demands. The message sent by this rule is, “Don’t worry about performing academically. We have your back if you want to return to school.” The Drake Group believes this benefit would be acceptable only if the athlete leaves in good academic standing and if the benefit were not limited to sports that generate revenues.

Reference 9 - 1.86% Coverage

TDG Concern: It is unclear how an athlete will prove that he or she has exhausted all other funding options. There are numerous local, national and institutional scholarships available from multiple sources for which these students might be able to qualify. It seems unlikely that the NCAA will or could maintain a list of such sources that the athletes need to try in order to determine whether the search has been “exhaustive”.

Reference 10 - 1.85% Coverage

Polite added, “The Drake Group is disappointed that the NCAA continues to ignore the athlete employment issue, which was the primary underlying issue in the FBI investigation of the
NCAA basketball debacle and which the Rice Commission Report also ignored. Athletes should be allowed to earn money outside of school by exploiting their names, images, and likenesses (NILs) just as any other student with a special talent.”

Reference 11 - 3.83% Coverage

Three fairly simple oversight rules previously proposed by The Drake Group could control improprieties. The member institution should be required to review written terms of any NIL agreement to ensure conformance with the following stipulations or conditions: (1) use does not include the name, marks, institutional colors, or affiliation, implied or otherwise, of the student’s institution or the use of institutional facilities or properties for such engagement; (2) the institution’s employees or others engaged by the institution are not involved (i.e., identification of possible employment opportunities, introductions, etc.) in obtaining the employment; and (3) the employer attests that the remuneration is commensurate with the going rate in that locality for services and the athlete is paid only for work specifically described and actually performed.”

Reference 12 - 1.77% Coverage

Drake Group is particularly concerned that the NCAA continues to ignore its responsibility to find member institutions guilty of academic fraud committed for the purpose of maintaining athlete eligibility. Expecting institutions to self-police in this area is unrealistic and a serious dereliction of duty with regard to the basic responsibilities of a national athletic governance organization.”

Files\TKC1 - Knight Commission Sees Integrity of College Sports at Risk - § 7 references coded [ 14.80% Coverage]

Reference 1 - 1.58% Coverage

The Knight Commission on Intercollegiate Athletics said today that recent college sports scandals have threatened not only the integrity of intercollegiate athletics but raised basic questions about the NCAA’s ability to prevent abuses, protect the rights of athletes, and clean up corruption

Reference 2 - 1.49% Coverage

Federal bribery and fraud charges were brought last month against 10 men, including four assistant coaches and an Adidas official. The Commission believes that the basketball scandals are symptomatic of broader, systemic problems in men’s Division I basketball and FBS football.

Reference 3 - 1.71% Coverage

NCAA enforcement and compliance tools and practices have consistently failed to uncover the type of behaviors exposed in the federal investigation. Yet these alleged illegal acts have been rumored for years, fostering a recruiting culture in Division I men’s basketball that too often crosses the line into corruption.

Reference 4 - 1.92% Coverage

“The Commission is deeply troubled by mounting evidence that the NCAA is unable to ensure a level of integrity that must be a priority in the education and treatment of college athletes,” said Commission co-chair Arne Duncan, former U.S. Secretary of Education, “These threats to the integrity of college sports are an urgent call to reform, if ever there was one.”

Reference 5 - 2.63% Coverage
The Commission meeting highlighted several broad areas of Division I basketball in need of farreaching reform: Exploitation of college athletes by shoe companies and agents; the largely unregulated structure of non-scholastic youth basketball and its recruiting culture; and changes to the NCAA’s compliance and enforcement powers. Among other changes the Knight Commission will explore are expanding the range of practices and tools for NCAA investigations, including subpoena power.

Reference 6 - 2.65% Coverage

The Commission commended the NCAA for creating an independent Commission on College Basketball, chaired by Dr. Condoleezza Rice, former Stanford University provost and U.S. Secretary of State. The Knight Commission, which has a long history of providing recommendations that have improved the integrity of college sports, will seek to meet with the basketball commission to outline reforms to protect the educational mission of college sports and reduce the exploitation of student athletes.

Reference 7 - 2.81% Coverage

The Commission plans to continue its exploration of other reform ideas – including how a limited antitrust exemption for the NCAA, with restrictions, might address current problems, and whether financial benefits could be provided to players for the use of their names, images, and likenesses. These issues have been studied and discussed in prior Commission meetings, such as those in May 2015 and May 2016. The Commission will also be studying and monitoring reforms to improve the integrity and fairness of the transfer process.

Reference 1 - 1.74% Coverage

Early efforts called on presidents themselves to govern college sports with tougher academic standards that ultimately helped lead to improved graduation success for athletes.

Reference 2 - 5.63% Coverage

Over the past decade, several recommendations to align financial and athletic incentives with educational values and to treat athletes like students helped propel the following policy changes: Requiring teams to be on track to graduate at least 50 percent of their players to be eligible for March Madness and other postseason championships and bowl games; adding substantial academic incentives in the NCAA’s revenue distribution plan (and decreasing the amounts awarded for success in the men’s basketball tournament); and reducing athletics time demands on college athletes.

Reference 3 - 3.13% Coverage

Collectively, these reforms made significant improvements to Division I intercollegiate athletics by placing greater value on the “college” in college sports. However, further change still is needed and men’s college basketball, in particular, needs a far more radical overhaul than what has taken place in recent years.

Reference 4 - 2.05% Coverage

Unfortunately, in the past, change and improvements have taken years to accomplish. We think the ground is more fertile now for far-reaching reforms that the Commission on College Basketball may be considering.
Like the Commission on College Basketball, our group recognizes that basketball-specific changes should move forward in coming months. In response to your request for additional input, we offer two broad suggestions on NCAA governance and the responsibilities of coaches.

First, the Knight Commission has recommended that independent directors be added to the NCAA governing boards. This recommendation was initially made, but not accepted, when the NCAA restructured in 2013. We think at least one of these independent directors should be a former men’s basketball player, given the role that March Madness plays in funding the NCAA and its member conferences and institutions, and in holding the NCAA together. There could be another spot among the independent directors for a former female athlete in any sport. Other independent directors could be experts in fields like athlete health, safety and wellness.

A few coaches’ associations have implemented successful programs for coaches to achieve various levels of coaching licenses but the associations for men’s basketball and football have not. It is telling, we think, that the only competency or training requirement for any NCAA Division I coach is passing an open-book NCAA recruiting rules test. Some institutions and conferences are doing more in this area than others, but college sports would be helped with incentives or requirements that place a greater emphasis on coaches’ roles as educators.

“We are pleased to see the Rice Commission endorse a longstanding goal of the Knight Commission, to add independent directors to the NCAA governing board. The addition of at least five independent public members to the NCAA Board of Governors will improve governance for all of college sports, not just college basketball.”

“We still don’t know yet that the NCAA is capable of truly protecting and supporting the education, health, safety, and well-being of student-athletes — and big challenges to the integrity of college basketball persist. We look forward to addressing these challenges at our meeting next month.”
college sports. To do so, it will need to embrace far more sweeping and deep-seated reform than ever before.”

Reference 3 - 0.95% Coverage

The Knight Commission called on the NCAA to make additional far-ranging changes to its governance beyond those recommended by the Commission on College Basketball, and to enact a series of strict requirements on college basketball coaches and their schools to bolster financial transparency, particularly for income received from shoe and apparel companies.

Reference 4 - 1.04% Coverage

The Knight Commission suggested the NCAA shift its model from a membership association, with inherent conflicts of interest, to being more of a leadership organization capable of propelling real change. That shift requires more independent leadership of the NCAA, including independent directors who can play an objective role in safeguarding college athletics, especially for revenue sports.

Reference 5 - 1.23% Coverage

The Commission on College Basketball, led by Condoleezza Rice, adopted a longstanding recommendation of the Knight Commission to add independent directors to the NCAA Board of Governors, the organization’s highest-ranking governing body. The Knight Commission also urged that the NCAA add at least six independent members to the Division I Board of Directors, because that board controls policies that shape the richest and most powerful college sports programs.

Reference 6 - 1.01% Coverage

As a matter of principle, the Knight Commission recommended that independent directors should ultimately comprise majorities of both boards. Similarly, to underscore the importance of impartial oversight, the Commission expressed its support for Rice Commission recommendations to provide for an independent infractions and enforcement process in cases of serious violations.

Reference 7 - 0.36% Coverage

“We urge university presidents to adopt the complementary reforms we are advancing as part of a more comprehensive package of measures,”

Reference 8 - 0.61% Coverage

Governance. As a first step, add at least six independent directors to the 24-member Division I Board of Directors, now comprised solely of institutional representatives, with an ultimate goal of a majority of independent directors.

Reference 9 - 0.69% Coverage

Integrity and Financial Transparency. Adopt new and more stringent approvals, terms of conditions, and financial disclosures for income that NCAA institutions and their employees — particularly coaches — receive from shoe, equipment, and apparel companies.

Reference 10 - 0.52% Coverage

The Rice Commission adopted a longstanding recommendation of the Knight Commission to add independent directors to the NCAA Board of Governors, the organization’s highest-ranking
A Critical Discourse Analysis of the NCAA

Reference 11 - 1.49% Coverage

“Adding independent directors will improve governance for all of college sports, not just college basketball,” said Knight Commission co-chair Carol Cartwright. “As we first suggested in 2013, we also want to see independent directors added to the NCAA Division I Board of Directors. In the long run, we’d like to see independent directors comprise a majority of both boards. Too often, board members are expected to represent their conferences’ competitive and financial interests first, instead of what may be best for student-athletes and college sports as a whole.”

Reference 12 - 0.72% Coverage

No university can give the right to any employee to have a contract with shoe, equipment, and apparel companies that are expressly or indirectly contingent on players wearing or using the companies’ equipment or products. Such contracts must be made only with the university.

Reference 13 - 0.61% Coverage

Adopting new restrictions and imposing financial disclosures on athletically-related outside income received by employees, and making a failure to comply with these new requirements subject to significant infractions penalties.

Reference 14 - 1.56% Coverage

The Commission on College Basketball concluded that “NCAA schools are not doing enough to develop the next generation of coaches.” The Knight Commission agrees with that conclusion and recommends the development of minimal professional standards that NCAA coaches must meet to ensure they are prepared for their roles in the education and development of student-athletes. Such standards could require the completion of different levels of coaching licenses or professional certificates to redress the profession’s lax — and in some cases nonexistent — certification and licensure standards.

Reference 1 - 1.74% Coverage

The Knight Commission on Intercollegiate Athletics met on May 7, 2018 and proposed the following recommendations for the NCAA to consider as complementary reforms to those advanced by the Commission on College Basketball. The roster of Knight Commission members involved in these deliberations is attached.

Reference 2 - 1.68% Coverage

In addition to adding at least five independent directors to the NCAA Board of Governors as recommended by the Commission on College Basketball, add at least six independent members to the NCAA Division I Board of Directors, and move towards making independent appointees the majority on both boards.

Reference 3 - 1.50% Coverage

We believe the NCAA can only fulfill its responsibility to administer this “public trust,” if its governing board and the Division I Board of Directors are controlled by a majority of independent appointees, much as is the case with many corporate and nonprofit boards.
The Knight Commission also urges the NCAA to add at least six independent members to the Division I Board of Directors, because that board controls policies that shape the richest and most powerful college sports programs.

As a matter of guiding principle, independent directors should ultimately comprise majorities of both boards.

This change will shift the NCAA’s governance model from solely being a membership association, with inherent conflicts of interest, to being more of a leadership organization capable of propelling real change. In the current model, board members are often expected to represent their conferences’ competitive and financial interests first, instead of what may be best for student-athletes and college sports as a whole. More independent leadership of the NCAA will provide greater objectivity, unhindered by institutional self-interest, to better safeguard the integrity of college athletics.

Adopt new and more stringent approvals, terms of conditions, and financial disclosures for income that institutions and coaches receive from shoe, equipment, and apparel companies.

No university can give the right to any employee to have a contract with shoe, equipment, and apparel companies that is expressly or indirectly contingent on players wearing or using the companies’ equipment or products. Such contracts must be made only with the university.

For any school where student-athletes are required or asked to wear or use apparel or equipment displaying a company logo, mandate public disclosure of outside income that school employees, including coaches, receive directly from the company or from the school with designated funds from the company. This required public disclosure would extend to any private university that competes in the NCAA.

Reinstate the requirement for coaches and other administrators to receive approval from the university CEO to receive any athletically-related outside income (e.g., income from shoe, equipment and apparel companies). Further, strengthen this requirement by specifying that the amount of income approved must be given in writing and prior to the receipt of such income. [Note: This requirement would bring back and strengthen a requirement first adopted in 1992 at the Knight Commission’s urging but rescinded in 2016.] In addition, university presidents should be required to annually report to their governing boards the amounts and sources of athletically-related outside income received by employees.

Require the reporting of all athletically-related outside income for coaches and administrators in NCAA financial reports.
The Rice Commission report recommended new financial requirements for non-scholastic basketball events attended by NCAA coaches, and called on shoe and apparel companies to “implement financial transparency and accountability with respect to their own investments in non-scholastic basketball.” The Knight Commission supports these measures but believes that standards must be set higher for NCAA schools and college coaches than for those not directly affiliated with the NCAA.

Develop minimal professional standards that NCAA coaches will be required to meet to ensure they are prepared for their roles as educators and leaders in the development of student-athletes. Such standards could require the completion of different levels of coaching licenses or professional certificates to redress the profession’s lax—and in some cases nonexistent—certification and licensure standards.

Concerning basketball, USA Basketball currently provides a coaching certification program for youth basketball coaches. Coaches of youth teams playing in NCAA-certified basketball events for recruiting purposes are required to have a USA Basketball coaching license, which requires a background check and completion of a “SafeSport” course. More than 23,000 youth basketball coaches were certified by USA Basketball last year and 19,000 of those certifications were connected to coaches who completed the certification to have their teams play in NCAA-certified events. While USA Basketball has a similar requirement for the 10 or so college coaches annually who coach their national teams, the NCAA does not require any minimal standard for coaches of NCAA basketball teams.

The Knight Commission is concerned about the implications of the National Association of Basketball Coaches’ proposal to allow non-coaching personnel, such as basketball video analysts, to engage in coaching activities. While the Knight Commission supports professional development efforts, it cautions against any changes that will lead to further proliferation of coaching staff members and the inability to enforce reasonable personnel limits. The ratio of money spent on coaching and noncoaching personnel, compared to other program areas and student-athlete support, is already badly skewed.

The Knight Commission on Intercollegiate Athletics met on May 7, 2018 to consider the Commission on College Basketball report and related issues. At the conclusion of our meeting, we shared a series of recommendations that in a number of instances go beyond those proposed by the Commission on College Basketball. The attached document provides additional information.
least six independent directors to the Division I Board of Directors. As a matter of guiding principle, independent directors should ultimately comprise majorities of both boards.

Reference 3 - 6.07% Coverage

Integrity and Financial Transparency. Adopt new and more stringent approvals, terms of conditions, and financial disclosures for income that NCAA institutions and their employees—particularly coaches—receive from shoe, equipment, and apparel companies.

Files\WP1 - After another NCAA basketball scandal, let’s be honest - This is how college sports works - § 6 references coded [17.42% Coverage]

Reference 1 - 3.00% Coverage

But we have to understand, by now, that this is how college sports works. If you are a fan of a certain program, and you read these reports and scanned for violations by your precious Lions or Tigers or Bears, and — finding none — breathed a sigh of relief or, worse, felt the least bit sanctimonious, well, then, you’re in denial, and not a small bit of it.

Reference 2 - 2.43% Coverage

Yet outright shock here? Really, there can’t be. The coaches arrested weren’t the head coaches at those programs, not Auburn’s Bruce Pearl or Arizona’s Sean Miller, not USC’s Andy Enfield or Oklahoma State’s Mike Boynton — or, the biggest among them all, Rick Pitino of Louisville

Reference 3 - 1.85% Coverage

Yet whatever the feds announced Tuesday, Pitino won’t be on the Cardinals’ sideline for the first five games of the ACC season. Suspended, he is, for this previous isolated incident about which he had no knowledge.

Reference 4 - 4.27% Coverage

The four assistant coaches arrested aren’t victims, for sure, because they surely knew what they were doing was against rules, if not laws. But they are part of a machine that is powered by the basic structure of college sports. When a system has billions of dollars flowing into it — and the NCAA’s contract with CBS and Turner Sports for the NCAA tournament alone is worth $8.8 billion through 2032 — and yet has a major part of the workforce that is unpaid, well, then, how is this not the end result?

Reference 5 - 2.42% Coverage

There’s so much money involved, someone’s going to get it. And unless and until players receive some sort of compensation that’s commensurate with their value to the school, there is going to be corruption. Sometimes it will violate NCAA rules. Sometimes it will violate the law.

Reference 6 - 3.44% Coverage

Either way, given the current structure of college sports, we’re only minutes away from the next violation — whether it’s exposed or not. There is drama on Tuesday, for sure, and the more details we learn, the more damning it will feel to those individual coaches, to those individual programs. And yet, we know — despite the inevitable upcoming denials from all sorts of sources — it’s not just them.

Files\WP2 - College basketball commission calls for rules changes, but sticks with amateurism - § 5 references coded [5.67% Coverage]
But the panel did not recommend that athletes be paid, staunchly affirming the values of amateurism and an education for the 98.8 percent of college basketball players who do not go on to NBA careers.

The relationship between shoe companies and college basketball has long bedeviled NCAA and college officials. In their quests to gain advantages on signing NBA prospects, Nike, Adidas and Under Armour all sponsor extensive grass-roots leagues for teenagers across the country. And observers of the game have wondered whether there is a quid-pro-quo in cases in which Nike’s grass-roots stars sign with Nikespurred college teams and top Adidas grass-roots stars sign with Adidas-sponsored college teams.

But the panel consistently rejected remedies that would “professionalize” the sport.

But he was disappointed that the report didn’t tackle college basketball’s commercialization head on. College basketball is a multibillion dollar industry in which coaches and schools make millions from shoe companies, Bilas noted, but paying players — or providing them anything more than a cost-of-living stipend and chance at an education — is cast by the report as “morally wrong.”

While Emmert and the NCAA lauded the commission’s work, the National College Players Association — a nonprofit that represents the interests of college athletes — panned the results as a failure.

It’s important to remember that the commission’s recommendations are just that: recommendations of an independent group. When and how any rule changes will be adopted or implemented is up to the NCAA member schools. As the report read, “the NCAA is not really Indianapolis: It is the sum total of its member institutions.” For the NCAA to implement any change, even those it can control, its member schools have to be on board.

Can the NCAA do that? No. That’s up to the NBA and its players’ union, which require that players be at least 19 years old or at least one year removed from the graduation of their high school class before entering the draft.

Can the NCAA do that? Yes, with a caveat. Under current NCAA rules, there are multiple ways players could lose their eligibility when entering the NBA draft, the most common of which is by hiring an agent. Rice’s commission recommended the NCAA lets players who enter the draft but are not drafted change their minds and go back to school.
Can the NCAA do that? Yes, with some help. The idea behind this recommendation is that high school and college players seeking professional advice — including whether to declare for the draft — often do so illicitly because NCAA rules don’t allow players to openly speak with paid advisers. Rice’s commission recommended the NCAA appoint a vice president-level executive to develop standards for certifying agents, and to administer a program that enforces rules for contact between agents and players.

Can the NCAA do that? Yes, if its members are willing to share a bigger portion of their revenue. Under current rules, NCAA member schools can decided on their own whether to provide degree-completion programs. Rice’s commission recommended making the programs mandatory, perhaps using revenue from the NCAA basketball tournaments to help fun such programs at “relatively disadvantaged schools.”

Can the NCAA do that? Yes, but it will take big changes. The commission concluded that “the NCAA’s investigative and enforcement powers are inadequate to effectively investigate and address serious violations of NCAA rules in consequential situations” and called for “a complete overhaul” of how infractions are handled. It recommended the creation of independent bodies to investigate and impose punishment on member schools to commit violations, and that penalties be given for schools that do not cooperate with investigator.

Can the NCAA do that? Yes. The commission recommended that in the case of Level I violations, which are the most serious, member schools could be subjected to a five-year postseason ban. It also recommended that financial penalties for Level I violations allow for loss of revenue sharing in postseason play — including the NCAA tournament — for the duration of the ban.

Of course, the NCAA has come under criticism in many instances for failing to make full use of its power under current rules to punish violators.

Can the NCAA do that? Definitely not on its own. The commission made three recommendations meant to clean up college recruiting: certifying non-scholastic basketball events attended by coaches of its member schools (for example, summer AAU tournaments); calling for increased financial transparency from the apparel companies, who in addition to sponsoring AAU tournaments and teams and have extensive relationships with colleges and individual coaches; and finally, suggesting the NCAA administer its own youth basketball programs and recruiting events, with support from the NBA and USA Basketball.

Those recommendations would require the cooperation of USA Basketball, the NBA, NBPA and WNBA, as well as apparel companies such as Nike, Under Armour and Adidas. The NCAA would also have to coordinate with tournament owners, event operators and sponsors to keep these events above board. The hurdle, of course, is that the NCAA holds no power over any of those bodies, and it’s unclear what incentive they would have to work with the NCAA.
Can the NCAA do that? Yes, since coaches are employees of member schools. The commission recommended a few things here, including allowing coaches to attend two weeks of scholastic-sponsored events in June and three weekends of NCAA-sponsored events (once they’re established) in July.

Can the NCAA do that? Yes. The current board of governors comprises 16 college presidents or chancellors, the chairs of the Division I Council and the Division II and III Management Councils, and the NCAA president. The commission argued that it is difficult for the members to remain objective about decisions affecting the NCAA as a whole while representing their college, conference or NCAA division, and thus public boardmembers would provide greater objectivity and “fresh perspectives.”

Last Monday, Kylia Carter, the mother of former Duke basketball star Wendell Carter, gave a passionate speech arguing that today’s college basketball system is equivalent to slavery. Carter was reacting to the April 25 release of the Commission on College Basketball’s long-awaited report on corruption in the NCAA. Created after bribery scandals involving highly prized basketball recruits, the commission offered a host of recommendations, including imposing harsh penalties on athletic programs that knowingly violate NCAA rules.

Conspicuously absent, however, was any suggestion that college athletes should be paid a salary. As former secretary of state and commission chair Condoleezza Rice explained, “Our focus has been to strengthen the collegiate model — not to move toward one that brings aspects of professionalism into the game.”

That infuriated more people than Kylia Carter. “Pay for play,” as it’s called, is championed by an increasingly vocal group of journalists, broadcasters, economists, former players and their families. They argue that because the NCAA brings in billions of dollars in annual revenue from college athletics, college athletes should receive a share.

The NCAA has refused, claiming that “pay for play” will lead college sports fans to stay home and tune out. NCAA President Mark Emmert argues that “one of the biggest reasons fans like college sports is that they believe the athletes are really students who play for a love of the sport. … To convert college sports into professional sports would [lead to a product that is not] successful either for fan support or for the fan experience.”

Why is opinion on this issue so polarized by race? Because a disproportionately large percentage of college basketball and football players are African American. As with welfare, health care and criminal justice reform, that means that, for most Americans, debates over NCAA compensation
are implicitly debates about race.

Reference 6 - 0.97% Coverage

A number of recent commentators have tried to make this explicit, with arguments such as, “The NCAA isn’t just perpetuating a financial injustice. It’s also committing a racial one.”

Reference 7 - 2.11% Coverage

But the findings are consistent with the large body of literature showing that group dynamics — often characterized as “us vs. them” — strongly influence attitudes among racially resentful whites and African Americans. If the debate about compensating college athletes continues to implicitly and explicitly invoke race, our research suggests that the black-white divide is likely to persist.

Files\WP5 - College sports programs aren’t victims of fraud. They’re participants - § 12
references coded [ 29.05% Coverage]

Reference 1 - 2.91% Coverage

If federal prosecutors really want to clean up the muck in college basketball, then they should do it right and bring a racketeering case against a major university. One that sweeps up the entire operation: the big-donor trustee, the head coach, the athletic director, the college president and any others who are complicit in a corrupt enterprise. But if the feds don’t care to target those white collars for their fraudulent behavior, then they shouldn’t be bringing cases at all.

Reference 2 - 3.45% Coverage

That kind of prosecution would have real impact. Think about it: The next time a high-dollar donor uses his influence to hijack a university and run it like a mafia town, when cash is laundered to blue-chip recruits in order to grab at prestige and a bigger share of $1 billion in NCAA tournament revenue, slap a RICO case on him. And on the chancellor and coach who tolerate academic frauds, and the athletic director who makes the backscratching, multimillion-dollar financial deal with a sneaker company. That would fix the NCAA with one fell swoop of indictments.

Reference 3 - 2.19% Coverage

But what’s happening in a Manhattan courtroom at the moment is a weak inversion of justice. Federal prosecutors for the Southern District of New York are aiming low, not high. They are arguing a nonsensical case that claims major colleges are somehow the defrauded victims of the elaborate black-market recruiting economy that the schools themselves created.

Reference 4 - 3.21% Coverage

Invoking organized crime is not a stretch here. U.S. District Judge Lewis A. Kaplan did it the other day during the trial of Adidas executives Jim Gatto and Merl Code and aspiring agent Christian Dawkins for wire fraud. Kaplan, quite rightly, forbade defense attorneys from arguing their clients should be acquitted because “everyone is doing it.” Such arguments don’t hold up in cases of insider trading or mafia cases, either, Kaplan pointed out. “The guys in the Five Families are just doing their jobs, too, I suppose,” he said.

Reference 5 - 2.15% Coverage

A year ago, the feds boasted that this investigation, which included arrests of 10 minor figures,
would roll up the corruption in college athletics. “We have your playbook,” FBI assistant
director William Sweeney Jr. boasted to all those engaging in corrupt practices.
But in fact, they don’t have the playbook at all. That, or they are hopelessly naive.

Reference 6 - 1.20% Coverage

If prosecutors want to bring a case in which they know conviction is difficult or uncertain, but
feel it’s important to fire a warning shot across the bow of wrongdoers, that’s fine. But make it
count.

Reference 7 - 1.07% Coverage

So far, the proceedings are a small, petty show trial that seem unlikely to deter the truly guilty
power brokers from proceeding with business as usual once the gavel comes down.

Reference 8 - 2.63% Coverage

Instead of headline-hunting, prosecutors could have charted the real structure of illegal activity.
Just as they do with any other racket, they would build a triangle. They’d start low and move
upward to indictments of the kingpins. That hasn’t happened here. On Monday, T.J. Gassnola,
the former Adidas bagman, continued his testimony, in which he has done a fine job of
undercutting the prosecutors’ case that schools are victims.

Reference 9 - 2.05% Coverage

What Gassnola is describing is a conspiracy. A racket.
And let’s be perfectly clear on who the real victims and perpetrators of it are. The real victims
are not school officials who lunged at huge financial arrangements with shoe companies and
boosters, then tried to isolate themselves from shady dealings with implausible deniability.

Reference 10 - 2.75% Coverage

The primary victims are those collegiate athletes who are being defrauded from the legitimate
educational value of their scholarship agreements, by the illicit financial forces that create
academic fraud, pressure them into unwanted lesser majors, make it harder to graduate and
corrade their collective reputations. Secondary victims are the 97 million viewers of the NCAA
tournament who expect a reasonably fair and transparent playing field.

Reference 11 - 2.58% Coverage

First of all, Rice averred, “Everybody knows.” The commission was told time and again that all
parties, from the top down, were aware of these financial arrangements. Rice also stated this:
“Intercollegiate athletics is a trust based on a promise; athletes play for their school and receive
a realistic chance to complete a college degree in return.” The continual violations of that trust and
the promise are the real crimes.

Reference 12 - 2.87% Coverage

The cases that the Southern District should be bringing, if any, are RICO cases against
universities. In RICO language, athletic
departments, shoe companies and high-dollar donors have had an “association in fact.” They
have operated as loosely joined enterprises, engaged in a common purpose with an underlying
pattern of fraud.
If prosecutors want to call recruiting schemes criminal, then roll up the whole networks. Go after
the Five Families of college athletics.
Escalation of Commitment

Files\CCB1 - Charter - § 2 references coded [ 6.72% Coverage]

Reference 1 - 1.83% Coverage

Agents or advisors, with an emphasis on how students and their families can get legitimate advice without being taken advantage of, defrauded or risking their NCAA eligibility.

Reference 2 - 4.89% Coverage

Creating the right relationship between the universities and colleges of the NCAA and its national office to promote transparency and accountability. The commission will be asked to evaluate whether the appropriate degree of authority is vested in the current enforcement and eligibility processes, and if the collaborative model provides the investigative tools, cultural incentives and structures to ensure exploitation and corruption cannot hide in college sports.

Files\CCB2 - Commission Remarks (As Prepared) by Dr. Condoleezza Rice - § 25 references coded [ 22.12% Coverage]

Reference 1 - 0.54% Coverage

The vast majority of people in college basketball – athletes, coaches, administrators and others - play fair and do the right thing. We applaud them and hope that our recommendations can help to level the playing field for those who do observe the rules.

Reference 2 - 0.96% Coverage

It has been a pleasure to work with the members of this Commission, and I want to thank each of you for your fine service. I can tell you that the hours and hours of work and travel have been, for all of us, a labor of love. Each and every one of us loves the game. We love the dedication and the effort of the young men who play it. We marvel at their talents and skill – their perseverance and their commitment. We believe in the educational value of college sports.

Reference 3 - 1.08% Coverage

The members of this commission come from a wide variety of backgrounds. Some among us played the game at the highest levels; others coached or led programs; others come from the realm of public service; and some of us are educators --- dedicated to teaching and learning as a way of life. That is why it has been painful for us to hear the testimony from multiple constituencies stating that the trust that is intercollegiate athletics in general – and college basketball in particular – has often been violated.

Reference 4 - 0.49% Coverage

We start from the belief that a young man whose talents allow him to play college basketball can benefit greatly from the experience. He has a chance to receive that prized possession in our economy and our society – a college degree.

Reference 5 - 0.79% Coverage

Given that only 1.2% of college basketball players go on to play in the NBA and that the average NBA career is 4.5 years – the college degree is the real ticket to financial security for most student-athletes. For the exceptionally talented – a professional track may be the best choice – and the choice is always there for those who are fortunate enough to succeed in the NBA.
But the uniqueness of the opportunity that college basketball offers should not be underestimated or undervalued. One only has to think of the non-athlete whose family made tremendous sacrifices to send him to college and who works 20 hours a week and takes on loans that will need to be repaid over years and even decades in order to earn a college degree. The student athlete who fully takes advantage of this privilege will get a head start in life. And the college or university that truly provides that opportunity will fulfill its mission and its charge to educate and empower.

Our recommendations are detailed because the problems in college basketball are complex and the resolution of them requires precise remedies. This Commission has worked hard to devise these recommendations. You can be sure that we will continue to be involved as key regulatory bodies undertake their work to implement these changes.

The current sad state of college basketball did not appear overnight and it will not be repaired quickly. We know that there are many who argue that the problems facing college basketball are just too hard to solve. We strongly disagree. College basketball is too precious – and the fate of the young men who play it is too important – to not get it right.

This work will not be easy, but we need to make a start – and a bold one -- to turn the ship in the right direction. For the good of all involved, we need to put the “college” back in college basketball.

First, we must separate the collegiate track from the professional track by ending one-and-done. We call on the NBA and the NBPA, who exclusively have the power here, to once again make 18-year-olds eligible for the NBA draft so that high school players who are drafted may proceed directly to the NBA. Should the NBA and NBPA decide not to do so – the Commission will reconvene and consider other measures, including freshman ineligibility and/or the “lock-up” of scholarships for a specified period of time.

Elite high school and college basketball players tend to misjudge their professional prospects. Erroneously entering the NBA draft is not the kind of misjudgment that should deprive student-athletes of the valuable opportunity to enter college or to continue in college while playing basketball.

I want to note that the Commission seriously considered, but is not recommending, the NBA’s and NBPA’s adoption of a version of the “baseball rule” which would make student-athletes who attend college ineligible for the draft or the G League for two or three years. By requiring students who choose the collegiate path to make a long-term commitment to their education, the baseball rule increases the number of student-athletes who ultimately earn degrees. However, it would also keep collegiate players ready for the NBA in school against their will, where they
will be potentially disgruntled magnets for corrupt money and the undermining of the collegiate model. Players with professional earning power should be able to choose a professional path. The Commission’s additional recommendations will make it easier for them to return and complete their degrees.

Reference 13 - 0.89% Coverage

We recommend that the NCAA and its member institutions develop strict standards for certifying agents and allow only those NCAA-certified agents to engage with student-athletes at an appropriate point in their high school careers as determined by the NCAA. The NCAA should appoint a Vice-President level executive who, among other responsibilities, would develop these standards and administer this program.

Reference 14 - 0.54% Coverage

We further recommend that the NCAA incentivize better behavior from agents by decertifying any agent who participates in an NCAA rules violation and also deeming any student-athlete who enters into an agreement with a non-certified agent ineligible.

Reference 15 - 0.23% Coverage

The Commission also believes in the provision of resources to make the promise of a college education real.

Reference 16 - 1.19% Coverage

We recommend that the NCAA immediately establish a substantial fund and commit to paying for the degree completion of student-athletes with athletic scholarships who leave member institutions after progress of at least two years towards a degree. Many member institutions already provide degree completion programs, but the NCAA rules should standardize this offering, and the NCAA must provide the necessary funds to schools that cannot afford this. This will be expensive, but it is necessary to restore credibility to the phrase student-athlete.

Reference 17 - 1.05% Coverage

I want to take a moment to address the issue of allowing student athletes to earn some financial benefit from the marketing of their name, image, and likeness. I know this is an issue on the minds of many, and the Commission thought long and hard about this. In the end, we respected the fact that the legal ramifications of NCAA action on name, image, and likeness are currently before the courts. We don’t believe that the NCAA can legislate in this area until the legal parameters become clearer.

Reference 18 - 1.47% Coverage

That said, most Commissioners believe that the rules on name, image, and likeness should be taken up as soon as the legal framework is established. It is hard for the public, and frankly for me, to understand what can be allowed within the college model – for the life of me I don’t understand the difference between Olympic payments and participation in Dancing with the Stars – and what can’t be allowed without opening the door to professionalizing college basketball. Personally, I hope that there will be more room in the college model today for this kind of benefit to students without endangering the college model itself. And let me just say that I hope Arike wins Dancing with the Stars.

Reference 19 - 1.25% Coverage
First, the NCAA should create independent investigative and adjudicative arms to address and resolve complex and serious cases involving violation of NCAA rules. As of now, volunteers who are members of fellow NCAA member institutions resolve these cases, and during our Commission testimony not a single stakeholder supported the current system for handling high-stakes infractions. Today’s current state where an entire community knows of significant rule breaking and yet the governance body lacks the power or will to investigate and act breeds cynicism and contempt.

Reference 20 - 1.50% Coverage

Relatedly, the Commission recommends a significant expansion in individual accountability for rules violations for coaches, athletic directors, and college presidents. We recommend that the NCAA amend its rules to require colleges to include in the employment contracts of administrators and coaches’ individual contractual obligations to cooperate with NCAA investigations, including financial disclosure, and individual agreement to submission to NCAA enforcement proceedings, decisions and discipline – up to and including discharge. A failure to cooperate should trigger penalties – up to and including a five-year ban on participation in the tournament and loss of revenue.

Reference 21 - 0.71% Coverage

The NCAA must have jurisdiction to address academic fraud and misconduct to the extent that it affects student-athletes’ eligibility. Member institutions can no longer be permitted to defend a fraud or misconduct case on the ground that all students, not just athletes, were permitted to “benefit” from that fraud or misconduct.

Reference 22 - 0.78% Coverage

The Commission recommends the NCAA take short and long-term actions to reform nonscholastic basketball and disassociate itself and its member institutions from the aspects of non-scholastic basketball where transparency and ethical behavior cannot be assured. We believe non-scholastic basketball must be reformed by making its finances transparent.

Reference 23 - 0.68% Coverage

In the short term, we recommend the NCAA promptly adopt and enforce rigorous criteria for certifying the non-scholastic basketball events that its coaches attend. To certify a nonscholastic basketball event, the owners, event operators, sponsors and coaches for the event must agree to financial transparency.

Reference 24 - 0.45% Coverage

With respect to the longer term, the Commission recommends that, with a goal of 2019, the NCAA work with USA Basketball, the NBA, the NBPA and others to establish and administer new youth basketball programs.

Reference 25 - 0.80% Coverage

When those institutions and those responsible for leading them short-circuit rules, ethics and norms in order to achieve on-court success, they alone are responsible. Too often, these individuals hide behind “Indianapolis” when they are the ones most responsible for the degraded state of intercollegiate athletics, in general, and college basketball in particular.
In brief, it is the overwhelming assessment of the Commission that the state of men’s college basketball is deeply troubled. The levels of corruption and deception are now at a point that they threaten the very survival of the college game as we know it. It has taken some time to get here, and it will take time to change course.

Of course, student-athletes must earn that degree to receive these benefits.

Lost in the talk of big money and corruption is colleges’ central mission to provide higher education to students.

There is debate about how to measure the graduation rate for college students, including student-athletes. There is, however, general agreement that the graduation rate for men’s Division I basketball players lags behind that of other student-athletes, perhaps significantly. NCAA schools must take seriously the obligation to help all student-athletes obtain the education they are promised.

The Commission believes that the answer to many of college basketball’s problems lies in a renewed commitment to the college degree as the centerpiece of intercollegiate athletics. Intercollegiate athletics is a trust based on a promise: athletes play for their schools and receive a realistic chance to complete a college degree in return. Any policy or action that violates that trust is morally wrong.

College basketball, like college sports generally, is to be played by student-athletes who are members of the collegiate community, not paid professionals.

The NCAA’s investigative and enforcement functions were designed for a simpler time, when rule violations did not put so much at stake. As a result, the NCAA, as an enforcement entity, has little credibility with the public and its members, and what it has continues to dwindle. There are multiple cases of compromised academic standards and institutional integrity to keep the money and talent flowing. The NCAA and its member institutions have been unable to adequately deter or punish bad behavior.

Given the undeniable impact of “big money” on the college game, it is fair to ask whether the ideal of college basketball played by student-athletes who are part of the academic community – not hired guns for a season or two – is still viable. The answer is yes, and the effort is worth making. Transformative changes are necessary,

The one-and-done regime may have provided some benefits for the NBA and the NCAA in the
past, but all stakeholders agree that the downsides now outweigh any benefits. One-and-done has played a significant role in corrupting and destabilizing college basketball, restricting the freedom of choice of players, and undermining the relationship of college basketball to the mission of higher education.

Reference 10 - 0.13% Coverage

In that circumstance, the Commission will reconvene and consider the other tools at its disposal. These could range from the baseball rule, to freshman ineligibility, to “locking up” scholarships for three or four years if the recipient leaves the program for the NBA after a single year. That would be a disincentive to recruit an athlete for a one-year run at the title. In short, the current situation is untenable.

Reference 11 - 0.12% Coverage

A player chagrined to discover that he lacks an NBA future may grow into his collegiate experience and adopt a different plan for the future. This change, along with several others recommended, will demonstrate that the NCAA is serious about the value and importance of college for student-athletes, and committed to helping them attend and work towards a degree.

Reference 12 - 0.11% Coverage

Players who transfer are less likely to complete their
Third parties often influence transfer decisions for their own purposes and without thought to the impact of transfer on the student-athlete. The detrimental effect of transfer on a student-athlete’s education means that transferring should not be made easier for basketball’s sake.

Reference 13 - 0.09% Coverage

Elite high school and college players need earlier professional advice, including whether to declare for the draft or whether college basketball offers a superior pathway. If NCAA rules do not allow them to receive that advice openly, they will often seek it illicitly.

Reference 14 - 0.09% Coverage

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.

Reference 15 - 0.10% Coverage

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.

Reference 16 - 0.15% Coverage

As described below, in its specific recommendations about non-scholastic basketball, the Commission urges additional efforts at educating high school players about their professional and collegiate prospects, NCAA eligibility rules, their health and more. Student-athletes must have the information they need to understand their real choices and be better positioned to take advantage of either the collegiate or the professional path they choose.
The Commission recommends that the NCAA immediately establish a substantial fund and commit to paying for the degree completion of student-athletes with athletic scholarships who leave member institutions after progress of at least two years towards a degree. Colleges and universities must fulfill their commitments to student-athletes to provide not just a venue for athletic competition, but also an education. They must promise student-athletes that the option to receive an education will be there, even after the athlete is finished with his athletic career. This will be expensive, but it is necessary to restore credibility to the phrase student-athlete.

One significant counter to that argument is that many Division I student-athletes benefit enormously from engaging in intercollegiate sports. In addition to receiving full scholarships up to the cost of attendance (ranging from $13,392 to $71,585 for in-state students and from $18,125 to $71,585 for out-of-state students depending on the institution), receive benefits such as academic support, meals, travel, coaching, trainers, career advice and more. The value of these extra benefits may be tens of thousands of dollars annually. As noted above, for student-athletes who receive a degree, the enhanced

In the current uncertain legal setting, however, the Commission has decided to focus its recommendations on supporting the college model. It seeks to address the charge of player exploitation in other ways – specifically, by opening and keeping open a player’s professional pathway, by welcoming the return of undrafted players, by funding degree completion by athletes who return to school, by providing benefits that allow student-athletes to be both students and athletes.

significant punishment on those who undermine the premise that student-athletes must receive an education that is valuable, not a pretense.

The Commission recommends that the NCAA create independent investigative and adjudicative arms to address and resolve complex and serious cases (hereafter “complex cases”) involving violations of NCAA rules.

Stakeholders informed the Commission that when the stakes are high, colleges are not complying with the NCAA’s shared governance and cooperative principles and NCAA rules often are not enforced. Specifically, the NCAA’s investigative and enforcement powers are inadequate to effectively investigate and address serious violations of NCAA rules in consequential situations.
No stakeholder supported the current system for handling high-stakes infractions. Many informed us that when the U.S. Attorney’s Office announced the charges that led to this Commission, the reaction was that “everyone knows” that these payments occur. That state of affairs – where the entire community knows of significant rule breaking and yet the governance body lacks the power or will to investigate and act – breeds cynicism and contempt.

The NCAA’s investigative and enforcement processes require a complete overhaul.

Complex cases must be thoroughly investigated, and resolved by neutral professional adjudicators, with authority to impose punishment that will have a significant deterrent effect. The investigative arm must be independent and empowered to require the cooperation of witnesses and the production of documents, including financial information, from NCAA member institutions and their employees and contractors, with significant penalties for non-cooperation.

The Commission recommends that the NCAA enact significant increases in the penalties imposed on institutions and individuals for violations of NCAA rules. Currently, the rewards for violating the rules far outweigh the risks. To reverse this calculation, the Commission recommends a number of changes in the NCAA’s penalty structure.

First, the Commission recommends the following increases in the core penalty structure: (i) increase the competition penalties for Level I violations to allow a five-year post-season ban; (ii) increase the financial penalties for Level I violations to allow loss of all revenue sharing in post-season play, including the NCAA tournament, for the entire period of the ban; (iii) increase the penalties for a show-cause order to allow lifetime bans; (iv) increase the penalties for head coach restrictions to allow bans of more than one season; and (v) increase the penalties for recruiting visit violations to allow full-year visit bans.

In addition, the Commission recommends that member institutions that employ a coach or athletic director under a show cause order for a previous violation of NCAA rules be subject to significantly increased penalties if that individual’s program reoffends, up to and including a ban of up to five years from post-season tournaments, including the NCAA tournament, and a loss of revenues from those tournaments for that same period. There must be significant risk associated with employing an individual who is under a show cause order.

Moreover, the Commission recommends that the NCAA enact a rule requiring coaches, athletic directors, and college presidents to certify annually that they have conducted due diligence and that their athletic programs comply with NCAA.
Finally, among other substantive rules changes, the Commission recommends that the NCAA revise and clarify its role in addressing academic fraud or misconduct by member institutions and make application of those rules consistent. The NCAA must have jurisdiction to address academic fraud and misconduct to the extent it affects student-athletes’ eligibility. Member institutions cannot be permitted to defend a fraud or misconduct case on the ground that all students, not just athletes, were permitted to “benefit” from that fraud or misconduct. Coaches, athletic directors and university presidents must be held accountable for academic fraud about which they knew or should have known. The standards and punishment for academic fraud must be clarified and then enforced consistently.

Reference 32 - 0.23% Coverage

Virtually all of the top recruits for each collegiate recruiting class participate in non-scholastic basketball. The Commission recommends that the NCAA take short and long-term actions to reform non-scholastic basketball and disassociate the NCAA and its member institutions from the aspects of non-scholastic basketball where transparency and ethical behavior cannot be assured. As part of this effort, the Commission recommends that the NCAA partner with USA Basketball, the NBA, the NBPA and others to create and administer new resources and programs for youth basketball development, including substantial regional camps for collegiate prospects in July where NCAA coaches would evaluate players.

Reference 33 - 0.19% Coverage

Further, the NCAA’s rules already require NCAA-certified events to have educational components; the NCAA must immediately implement and enforce that requirement more effectively. All benefits provided to participants and their families, including travel, meals, accommodations, gear of any sort, and any other benefit, must be disclosed to the NCAA, along with the source of their provision. The NCAA must enforce the requirement that such benefits be reasonable and appropriate and assure that these restrictions are not circumvented by delaying the timing or providing the benefits to another.

Reference 34 - 0.38% Coverage

With respect to the longer term, the Commission recommends that with a goal of 2019, the NCAA work with USA Basketball, the NBA and the NBPA and others to establish and administer new youth basketball programs. We would expect the NCAA to devote significant resources and attention to these programs. Briefly, the Commission proposes that youth basketball players be identified and developed at three levels: Level 1, players with National Team potential; Level 2, players with Highest Collegiate potential; and Level 3, players with Collegiate potential. At each level, players would have to be identified, developed and evaluated by appropriate stakeholders. Critically, that development would include not only basketball, but also academic and life skills, health and collegiate eligibility. One centerpiece of this program would be NCAA-administered regional non-scholastic basketball events in July that NCAA coaches would exclusively attend. The Commission also recommends that the NCAA – in collaboration with USA Basketball, the NBA, the NBPA, the WNBA and the WNBPA – consider similar initiatives to enhance the development of young women basketball players.

Reference 35 - 0.45% Coverage

After the announcement of these charges, the NCAA’s President, Mark Emmert, stated that it is “very clear the NCAA needs to make substantive changes to the way we operate, and [to] do so...
quickly.” Statement from Pres. Mark Emmert, Oct. 11, 2017. He continued: “[w]hile I believe the vast majority of coaches follow the rules, the culture of silence in college basketball enables bad actors, and we need them out of the game. We must take decisive action. This is not a time for half-measures or incremental change.” As a first step, he announced that the NCAA Board of Governors, the Division I Board of Directors and the NCAA President had established an independent Commission on College Basketball, chaired by Dr. Condoleezza Rice. The Commission was to “examin[e] critical aspects of a system that clearly is not working” and focus on three areas:

- The relationship between the NCAA national office, its members, their studentathletes and coaches and third parties, including apparel companies, nonscholastic basketball and athlete agents and advisors.
- The relationship between the NCAA and the NBA, including the challenging effect of the NBA’s current age eligibility rule which created the one-and-done phenomenon in men’s college basketball.
- The creation of the right relationship between the NCAA’s member institutions and its national office to promote transparency and accountability.

The one-and-done phenomenon has provided some benefits to colleges and universities and to elite high school basketball players. Schools achieve national notice and prominence with athletic success and championships due to the presence of these players, with associated financial and reputational benefits. As for players, many believe that they will have the opportunity to play professional basketball if they can draw the attention of professional coaches and scouts. Playing Division I men’s basketball allows players to make a name for themselves among professional leagues and teams. Further, these players receive some of the educational and other benefits associated with a year in college.

In addition, elite high school players currently understand that in order to play Division I basketball, they must meet the eligibility requirements to attend a Division I school. See NCAA Division I Bylaw 14.3 (Freshman Academic Requirements). Because numerous players who will not play professional basketball nonetheless believe that they will, these players gain the benefit of educational levels and opportunities that they might otherwise have forgone. The Commission takes these benefits seriously and, in particular, does not underestimate the transformative possibilities in attaining academic eligibility for college or in spending a year or more in college.

There appears to be a strong consensus that when the stakes are high – i.e., when violations are serious and the potential penalties are substantial – the NCAA’s member institutions are not complying with the NCAA’s shared governance and cooperative principles and NCAA rules are not being effectively enforced.

In support of the allegation that the NCAA’s investigative powers are insufficient, many
stakeholders noted that when the U.S. Attorney’s Office announced the charges that prompted the NCAA to establish this Commission, no one in the relevant community expressed surprise and many stated that “everyone knows” that these kinds of payments occur. Where an entire community is aware of substantial rule breaking and the governance body fails to act, the result is cynicism and contempt.

Reference 40 - 0.33% Coverage

Amateurism. The Commission also heard from critics of current NCAA rules regarding amateurism. NCAA rules require that students who play for college teams qualify as “amateurs” and continue to be so qualified throughout their collegiate years. Although there are exceptions and complexities, the Bylaws forbid college athletes to receive compensation in any form in the sport, to accept a promise of pay, to sign a contract or commitment to play professional athletics, to receive consideration from a professional sports organization, to compete on a professional team and to enter into an agreement with an agent. In addition, a student-athlete cannot receive preferential treatment, benefits or services because of his athletic reputation or skill, unless specifically permitted by NCAA rules. NCAA Division I Bylaws 12.1.1.2.1 (Amateur Status After Certification); 12.1.1.3 (Eligibility for Practice or Competition), 12.1.2 (Amateur Status); 12.1.2.1.6 (Preferential Treatment, Benefits or Services).

Reference 41 - 0.18% Coverage

Others recognize the validity of some of these points, but contend the student-athletes receive significant benefits from their college experiences, including the value of the scholarship (the full cost of a college education), the associated training, coaching and benefits of being on a collegiate team, and the lifelong incremental increase in earning power resulting from a college degree. See ES Section 1.D. Many believe that paying players is not financially or legally feasible and that doing so would fundamentally alter the nature of the collegiate game.

Reference 42 - 0.24% Coverage

Still others believe that the NCAA rules are so focused on pre-professional sports that the NCAA has failed to create a system that makes sense for the majority of student-athletes who will not make a living at their sports. Under these rules, stakeholders assert, student-athletes who accept any “benefit,” no matter how small, risk losing their eligibility to compete. The NCAA’s administration of the “no benefit” rule, see NCAA Bylaw 16.11.2 (Nonpermissible), was criticized as penalizing student-athletes and preventing them from engaging in normal interactions with friends and mentors. Those holding this view suggest that the NCAA should engage in common sense calibration of the “no benefit” rule for particular contexts.

Reference 43 - 0.28% Coverage

Agents. NCAA rules further forbid collegiate athletes to enter into any agreement (oral or written) with agents for purposes of marketing their athletic ability or reputation for financial gain, even if that agreement is limited to future representation. Prohibited marketing includes negotiations with professional teams, seeking product endorsements and efforts to place an athlete at a particular school. The rules likewise forbid family members or other representatives to enter into such an agreement on behalf of an athlete. In addition, athletes may not accept benefits from agents even if those benefits do not have strings visibly attached. NCAA Division I Bylaws 12.3.1 (General Rule); 12.3.1.2 (Representation for Future Negotiations); 12.02.1 (Agent); 12.3.3 (Athletics Scholarship Agent); 12.3.1.3 (Benefits from Prospective Agents).
Reference 44 - 0.07% Coverage
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.

Reference 45 - 0.34% Coverage
Penalties. Finally, most stakeholders believe that the NCAA must have authority to impose harsher penalties on schools, coaches and administrators (including presidents) who violate the rules or know of rules violations and do nothing or who fail to cooperate with NCAA investigators. There was a strong sentiment that the NCAA must have the ability to impose loss of post-season play, including the NCAA tournament, and loss of revenue from post-season play on those who commit serious infractions and those who decline to cooperate with NCAA investigations. They believe that the availability – and utilization – of these penalties would get presidential and board-level attention at colleges. These persons further note that administrators, athletic directors and coaches who violate the rules often move on to other member institutions, and do not pay a significant price for violations that occur on their watch. Moreover, the institutions that hire individuals who have violated the rules pay no significant price for taking the risk of hiring past offenders.

Reference 46 - 0.15% Coverage
A number of stakeholders expressed the view that one way to lessen the negative influence of non-scholastic basketball event operators and coaches would be for the NCAA to administer its own regional non-scholastic basketball camps in July and to restrict NCAA coaches to those NCAA camps for July. Coaches would be able to see numerous elite high school players in one location, in theory without the need for an advance blessing from a non-scholastic basketball coach.

Reference 47 - 0.29% Coverage
In sum, numerous players provide value to their schools and to third parties who may benefit from their success, and they and/or their families may receive offers of financial support for choices that they make. Some players and/or their families may be in challenging financial circumstances; others may become accustomed to receiving financial support and benefits even before attending a college or university. Studentathletes are currently restricted in their ability to earn income related to their status as student-athletes while matriculating. See, e.g., NCAA Division I Bylaw 12.1.2 (Amateur Status). Thus, players or their families may be offered and receive money the NCAA rules prohibit them from taking, and coaches and others associated with NCAA member institutions may be involved in those payments or themselves take payments to influence players in a variety of ways.

Reference 48 - 0.31% Coverage
The NCAA’s basic purpose is “to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body and, by so doing, retain a clear line of demarcation between intercollegiate athletics and professional sports.” NCAA Constitution 1.3.1 (Basic Purpose). Member institutions are responsible for controlling their intercollegiate athletics program “in compliance with the rules and regulations of” the NCAA. NCAA Constitution 2.1.1 (Responsibility for Control). “It is the responsibility of each member institution to establish and maintain an environment in which a student-athlete’s
activities are conducted as an integral part of the student-athlete’s educational experience.”
NCAA Constitution 2.2.1 (Overall Educational Experience). The Commission’s recommendations seek to support and further both the NCAA’s purpose and its members’ acceptance of responsibility for its achievement.

Reference 49 - 0.11% Coverage

Eliminating one-and-done players from college basketball will remove the group of most likely future professionals, and the associated potential for corrupt payments from agents. Allowing collegiate players who become clear professional prospects to depart when they choose to do so should similarly lessen the temptation to cheat while in college.

Reference 50 - 0.19% Coverage

Student-athletes, of course, are not the only ones subject to these financial temptations. The potential financial benefits that these players bring to a college can also corrupt the school’s academic program and standards; schools might offer special benefits to these athletes in violation of NCAA rules or dilute the education of all students. Finally, the matriculation of players virtually certain to attend school for a short time primarily to play Division I basketball is a public acknowledgement that certain student-athletes will not, as a practical matter, be college students.

Reference 51 - 0.20% Coverage

If the NBA and the NBPA were to adopt the “baseball rule,” we believe that the challenges created by the presence of one-and-done players would simply migrate to older future NBA players unhappily captive in their second and third collegiate years. Holding players with NBA opportunities hostage also feeds the narrative of collegiate player exploitation, putting pressure on the NCAA’s commitment to the collegiate model. Players with professional earning power should have the freedom to choose a professional path. The Commission believes that student-athletes should be encouraged but not forced to remain in college.

Reference 52 - 0.31% Coverage

The Commission also has concluded that the NCAA should retain one aspect of the current transfer rule, which provides that players who transfer must sit out a season before returning to college basketball competition. NCAA Division I Bylaw 14.5.1 (Residence Requirement – General Principle). Students who transfer face serious disadvantages in completing their degrees, and are less likely to do so. Despite this issue, over the last few years, hundreds of players transfer each year, and the trend is upward.22 Division I basketball players who transfer overwhelmingly do so in order to be in a better “basketball situation,” without regard for earning their degrees. Moreover, third parties influence many transfers for their own purposes, often without the best interests of the player in mind. Thus, the Commission recommends that the “residence requirement” of the transfer rule remain in place, whatever other changes are made in the NCAA’s transfer rules.

Reference 53 - 0.20% Coverage

The Commission recommends that the NCAA and its member institutions develop strict standards for the certification of agents, and authorize and make opportunities for those certified agents to engage with student-athletes at school at specific times during the calendar year. To implement this requirement, the NCAA must appoint a Vice-President level executive
to develop detailed standards for NCAA certification and administer the program. The NCAA’s program should also educate elite student-athletes at member institutions about NCAA eligibility rules and requirements and professional prospects.

Reference 54 - 0.33% Coverage

Current NCAA rules forbid players, their families and their associates to enter into written or oral agreements with, or to receive benefits from, individuals whom NCAA rules define as “agents”.

Yet, virtually all agents with whom the Commission met or their employees. However, the Commission was advised that agents court elite players from an early age, and that many such players are paid, either directly or indirectly.

advised the Commission not to allow high school or collegiate athletes to enter into agreements with agents in advance of their professional careers. They generally thought that this would simply increase the influence of corrupt agents at an even earlier age. Instead, agents recommended creating opportunities for “good” agents to talk with high school and collegiate players and make their cases so that players would have all available options before they enter the professional market. The Commission intends NCAA-certification to provide these opportunities for “good” agents.

Reference 55 - 0.11% Coverage

Players and families desperate for information are entering into relationships with agents, sometimes as early as the player’s sophomore year of high school. The NCAA should bring these conversations into the light and allow elite players to discuss their prospects with agents whom it certifies under NCAA-approved standards.

Reference 56 - 0.12% Coverage

As described above, the Commission starts from the premise that students who are athletes – not paid professionals – play college sports. It is worth noting that student-athletes choose the collegiate path, and we want to enhance their ability to decide whether to do so. But they are making a choice; if it is not the right choice and a professional path is more desirable, they should take it.

Reference 57 - 0.32% Coverage

Opponents of pay-for-play strongly believe that college basketball should remain a game played by student-athletes that has unique value and appeal. They also strongly resist the argument that student-athletes do not benefit from attending college and participating in intercollegiate basketball. Their counter is simple. Student-athletes in fact benefit enormously. They receive full scholarships up to the cost of attendance, see ES Section 1.D. Students with demonstrated financial need are also eligible for Pell grants of $5,800 annually. Student-athletes often receive benefits such as meals, special academic support, travel expenses, coaching, training and nutritional advice, career guidance and more, worth tens of thousands of dollars annually. Obviously, studentathletes who remain in school for four years receive four times this value, along with the increased earning power of a college degree, which is roughly $1 million over a lifetime. See ES Section 1.D.

Reference 58 - 0.28% Coverage
One aspect of this debate is particularly relevant to the Commission’s mandate. Paying modest salaries to Division I basketball players will not address the particular corruption the Commission confronts; nor will providing student-athletes a modest post-graduation trust fund based on licensing of names, images and likenesses. None of the contemplated payments would be sufficient to reduce the corrupt incentives of third parties who pay certain uniquely talented players in the hope of latching onto their professional futures, of coaches and boosters seeking to secure the success of their programs, or of colleges willing to undermine their education mission to ensure the eligibility of players. One would have to adopt a full-scale professional model to forestall that corruption or, as the Commission recommends, try instead to revitalize the college model.

Reference 59 - 0.12% Coverage

The court stated that “[t]he difference between offering student-athletes education-related compensation and offering them cash sums untethered to educational expenses is not minor: it is a quantum leap. Once that line is crossed, we see no basis for returning to a rule of amateurism and no defined stopping point.” O’Bannon v. NCAA, 802 F.3d 1049, 1078 (9th Cir. 2015) (emphasis added).

Reference 60 - 0.23% Coverage

But, in the current legal circumstances, the Commission decided to address the charge of exploitation by providing individual student-athletes with access to professional opportunities, and ensuring that the student portion of student-athlete is real. Specifically, the Commission recommends allowing student-athletes with a professional pathway to make the choice to leave college every year, creating resources so that they can make an informed choice whether to do so, welcoming back student-athletes whom the NBA does not draft, making a serious financial commitment to degree completion and severely punishing those who undermine the premise that student-athletes must receive a valuable – not a sham – education.

Reference 61 - 0.29% Coverage

In sum, the Commission recognizes that the money generated by Division I basketball makes its task extremely difficult. Nonetheless, the Commission recommends changes intended to expand the professional opportunities of high school athletes who do not wish to attend college, to blunt the incentives to corrupt major college sports, to increase the likelihood that colleges, coaches and administrators participating in corruption will be punished, and to help student-athletes receive the college education they are promised. To meet the latter obligation, the NCAA must establish a substantial fund to assist its member institutions in fulfilling their commitment to student-athletes and mandate that its members establish degree completion programs. This recommendation will be expensive; but in today’s world, it is necessary to provide meaning to the phrase student-athlete.

Reference 62 - 0.44% Coverage

The NCAA Bylaws require member institutions, their staff and student-athletes to cooperate in NCAA investigations. See, e.g., NCAA Division I Bylaw 19.2.3 (Responsibility to Cooperate). A failure to cooperate is one factor the NCAA can consider in assessing penalties. NCAA Division I Bylaw 19.9.2 (Factors Affecting Penalties). This regime has proved insufficient. The NCAA also must adopt rules that require member institutions and their personnel to cooperate with NCAA investigations, with a failure to respond to investigators’ requests promptly bearing
significant consequences, including loss of post-season eligibility and revenues. Specifically, to participate in Division I basketball, member institutions and their presidents, administrators, and coaches must agree to cooperate with NCAA investigations, including by providing documents and testimony where sought by NCAA investigators. In addition, while the NCAA does not have subpoena power, it can adopt rules requiring as a condition of membership, that member institutions enter into contractual agreements to cooperate in investigations and that member institutions contractually impose the same requirement of cooperation on presidents, administrators and coaches. NCAA rules should specifically protect whistleblowers who report and provide evidence of violations.

**Reference 63 - 0.16% Coverage**

The Commission recommends significant changes in the penalty structure and the nature of penalties imposed on NCAA member institutions for certain violations. The Commission considers non-cooperation a separate serious offense that should receive substantial penalties, including the loss of participation in and revenues from the NCAA tournament for up to five years. In addition, the Commission believes that serious repeated violations of NCAA rules must be subject to these same severe penalties.

**Reference 64 - 0.12% Coverage**

Third, the Commission recommends that member institutions that employ a coach, athletic director or other administrator under a show cause order for a previous violation of NCAA rules must receive enhanced penalties if that individual’s program reoffends. Institutions that hire an individual under a show cause order must be aware that they are taking a significant risk.

**Reference 65 - 0.10% Coverage**

In its current enforcement structure, the NCAA addresses individuals who participate in rules violations through punishments imposed on member institutions. The Commission recommends a significant expansion in individual accountability for rules violations for presidents, administrators and coaches:

**Reference 66 - 0.07% Coverage**

The NCAA must require member institutions’ contracts with these individuals to include agreement to be subject to NCAA enforcement investigations and infractions decisions and discipline, up to and including discharge.

**Reference 67 - 0.19% Coverage**

The NCAA is certainly not blameless for its failure to address the corruption in college basketball that led to the recent prosecutions, but the primary failures belong to the individuals at colleges and universities who allowed their programs to be corrupted, averting their eyes to keep the money flowing. With enhanced individual accountability, the Commission believes that more college presidents and athletic directors will find it beneficial to adopt and enforce comprehensive compliance programs. See also NCAA Constitution 2.1 (Principle of Institutional Control and Responsibility).

**Reference 68 - 0.36% Coverage**

In terms of substantive rules changes, the NCAA’s jurisdiction with respect to academic issues must be clarified, stated in amended rules and communicated to member institutions. The rules
must be amended to allow the NCAA to address all academic fraud and cheating to the extent it is used to corrupt athletic eligibility. Member institutions should not be able to shield academic fraud to ensure athletic eligibility by extending that fraud to the entire student body. In addition, the NCAA’s imposition of discipline for academic fraud and misconduct has been inconsistent and untimely. The relationship between punishment and the school’s involvement, including its self-reporting, is unclear. Member institutions do not fulfill their commitment to student-athletes when they allow them to maintain eligibility through academic fraud or misconduct. The NCAA must also amend its rules to clarify the standard for academic fraud and misconduct and to establish consistent punishments for the violations of these rules. Going forward, the NCAA must apply a revised standard consistently across member institutions.

Reference 69 - 0.34% Coverage

Finally, in connection with its certification of agents who may engage in sanctioned on-campus meetings with high school and college students, the NCAA must enact rules to ensure that agents who participate in rules violations are punished. As noted above, agents who participate in violations of NCAA rules must lose their certification and be banned from NCAA-certified non-scholastic basketball events. Decertified agents may not pass along their student-athlete clients to others in their agencies. In addition, the Commission recommends that the NCAA report any agents’ participation in NCAA rule violations to the NBPA. The Commission believes that the NBPA would be willing to punish and potentially decertify agents who participate in violations of NCAA rules. Indeed, the NBPA is currently focused on improving the quality and ethics of the agents it certifies. The NBPA has a large stick and its efforts in increasing the standards for certification and in regulating agents will be invaluable to the NCAA’s efforts to limit the influence of corrupt agents.

Reference 70 - 0.13% Coverage

non-scholastic basketball needs NCAA coaches, and NCAA coaches need non-scholastic basketball. The Commission’s guiding principle in this area is that the NCAA should not certify, and NCAA coaches should not participate in, non-scholastic basketball events involving coaches, leagues or sponsors who are not fully transparent about the sources and amounts of their financial support.

Reference 71 - 0.24% Coverage

Any person or entity that sponsors a summer league, team or event must disclose any payments made to or received from any coach, event operator, owner or any other entity associated with that league, team or event. Any coach, event operator, owner or other entity associated with that summer league, team or event must disclose any payment received that is related to the event and how the payments will be expended. The Commission leaves to the NCAA the design of the disclosure forms and the details of the requirements, but it must require the provision of any non-profit organization’s financial filings with the government and full financial transparency – going both ways – for non-scholastic basketball sponsors, event operators and coaches.

Reference 72 - 0.30% Coverage

The Commission further recommends that the NCAA enforce existing requirements and impose additional prerequisites for certification of non-scholastic basketball events. Current NCAA rules require as a condition of certification that nonscholastic basketball events contain an educational component. That requirement is not effectively administered and
enforced – a missed opportunity. Moreover, the NCAA should enforce limits on the paid travel and other benefits associated with the events, and require commercially standard charges for admission (where allowed) and programs (rather than allowing individualized expensive arrangements for college coaches). Further, the certification should specifically state that NCAA enforcement personnel have unfettered access to any event, including physical access to the venue and the ability to inspect all financial documentation associated with the event.

Reference 73 - 0.44% Coverage

In this section, the Commission recommends significant changes to the resources and programs available for the development of young, pre-collegiate players, ideally by the summer of 2019. Allowing players to enter the professional ranks earlier brings with it the responsibility to provide appropriate resources for earlier development. We acknowledge that institutional influence—by USA Basketball, the NCAA, and the NBA and the NBPA—has been largely missing in this space for the past 20 years and that nonscholastic basketball has been largely un governed. We strongly recommend that the named institutions lend their expertise and, wherever possible, work together to provide an alternative to the individual and corporate influences which currently dominate precollegiate youth basketball particularly in the summer. In the Commission’s view, the NCAA, USA Basketball, the NBA and the NBPA all have significant institutional interests in developing prominent roles in non-scholastic basketball, particularly in the areas of player identification, development and evaluation. There is a great deal of work to be done in the development of pre-collegiate players, and the three institutions should also welcome partners and sponsors willing to work within the standards, disciplines, and accountability these institutions will bring to youth development.

Reference 74 - 0.27% Coverage

Player identification. USA Basketball will be primarily responsible for the identification of those players with the highest potential for Level 1 (Junior National Teams). The NCAA will be primarily responsible for identification of those players with the highest potential for Levels 2 and 3. The Commission understands that college coaches annually identify the prospects they seek to recruit using electronic databases and recruiting services. Based on these systems, players can be assigned to an appropriate level based on the interest shown in them. As a further step to ensure that players are properly identified, the Commission recommends that USA Basketball, the NCAA, and the NBA and NBPA establish a “collaborative advisory group” to annually review and validate the player identification and player evaluation processes.

Reference 75 - 0.09% Coverage

Player development must expand well beyond basketball to include academic, health, wellness, and life skills. The Commission recommends four physical interactions with pre-collegiate players at each level annually (camps, clinics and tournaments) with continuing on-line

Reference 76 - 0.09% Coverage

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.

Reference 77 - 0.06% Coverage
Finally, the Committee recommends that participation in NCAA summer events be limited to students making appropriate academic progress towards initial college eligibility.

Reference 78 - 0.14% Coverage

Player evaluation. The most important outcome of player evaluation is a realistic assessment of a player’s potential. The Commission recommends that a “collaborative advisory group” among the NCAA, USA Basketball and the NBA and NBPA be established to provide a realistic assessment of professional potential to players in Levels 1 and 2. Importantly, the Commission believes these evaluations must be transparent and accessible.

Reference 79 - 0.27% Coverage

In conclusion, the Commission received extensive commentary about the corruption prevalent in youth basketball organized outside the high school academic setting. We believe that the only way to mitigate the influence of third parties (who may not be working in the best interest of young, talented players) is to introduce financial transparency and accountability to all such entities, establish NCAA youth development programs and provide regulated access to expert player evaluation for students and their families. Individually, none of these reforms is sufficient, but taken together the Commission hopes they will improve the corrosive culture of youth basketball. Protecting, educating and developing youthful players – from the time they first enter high school – is likely to be among the most challenging and important tasks ahead.

Reference 80 - 0.19% Coverage

First, the Commission supports the NABC’s recommendation that the summer recruiting calendar for evaluating college prospects be modified to allow college coaches to attend two weekends of scholastic-sponsored events in June and to attend three weekends of NCAA-sponsored events in July (once established). The Commission further supports the requirement that once NCAA-sponsored events for July are established, NCAA coaches be limited to recruiting at those events during that time. Many of the problems associated with non-scholastic basketball occur in the summer.

Reference 81 - 0.07% Coverage

The Commission believes that additional recommendations of the NABC and others are worthy of NCAA study. It also supports the NABC’s intent to reinvigorate its Code of Ethics and disciplinary rules and enforcement.

Reference 82 - 0.15% Coverage

Most call for substantial NCAA action. Some are simple in concept, but not in execution — such as creating independent investigative and adjudicative systems. Others should be easy to execute — specific changes in the available punishments under Article 19 and in the recruiting rules. Some do not require rules changes, but instead the devotion of financial and administrative resource to planning, for example, the creation of NCAA non-scholastic basketball camps.

Reference 83 - 0.10% Coverage

The Commission is committed to completing the task that its recommendations will start. It must have a chance to review the responsive draft legislation and action plan, to provide its viewpoint and, hopefully, its affirmation of the NCAA’s plan to help ensure the success of this important effort to renew college basketball.
A Critical Discourse Analysis of the NCAA

Three-quarters of elite players indicated that the rules regarding “testing the waters” while remaining eligible are clear to them, as compared to 59% of non-elite players.

With two of the NCAA’s highest-ranking committees committing to take swift action to correct issues facing college basketball, NCAA leaders called upon their members Thursday to own the challenges facing them and to set college sports on a path guided by its long-held values.

Standing behind college sports’ stated values should not be looked at as being out of touch with modern-day realities, he said. Rather, it’s about leading college sports ahead through the foundation that has provided its respected position within higher education.

to create new opportunities to express the Association’s values, and to establish college sports as a leader in the day’s most pressing issues.

“I’d like to use this process as a time to reestablish how we think, how we feel about this thing we call the NCAA, to elevate the conversation around it,” Jones said. “If you look at the issues of the day, they didn’t exist 14 years ago. All these things have come on the horizon, and they’ve resulted in putting the NCAA on the defensive. I’d like to use this process to propel us into a role of a leader. I think it’s a great opportunity. I think society is looking for a leader, and I think that’s what we do best.”

But as Emmert agreed with the vision Jones displayed, he also stressed that the work points back to the values upon which college sports is built and illustrates the positive outcomes that result from making decisions based on those values.

“People don’t want words; they want to see action,” Emmert said. “We’ve got to fix it together. Nobody thinks it’s going to be easy. In fact, I think it’s going to be really hard. But we’ve got to get on with it. We’ve got to put our actions where our words are.”

Today, the NCAA Board of Governors and Division I Board of Directors unanimously endorsed a series of recommendations from the Commission on College Basketball. These recommendations will ensure integrity in the game, strengthen accountability in college sports and demonstrate a commitment to the well-being of student-athletes.
Dr. Rice and the members of the commission were clear. The collegiate model should be strengthened and preserved.

To achieve that, we must recommit to our core purpose as a higher education association and renew our commitment to the college degree as the centerpiece of intercollegiate athletics.

The NCAA will work with other organizations – including USA Basketball, apparel companies, the NBA and the NBPA – to make meaningful and lasting changes that will support the commission’s recommendations.

End One-and-Done. Separate the collegiate track from professional by ending one-and-done.

Greater Draft Flexibility for Student-Athletes. Allow student-athletes to test their pro prospects and maintain their college eligibility if they do not sign a professional contract.

NCAA-Certified Agents to Provide Student-Athletes with Assessment of Professional Prospects. Permit students to receive meaningful assessment of their professional prospects earlier, with assistance

Provide Resources to Make the Promise of a College Education Real. NCAA to establish fund to pay for the degree completion of student-athletes with athletic scholarships who leave member institutions after progress of at least two years towards a degree.

Enact and Impose Core Punishments with Significant Deterrent Effect. Core penalties should be increased to allow 1) 5-yr 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.

Reform Non-Scholastic Basketball and Make its Finances Transparent. NCAA should enforce rigorous certification criteria for non-scholastic basketball events that coaches attend. Events should be subject to financial disclosure, an audit of all financial relationships and payments, IRS, and other tax filings. Events must also have educational components.

Enact Changes in Rules Governing Recruiting and Coaches’ Interaction with Recruits and Student-Athletes. Reduce the influence of third parties and increase the ability of college coaches to interact with recruits and current players. We endorse adoption of a number of rule changes recommended by the National Association of Basketball Coaches.
University of Kansas men’s basketball student-athlete Silvio De Sousa must sit out the remainder of the 2018-19 season and the 2019-20 season because his guardian received payment from a university booster and agent and agreed to receive additional funds from the same person.

According to the facts provided for purposes of the reinstatement request, De Sousa’s guardian received payment of $2,500 from an agent and booster of the school. He agreed to accept additional payment of $20,000 from the same individual and an Adidas employee for securing De Sousa’s enrollment at Kansas.

Membership guidelines state the starting point for these violations is permanent ineligibility, but the NCAA staff recognized mitigation based on the specific circumstances of this case when making its decision.

When a school discovers an NCAA rules violation has occurred, it must declare the student-athlete ineligible and may request the student-athlete’s eligibility be reinstated. The NCAA staff reviews each student-athlete reinstatement request individually based on its own specific facts. This decision may be appealed to the Division I Student-Athlete Reinstatement Committee, which is comprised of representatives from NCAA schools.

"The nature of the charges brought by the federal government are deeply disturbing. We have no tolerance whatsoever for this alleged behavior.

Coaches hold a unique position of trust with student-athletes and their families and these bribery allegations, if true, suggest an extraordinary and despicable breach of that trust.

These changes will promote integrity in the game, strengthen accountability and prioritize the interests of studentathletes over every other factor.

Strengthen accountability and deter future rule-breaking with harsher penalties for those who break the rules.
Reference 1 - 2.99% Coverage
Apparel companies and other commercial entities, to establish an environment where they can support programs in a transparent way, but not become an inappropriate or distorting influence on the game, recruits or their families.

Reference 2 - 1.35% Coverage
Nonscholastic basketball, with a focus on the appropriate involvement of college coaches and others.

Reference 3 - 2.32% Coverage
Agents or advisors, with an emphasis on how students and their families can get legitimate advice without being taken advantage of, defrauded or risking their NCAA eligibility.

Reference 4 - 2.87% Coverage
The NCAA’s relationship with the NBA, and the challenging effect the NBA’s so-called “one and done” rule has had on college basketball, including how the NCAA can change its own eligibility rules to address that dynamic.

Reference 5 - 3.64% Coverage
I believe we can — and we must — find a way to protect the integrity of college sports by addressing both sides of the coin: fairness and opportunity for college athletes, coupled with the enforcement capability to hold accountable those who undermine the standards of our community.

Files\Reforms1 - Flexibility for Going Pro and Getting a Degree - § 4 references coded [11.10% Coverage]

Reference 1 - 2.41% Coverage
Depending upon future action by the NBA and the National Basketball Players Association to permit high school students to enter the draft, high school basketball players can be represented by an agent beginning July 1 before their senior year in high school, provided they have been identified as an elite senior prospect.

Reference 2 - 1.92% Coverage
All agreements between agents and high school or college student-athletes must be: In writing. Terminated when the student enrolls in or returns to college. Disclosed to the NCAA (for high school students) or the school (for students already in college).

Reference 3 - 1.96% Coverage
College basketball players who request an Undergraduate Advisory Committee evaluation, participate in the NBA combine and aren’t drafted can return to school as long as they notify their athletics director of their intent by 5 p.m. the Monday after the draft.

Reference 4 - 4.81% Coverage
Division I schools will be required to pay for tuition, fees and books for basketball players who leave school and return later to the same school to earn their degree. Former student-athletes will be eligible for financial assistance to complete their first degree if they were on scholarship and fewer than 10 years have passed since they left school. Additionally, students must have been in
school for two years before leaving. Former student-athletes also must meet all the school’s admissions and financial aid requirements and must have exhausted all other funding options to be eligible, as well as meet all NCAA academic requirements.

**Reference 1 - 6.46% Coverage**

Basketball-related events for high school students will be subject to more rigorous certification requirements to ensure transparency in operations and finances. This will address issues of corruption and help support student-athletes as they make decisions about their future. The certification criteria will be overseen by the NCAA Division I Men’s Basketball Oversight Committee, and the NCAA Enforcement Certification and Approvals Group will administer the certification program.

**Reference 2 - 6.88% Coverage**

The NCAA is pursuing agreements with apparel companies on expectations for accountability and transparency regarding their involvement in youth basketball. The NCAA Board of Governors seeks to develop agreements that require apparel companies to make annual disclosures, obtain NCAA certification for all youth basketball activities and report potential NCAA rule violations. Additionally, parties should formalize relationships in areas where interests overlap, such as playing rules and equipment standards.

**Reference 1 - 7.80% Coverage**

Changes to the investigations and infractions process create independent groups to prevent conflicts of interest. Cases deemed complex will be eligible for this independent process. Examples of complex cases include alleged violations of core NCAA values, such as prioritizing academics and the well-being of studentathletes; the possibility of major penalties; or adversarial behavior. Multiple parties will be able to request a case be deemed complex: school representatives, NCAA Division I Committee on Infractions members or NCAA enforcement staff.

**Reference 2 - 6.52% Coverage**

When a school, the NCAA Division I Committee on Infractions or NCAA enforcement staff requests a case enter the new independent process, this committee reviews and makes decisions on those requests. The committee’s five members will include one Independent Resolution Panel member (see below), one Division I Committee on Infractions member, one Division I Infractions Appeals Committee member, the Division I Council chair and the NCAA vice president of enforcement.

**Reference 3 - 2.45% Coverage**

This committee will have the ability to expand upon allegations presented by the Complex Case Unit if deemed appropriate. This is a change from the current infractions process.
New responsibilities and obligations solidify effective and fair enforcement of NCAA rules.

The chair of the Division I Committee on Infractions or the Independent College Sports Adjudication Panel can impose immediate penalties when schools or individuals do not cooperate (including loss of revenue or postseason opportunities). These bodies can consider lack of cooperation as admission of a violation.

When schools and NCAA staff agree on the facts of a case, they can work together on a resolution, including appropriate penalties, if any. This change will reduce legal fees and minimize drawn-out adversarial situations. Agreed-upon resolutions are subject to approval by the NCAA Division I Committee on Infractions.

To deter future violations, presidents, coaches and staff have stronger, clearer accountability expectations and face increased penalties if they break the rules.

Those who break the rules face stronger penalties, including longer postseason bans (up to five years), longer head coach suspensions (could extend beyond one season), longer employment limitations for coaches and staff who violate rules (potential for lifetime show-cause orders), increased recruiting restrictions and the loss of all revenue associated with the Division I NCAA Men’s Basketball Championship.

Pending adoption at the NCAA Convention in January, five independent members will be added to the NCAA Board of Governors, which is responsible for oversight of the entire Association. Each member will be nominated by the Board of Governors Executive Committee, approved by the full board and serve a threear year term, which can be renewed once. The terms of the independent board members are longer than those served by school representatives. One member, voted on annually by all the independent members, will serve as a lead independent member and can serve in that role for no more than three years.

Such action should include exposing those who conspire with coaches or athletes to commit fraud by encouraging athletes to conceal income from their institutions and receive more government or institutional aid to which they are not entitled.
The NCAA has the right and the obligation as an educational non-profit institution to limit institutional compensation of athletes to the cost of education. College sports should not be “pay for play” professional sports, but continuing to treat college athletes as employees and commodities for financial gain and entertainment instead of as students, makes it a very tough argument to continue to justify.

Reference 3 - 6.62% Coverage

In other words, there are simple changes for the association to make that positions the athlete as a student rather than an employee. The inability to separate the two has largely driven this underground economy in college sports. While the NCAA also has the right to prohibit professional athletes from participating in college sports, it shouldn’t have the right to prohibit college athletes from working outside the university, contracting with an agent and using their names, images and likenesses for private gain as long as the athlete does not use of the name or affiliation with the institution. Athletes should be allowed to earn whatever the marketplace dictates from endorsements (including the use of shoes, gloves or other items of personal sports equipment), modeling, conducting a sports camp business or giving sports lessons to others as long as the athlete does not enter into a contract to play professional sports.

Reference 4 - 4.03% Coverage

The NCAA should throw out its ingenuous use of “amateur” which really has not represented reality since the association’s beginnings in 1905, remove restrictions on agents and outside employment and treat athletes like other students. It is time for higher education to get back to its business of education by making sure athletic scholarships are guaranteed four-to-five-year grants for a college education rather than treating athletes as indentured servants so that others can get rich while denying college athletes basic rights afforded all other students.

Reference 1 - 1.92% Coverage

The Drake Group (TDG), whose mission is to defend academic integrity in higher education from the corrosive aspects of commercialized college sports, found, in response to the recently released report by the Independent Commission on College Basketball chaired by Dr. Condoleezza Rice, that the Commission got some things right, but missed the mark on several key issues regarding reform in college sports.

Reference 2 - 1.48% Coverage

An important caveat is that colleges should enable athletes to be real students with access to a quality education rather delivering a sham alternative solely designed to maintain athletics eligibility and imposing excessive athletics time demands that make it virtually impossible to fulfill academic demands.

Reference 3 - 3.59% Coverage

Although the Report correctly emphasizes the value of a college education and the necessity of it remaining the priority, the Commission only addressed academic integrity in the context of fraudulent coursework and the ill-conceived notion of institutional self-policing. It did not acknowledge the far more widespread
practice of institutions turning a blind eye to normal athletic departments practices designed to keep athletes eligible through selection of less-demanding majors, easy (or fake) courses, and friendly professors, rather than provide a real education. Transparency and oversight by every institution’s faculty senate in this area would go a long way toward showing that institutions are committed to providing a legitimate education.

Reference 4 - 1.45% Coverage

TDG believes failing to allow athletes to exploit their own NILs with strict controls was a missed opportunity. Courts decide cases based on specific and relatively narrow sets of facts and we believe the courts are not the proper place to make meaningful and appropriate decisions generally about amateurism.

Reference 5 - 0.70% Coverage

The NCAA needs to do its job which is to establish broad amateurism policy based on a thoughtful analysis and considering all stakeholder interests.

Reference 6 - 2.90% Coverage

We say, “Why wait?” The Drake Group has proposed a very specific framework for how to handle NILs in its position paper on that issue including calling for athlete reporting, conformance with marketplace value, no involvement of institutional representatives and other controls. To restrict athletes’ outside income while enriching coaches and athletic directors and allowing institutions to build lavish facilities that aid recruiting, but lack educational value, yet failing to meet athletes’ basic medical and insurance needs invites accusations of exploitation and perpetuates under-the-table payments.

References coded [16.15% Coverage]

Reference 1 - 1.92% Coverage

It also permits financially wasteful special treatment for athletes – particularly lavish athletes’- only facilities that isolate the athletes – to satisfy coaches’ insatiable appetite for a recruiting advantage, while hoping to hide the costs from the public. Real leadership on these issues would put in place practices that enhance athletes’ educational experiences and protect them from injury, abuse, and academic exploitation.

Reference 2 - 1.17% Coverage

Thus, the Drake Group believes that the present NCAA leadership is unwilling to clean out the rot in commercialized college sport and fulfill its primary responsibility to ensure the welfare of college athletes and protect the academic integrity of higher education.

Reference 3 - 1.87% Coverage

TDG Concern: All athletes should have the right to participate in a professional draft with no penalty unless they actually accept an offer of employment. Athletes should not be considered “professionals” and declared ineligible for college sport unless they sign a professional contract. If an athlete is “selected” in the draft and then decides not to turn professional, the athlete should remain eligible for college play.

Reference 4 - 2.40% Coverage
TDG Concern: The current rule limiting athletes to five paid visits is sufficient and far in excess of benefits provided to non-athlete students. All NCAA athletic programs are operating at a deficit except for 20-25 Division I FBS programs and most athletic programs are supported by institutional general funds or mandatory student fees. The Drake Group believes that five visits before college enrollment and five visits after college enrollment are sufficient. Any additional visits will add to the recruiting arms race and its associated expenses.

Reference 5 - 3.19% Coverage

TDG Concern: All NCAA member institutions should be required to do so for all athletic scholarship athletes, not just the so-called revenue sports. Basketball and football in particular are currently exploiting underprepared college athletes, many of whom are athletes of color, by waiving regular academic admission standards and compounding their academic difficulties by imposing unreasonable sport time demands. The message sent by this rule is, “Don’t worry about performing academically. We have your back if you want to return to school.” The Drake Group believes this benefit would be acceptable only if the athlete leaves in good academic standing and if the benefit were not limited to sports that generate revenues.

Reference 6 - 3.83% Coverage

Three fairly simple oversight rules previously proposed by The Drake Group could control improprieties. The member institution should be required to review written terms of any NIL agreement to ensure conformance with the following stipulations or conditions: (1) use does not include the name, marks, institutional colors, or affiliation, implied or otherwise, of the student’s institution or the use of institutional facilities or properties for such engagement; (2) the institution’s employees or others engaged by the institution are not involved (i.e., identification of possible employment opportunities, introductions, etc.) in obtaining the employment; and (3) the employer attests that the remuneration is commensurate with the going rate in that locality for services and the athlete is paid only for work specifically described and actually performed.”

Reference 7 - 1.77% Coverage

Drake Group is particularly concerned that the NCAA continues to ignore its responsibility to find member institutions guilty of academic fraud committed for the purpose of maintaining athlete eligibility. Expecting institutions to self-police in this area is unrealistic and a serious dereliction of duty with regard to the basic responsibilities of a national athletic governance organization.”
recommendations that have improved the integrity of college sports, will seek to meet with the basketball commission to outline reforms to protect the educational mission of college sports and reduce the exploitation of student athletes.

Reference 3 - 2.91% Coverage

The Commission called on the NCAA to modify a rule that now effectively allows an institution under investigation to make its own determination about the academic legitimacy of its courses. The NCAA should not be handcuffed in its authority to consider independent assessments of academic fraud, such as those made by accrediting agencies and state licensing bodies. Other loopholes in NCAA rules governing academic integrity, including the determination of what constitutes impermissible academic benefits for athletes, also need to be closed.

Reference 4 - 0.93% Coverage

“It’s clear that we need a new approach that can provide more fairness to student-athletes, while giving more teeth to the NCAA to ensure academic integrity in college sports,”

Reference 1 - 6.17% Coverage

First, the Knight Commission has recommended that independent directors be added to the NCAA governing boards. This recommendation was initially made, but not accepted, when the NCAA restructured in 2013. We think at least one of these independent directors should be a former men’s basketball player, given the role that March Madness plays in funding the NCAA and its member conferences and institutions, and in holding the NCAA together. There could be another spot among the independent directors for a former female athlete in any sport. Other independent directors could be experts in fields like athlete health, safety and wellness.

Reference 2 - 1.54% Coverage

The second broad recommendation is for the NCAA, conferences and/or institutions to develop standards to emphasize coaches’ responsibilities as educators.

Reference 2 - 1.27% Coverage

Student-Athlete Education and Development. Develop minimal professional standards that NCAA coaches will be required to meet to ensure they are prepared for their roles as educators and leaders in the development of student-athletes.

Reference 3 - 1.56% Coverage

The Rice Commission report recommended new financial requirements for non-scholastic basketball events attended by NCAA coaches, and called on shoe and apparel companies to “implement financial transparency and accountability with respect to their own investments in non-scholastic basketball.” The Knight Commission supports these measures but believes that standards must be set higher for NCAA schools and college coaches than for those not directly affiliated with the NCAA.

Reference 3 - 1.56% Coverage

The Commission on College Basketball concluded that “NCAA schools are not doing enough to
develop the next generation of coaches.” The Knight Commission agrees with that conclusion and recommends the development of minimal professional standards that NCAA coaches must meet to ensure they are prepared for their roles in the education and development of student-athletes. Such standards could require the completion of different levels of coaching licenses or professional certificates to redress the profession’s lax — and in some cases nonexistent — certification and licensure standards.

Reference 4 - 0.75% Coverage

In a separate discussion related to NCAA transfer rules, the Knight Commission supported the NCAA’s efforts to eliminate the requirement that student-athletes must seek permission to transfer from their institution to receive an athletics scholarship from their second institution.

Reference 1 - 1.53% Coverage

No university can give the right to any employee to have a contract with shoe, equipment, and apparel companies that is expressly or indirectly contingent on players wearing or using the companies’ equipment or products. Such contracts must be made only with the university.

Reference 2 - 3.99% Coverage

Reinstate the requirement for coaches and other administrators to receive approval from the university CEO to receive any athletically-related outside income (e.g., income from shoe, equipment and apparel companies). Further, strengthen this requirement by specifying that the amount of income approved must be given in writing and prior to the receipt of such income. [Note: This requirement would bring back and strengthen a requirement first adopted in 1992 at the Knight Commission’s urging but rescinded in 2016.] In addition, university presidents should be required to annually report to their governing boards the amounts and sources of athletically-related outside income received by employees.

Reference 3 - 2.73% Coverage

The Rice Commission report recommended new financial requirements for non-scholastic basketball events attended by NCAA coaches, and called on shoe and apparel companies to “implement financial transparency and accountability with respect to their own investments in non-scholastic basketball.” The Knight Commission supports these measures but believes that standards must be set higher for NCAA schools and college coaches than for those not directly affiliated with the NCAA.

Reference 4 - 3.41% Coverage

The Knight Commission is concerned about the implications of the National Association of Basketball Coaches’ proposal to allow non-coaching personnel, such as basketball video analysts, to engage in coaching activities. While the Knight Commission supports professional development efforts, it cautions against any changes that will lead to further proliferation of coaching staff members and the inability to enforce reasonable personnel limits. The ratio of money spent on coaching and noncoaching personnel, compared to other program areas and student-athlete support, is already badly skewed.

Reference 5 - 1.72% Coverage
The Knight Commission supports the Commission on College Basketball suggestion for the NBA and its players association to change the NBA draft eligibility rule but cautions that allowing students to turn pro without a high school diploma could undermine educational attainment among high school players.

Student-Athlete Education and Development. Develop minimal professional standards that NCAA coaches will be required to meet to ensure they are prepared for their roles as educators and leaders in the development of student-athletes.

As we have stated previously, we believe this is a rare moment of opportunity to reform not only men’s basketball but the NCAA itself to restore public faith in the organization’s ability to be an effective steward of big-money college sports.

Apparel companies and other commercial entities, to establish an environment where they can support programs in a transparent way but not become an inappropriate or distorting influence on the game, recruits or their families.

Agents or advisors, with an emphasis on how students and their families can get legitimate advice without being taken advantage of, defrauded or risking their NCAA eligibility.

The NCAA’s relationship with the NBA and the challenging effect the NBA’s so-called “one and done” rule has had on college basketball, including how the NCAA can change its own eligibility rules to address that dynamic.

Duties and Responsibilities of the Commission. The commission will gather information and expert opinions for making transformative recommendations to the DI Board of Directors and NCAA Board of Governors on the needed legislation, policies, actions and structure(s) to protect the integrity of college sports, with a focus on Division I men’s basketball. The goal is for the commission to complete its work with a report to the boards for action at their April 2018 meetings.

First, we must separate the collegiate track from the professional track by ending one and done.
We call on the NBA and the NBPA, who exclusively have the power here, to once again make 18-year-olds eligible for the NBA draft so that high school players who are drafted may proceed directly to the NBA. Should the NBA and NBPA decide not to do so – the Commission will reconvene and consider other measures, including freshman ineligibility and/or the “lock-up” of scholarships for a specified period of time.

Reference 2 - 0.65% Coverage

Elite high school and college basketball players tend to misjudge their professional prospects. Erroneously entering the NBA draft is not the kind of misjudgment that should deprive student-athletes of the valuable opportunity to enter college or to continue in college while playing basketball.

Reference 3 - 1.86% Coverage

I want to note that the Commission seriously considered, but is not recommending, the NBA’s and NBPA’s adoption of a version of the “baseball rule” which would make student-athletes who attend college ineligible for the draft or the G League for two or three years. By requiring students who choose the collegiate path to make a long-term commitment to their education, the baseball rule increases the number of student-athletes who ultimately earn degrees. However, it would also keep collegiate players ready for the NBA in school against their will, where they will be potentially disgruntled magnets for corrupt money and the undermining of the collegiate model. Players with professional earning power should be able to choose a professional path. The Commission’s additional recommendations will make it easier for them to return and complete their degrees.

Reference 4 - 0.95% Coverage

The Commission believes student-athletes must have the information they need to understand their real choices and be better positioned to take advantage of either the collegiate or professional path they choose. Players should be able to receive meaningful assessment of professional prospects earlier with assistance from certified agents. If NCAA rules do not allow them to receive that advice openly, they will often seek it illicitly.

Reference 5 - 0.89% Coverage

We recommend that the NCAA and its member institutions develop strict standards for certifying agents and allow only those NCAA-certified agents to engage with student-athletes at an appropriate point in their high school careers as determined by the NCAA. The NCAA should appoint a Vice-President level executive who, among other responsibilities, would develop these standards and administer this program.

Reference 6 - 1.47% Coverage

That said, most Commissioners believe that the rules on name, image, and likeness should be taken up as soon as the legal framework is established. It is hard for the public, and frankly for me, to understand what can be allowed within the college model – for the life of me I don’t understand the difference between Olympic payments and participation in Dancing with the Stars – and what can’t be allowed without opening the door to professionalizing college basketball. Personally, I hope that there will be more room in the college model today for this kind of benefit to students without endangering the college model itself. And let me just say that I hope Arike wins Dancing with the Stars.
First, the NCAA should create independent investigative and adjudicative arms to address and resolve complex and serious cases involving violation of NCAA rules. As of now, volunteers who are members of fellow NCAA member institutions resolve these cases, and during our Commission testimony not a single stakeholder supported the current system for handling high-stakes infractions. Today’s current state where an entire community knows of significant rule breaking and yet the governance body lacks the power or will to investigate and act breeds cynicism and contempt.

To restore credibility to this process, the investigation, enforcement and resolution of high stakes cases must be placed in the hands of independent professionals. A panel of professional adjudicators, appointed for a term of years, must make final and binding decisions and must have the authority to impose substantial punishments, including the loss of post-season play and the revenues from post-season play.

Relatedly, the Commission recommends a significant expansion in individual accountability for rules violations for coaches, athletic directors, and college presidents. We recommend that the NCAA amend its rules to require colleges to include in the employment contracts of administrators and coaches’ individual contractual obligations to cooperate with NCAA investigations, including financial disclosure, and individual agreement to submission to NCAA enforcement proceedings, decisions and discipline – up to and including discharge. A failure to cooperate should trigger penalties – up to and including a five-year ban on participation in the tournament and loss of revenue.

The NCAA must have jurisdiction to address academic fraud and misconduct to the extent that it affects student-athletes’ eligibility. Member institutions can no longer be permitted to defend a fraud or misconduct case on the ground that all students, not just athletes, were permitted to “benefit” from that fraud or misconduct.

The Commission recommends the NCAA take short and long-term actions to reform nonscholastic basketball and disassociate itself and its member institutions from the aspects of non-scholastic basketball where transparency and ethical behavior cannot be assured. We believe non-scholastic basketball must be reformed by making its finances transparent.

In the short term, we recommend the NCAA promptly adopt and enforce rigorous criteria for certifying the non-scholastic basketball events that its coaches attend. To certify a nonscholastic basketball event, the owners, event operators, sponsors and coaches for the event must agree to financial transparency.

With respect to the longer term, the Commission recommends that, with a goal of 2019, the NCAA work with USA Basketball, the NBA, the NBPA and others to establish and administer
new youth basketball programs.

Reference 14 - 0.69% Coverage

That development would include not only basketball, but also academic and life skills, health and collegiate eligibility. One centerpiece of this program would be NCAA-administered regional non-scholastic basketball events in July that would be the only ones that NCAA coaches attend in that crucial recruiting month.

Reference 15 - 1.05% Coverage

It is clear for all to see that current structure and system simply isn’t working. The Commission recommends that the NCAA restructure its highest governance body, the Board of Governors, to include at least five independent public members with voting rights, and who have the experience, stature and objectivity to assist the NCAA in reestablishing itself as an effective leader and regulator of college sports. One of these public members should also serve on the NCAA’s Executive Board.

Files\CCB3 - Official Report - § 55 references coded [ 10.44% Coverage]

Reference 1 - 0.07% Coverage

The indictments handed down by the Justice Department and the ongoing FBI investigation spurred the NCAA to ask for this report. Whatever the outcome of the legal process, radical changes are long overdue.

Reference 2 - 0.13% Coverage

The one-and-done regime may have provided some benefits for the NBA and the NCAA in the past, but all stakeholders agree that the downsides now outweigh any benefits. One-and-done has played a significant role in corrupting and destabilizing college basketball, restricting the freedom of choice of players, and undermining the relationship of college basketball to the mission of higher education.

Reference 3 - 0.12% Coverage

We fear that, should the NBA and the NBPA make 18 the minimum age for entry into the NBA, the growing trend of reclassification will accelerate, creating a new generation of 17-year-old one-and-done players. The Commission urges the NCAA to monitor this situation and to enact appropriate rule changes if that potential abuse occurs with the end of one-and-done.

Reference 4 - 0.13% Coverage

In that circumstance, the Commission will reconvene and consider the other tools at its disposal. These could range from the baseball rule, to freshman ineligibility, to “locking up” scholarships for three or four years if the recipient leaves the program for the NBA after a single year. That would be a disincentive to recruit an athlete for a one-year run at the title. In short, the current situation is untenable.

Reference 5 - 0.11% Coverage

Players who transfer are less likely to complete their education means that transferring should not be made easier for basketball’s sake.
Elite high school and college players need earlier professional advice, including whether to declare for the draft or whether college basketball offers a superior pathway. If NCAA rules do not allow them to receive that advice openly, they will often seek it illicitly.

As described below, in its specific recommendations about non-scholastic basketball, the Commission urges additional efforts at educating high school players about their professional and collegiate prospects, NCAA eligibility rules, their health and more. Student-athletes must have the information they need to understand their real choices and be better positioned to take advantage of either the collegiate or the professional path they choose.

receive benefits such as academic support, meals, travel, coaching, trainers, career advice and more. The value of these extra benefits may be tens of thousands of dollars annually.10 The value of their lifetime earnings averages $1 million.11

As noted above, for student-athletes who receive a degree, the enhanced Again, the Commission agrees that for these benefits to be realized, colleges must make good on their commitment to assist student-athletes in earning their degrees.

If a college or university is using a student-athlete’s NIL for commercial purposes, the school must ask that student-athlete for consent, which must be voluntarily given. See also NCAA Bylaw 12.5 (Promotional Activities) (describing permissible and nonpermissible uses). When the legal parameters relevant to this issue are clearer,12 the Commission also believes that the NCAA should reconsider its treatment of student-athletes’ NIL.

In the current uncertain legal setting, however, the Commission has decided to focus its recommendations on supporting the college model. It seeks to address the charge of player exploitation in other ways – specifically, by opening and keeping open a player’s professional pathway, by welcoming the return of undrafted players, by funding degree completion by athletes who return to school, by providing benefits that allow student-athletes to be both students and athletes

significant punishment on those who undermine the premise that student-athletes must receive an education that is valuable, not a pretense.

The Commission recommends that the NCAA create independent investigative and adjudicative arms to address and resolve complex and serious cases (hereafter “complex cases”) involving violations of NCAA rules.
Stakeholders informed the Commission that when the stakes are high, colleges are not complying with the NCAA’s shared governance and cooperative principles and NCAA rules often are not enforced. Specifically, the NCAA’s investigative and enforcement powers are inadequate to effectively investigate and address serious violations of NCAA rules in consequential situations.

Reference 14 - 0.14% Coverage

No stakeholder supported the current system for handling high-stakes infractions. Many informed us that when the U.S. Attorney’s Office announced the charges that led to this Commission, the reaction was that “everyone knows” that these payments occur. That state of affairs – where the entire community knows of significant rule breaking and yet the governance body lacks the power or will to investigate and act – breeds cynicism and contempt.

Reference 15 - 0.03% Coverage

The NCAA’s investigative and enforcement processes require a complete overhaul.

Reference 16 - 0.15% Coverage

Complex cases must be thoroughly investigated, and resolved by neutral professional adjudicators, with authority to impose punishment that will have a significant deterrent effect. The investigative arm must be independent and empowered to require the cooperation of witnesses and the production of documents, including financial information, from NCAA member institutions and their employees and contractors, with significant penalties for non-cooperation.

Reference 17 - 0.11% Coverage

The Commission recommends that the NCAA enact significant increases in the penalties imposed on institutions and individuals for violations of NCAA rules. Currently, the rewards for violating the rules far outweigh the risks. To reverse this calculation, the Commission recommends a number of changes in the NCAA’s penalty structure.

Reference 18 - 0.21% Coverage

First, the Commission recommends the following increases in the core penalty structure: (i) increase the competition penalties for Level I violations to allow a five-year post-season ban; (ii) increase the financial penalties for Level I violations to allow loss of all revenue sharing in post-season play, including the NCAA tournament, for the entire period of the ban; (iii) increase the penalties for a show-cause order to allow life-time bans; (iv) increase the penalties for head coach restrictions to allow bans of more than one season; and (v) increase the penalties for recruiting visit violations to allow full-year visit bans.

Reference 19 - 0.26% Coverage

Finally, among other substantive rules changes, the Commission recommends that the NCAA revise and clarify its role in addressing academic fraud or misconduct by member institutions and make application of those rules consistent. The NCAA must have jurisdiction to address academic fraud and misconduct to the extent it affects student-athletes’ eligibility. Member institutions cannot be permitted to defend a fraud or misconduct case on the ground that all students, not just athletes, were permitted to “benefit” from that fraud or misconduct. Coaches, athletic directors and university presidents must be held accountable for academic fraud about which they knew or should have known. The standards and punishment for academic
fraud must be clarified and then enforced consistently.

Reference 20 - 0.23% Coverage

Virtually all of the top recruits for each collegiate recruiting class participate in non-scholastic basketball. The Commission recommends that the NCAA take short and long-term actions to reform non-scholastic basketball and disassociate the NCAA and its member institutions from the aspects of non-scholastic basketball where transparency and ethical behavior cannot be assured. As part of this effort, the Commission recommends that the NCAA partner with USA Basketball, the NBA, the NBPA and others to create and administer new resources and programs for youth basketball development, including substantial regional camps for collegiate prospects in July where NCAA coaches would evaluate players.

Reference 21 - 0.38% Coverage

With respect to the longer term, the Commission recommends that with a goal of 2019, the NCAA work with USA Basketball, the NBA and the NBPA and others to establish and administer new youth basketball programs. We would expect the NCAA to devote significant resources and attention to these programs. Briefly, the Commission proposes that youth basketball players be identified and developed at three levels: Level 1, players with National Team potential; Level 2, players with Highest Collegiate potential; and Level 3, players with Collegiate potential. At each level, players would have to be identified, developed and evaluated by appropriate stakeholders. Critically, that development would include not only basketball, but also academic and life skills, health and collegiate eligibility. One centerpiece of this program would be NCAA-administered regional non-scholastic basketball events in July that NCAA coaches would exclusively attend. The Commission also recommends that the NCAA – in collaboration with USA Basketball, the NBA, the NBPA, the WNBA and the WNBPA – consider similar initiatives to enhance the development of young women basketball players.

Reference 22 - 0.16% Coverage

In support of the allegation that the NCAA’s investigative powers are insufficient, many stakeholders noted that when the U.S. Attorney’s Office announced the charges that prompted the NCAA to establish this Commission, no one in the relevant community expressed surprise and many stated that “everyone knows” that these kinds of payments occur. Where an entire community is aware of substantial rule breaking and the governance body fails to act, the result is cynicism and contempt.

Reference 23 - 0.33% Coverage

Amateurism. The Commission also heard from critics of current NCAA rules regarding amateurism. NCAA rules require that students who play for college teams qualify as “amateurs” and continue to be so qualified throughout their collegiate years. Although there are exceptions and complexities, the Bylaws forbid college athletes to receive compensation in any form in the sport, to accept a promise of pay, to sign a contract or commitment to play professional athletics, to receive consideration from a professional sports organization, to compete on a professional team and to enter into an agreement with an agent. In addition, a student-athlete cannot receive preferential treatment, benefits or services because of his athletic reputation or skill, unless specifically permitted by NCAA rules. NCAA Division I Bylaws 12.1.1.2.1 (Amateur Status After Certification); 12.1.1.1.3 (Eligibility for Practice or Competition), 12.1.2 (Amateur Status); 12.1.2.1.6 (Preferential Treatment, Benefits or Services).
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.

Penalties. Finally, most stakeholders believe that the NCAA must have authority to impose harsher penalties on schools, coaches and administrators (including presidents) who violate the rules or know of rules violations and do nothing or who fail to cooperate with NCAA investigators. There was a strong sentiment that the NCAA must have the ability to impose loss of post-season play, including the NCAA tournament, and loss of revenue from post-season play on those who commit serious infractions and those who decline to cooperate with NCAA investigations. They believe that the availability – and utilization – of these penalties would get presidential and board-level attention at colleges. These persons further note that administrators, athletic directors and coaches who violate the rules often move on to other member institutions, and do not pay a significant price for violations that occur on their watch. Moreover, the institutions that hire individuals who have violated the rules pay no significant price for taking the risk of hiring past offenders.

A number of stakeholders expressed the view that one way to lessen the negative influence of non-scholastic basketball event operators and coaches would be for the NCAA to administer its own regional non-scholastic basketball camps in July and to restrict NCAA coaches to those NCAA camps for July. Coaches would be able to see numerous elite high school players in one location, in theory without the need for an advance blessing from a non-scholastic basketball coach.

In sum, numerous players provide value to their schools and to third parties who may benefit from their success, and they and/or their families may receive offers of financial support for choices that they make. Some players and/or their families may be in challenging financial circumstances; others may become accustomed to receiving financial support and benefits even before attending a college or university. Studentathletes are currently restricted in their ability to earn income related to their status as student-athletes while matriculating. See, e.g., NCAA Division I Bylaw 12.1.2 (Amateur Status). Thus, players or their families may be offered and receive money the NCAA rules prohibit them from taking, and coaches and others associated with NCAA member institutions may be involved in those payments or themselves take payments to influence players in a variety of ways.

The NCAA’s basic purpose is “to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body and, by so doing, retain a clear line of demarcation between intercollegiate athletics and professional sports.” NCAA Constitution 1.3.1 (Basic Purpose). Member institutions are responsible for controlling their intercollegiate athletics program “in compliance with the rules and regulations of” the NCAA. NCAA Constitution 2.1.1 (Responsibility for Control). “It is the responsibility of each member institution to establish and maintain an environment in which a student-athlete’s
activities are conducted as an integral part of the student-athlete’s educational experience.” NCAA Constitution 2.2.1 (Overall Educational Experience). The Commission’s recommendations seek to support and further both the NCAA’s purpose and its members’ acceptance of responsibility for its achievement.

Reference 29 - 0.11% Coverage

Eliminating one-and-done players from college basketball will remove the group of most likely future professionals, and the associated potential for corrupt payments from agents. Allowing collegiate players who become clear professional prospects to depart when they choose to do so should similarly lessen the temptation to cheat while in college.

Reference 30 - 0.19% Coverage

Student-athletes, of course, are not the only ones subject to these financial temptations. The potential financial benefits that these players bring to a college can also corrupt the school’s academic program and standards; schools might offer special benefits to these athletes in violation of NCAA rules or dilute the education of all students. Finally, the matriculation of players virtually certain to attend school for a short time primarily to play Division I basketball is a public acknowledgement that certain student-athletes will not, as a practical matter, be college students.

Reference 31 - 0.10% Coverage

The Commission is optimistic that the NBA and the NBPA will agree with its assessment. If the NBA and the NBPA are unable to negotiate an end to one-and-done by the end of 2018, however, the Commission will reconvene and reassess the viability of some of these alternative tools. The current situation is unacceptable.

Reference 32 - 0.31% Coverage

The Commission also has concluded that the NCAA should retain one aspect of the current transfer rule, which provides that players who transfer must sit out a season before returning to college basketball competition. NCAA Division I Bylaw 14.5.1 (Residence Requirement – General Principle). Students who transfer face serious disadvantages in completing their degrees, and are less likely to do so. Despite this issue, over the last few years, hundreds of players transfer each year, and the trend is upward.22 Division I basketball players who transfer overwhelmingly do so in order to be in a better “basketball situation,” without regard for earning their degrees. Moreover, third parties influence many transfers for their own purposes, often without the best interests of the player in mind. Thus, the Commission recommends that the “residence requirement” of the transfer rule remain in place, whatever other changes are made in the NCAA’s transfer rules.

Reference 33 - 0.33% Coverage

Current NCAA rules forbid players, their families and their associates to enter into written or oral agreements with, or to receive benefits from, individuals whom NCAA rules define as “agents”24 Yet, virtually all agents with whom the Commission met or their employees. However, the Commission was advised that agents court elite players from an early age, and that many such players are paid, either directly or indirectly.25
advised the Commission not to allow high school or collegiate athletes to enter into agreements with agents in advance of their professional careers. They generally thought that this would simply increase the influence of corrupt agents at an even earlier age. Instead, agents recommended creating opportunities for “good” agents to talk with high school and collegiate players and make their cases so that players would have all available options before they enter the professional market. The Commission intends NCAA-certification to provide these opportunities for “good” agents.

Reference 34 - 0.11% Coverage

Players and families desperate for information are entering into relationships with agents, sometimes as early as the player’s sophomore year of high school. The NCAA should bring these conversations into the light and allow elite players to discuss their prospects with agents whom it certifies under NCAA-approved standards.

Reference 35 - 0.28% Coverage

One aspect of this debate is particularly relevant to the Commission’s mandate. Paying modest salaries to Division I basketball players will not address the particular corruption the Commission confronts; nor will providing student-athletes a modest post-graduation trust fund based on licensing of names, images and likenesses. None of the contemplated payments would be sufficient to reduce the corrupt incentives of third parties who pay certain uniquely talented players in the hope of latching onto their professional futures, of coaches and boosters seeking to secure the success of their programs, or of colleges willing to undermine their education mission to ensure the eligibility of players. One would have to adopt a full-scale professional model to forestall that corruption or, as the Commission recommends, try instead to revitalize the college model.

Reference 36 - 0.12% Coverage

The court stated that “[t]he difference between offering student-athletes education-related compensation and offering them cash sums untethered to educational expenses is not minor: it is a quantum leap. Once that line is crossed, we see no basis for returning to a rule of amateurism and no defined stopping point.” O’Bannon v. NCAA, 802 F.3d 1049, 1078 (9th Cir. 2015) (emphasis added).

Reference 37 - 0.23% Coverage

But, in the current legal circumstances, the Commission decided to address the charge of exploitation by providing individual student-athletes with access to professional opportunities, and ensuring that the student portion of student-athlete is real. Specifically, the Commission recommends allowing student-athletes with a professional pathway to make the choice to leave college every year, creating resources so that they can make an informed choice whether to do so, welcoming back student-athletes whom the NBA does not draft, making a serious financial commitment to degree completion and severely punishing those who undermine the premise that student-athletes must receive a valuable – not a sham – education.

Reference 38 - 0.29% Coverage

In sum, the Commission recognizes that the money generated by Division I basketball makes its task extremely difficult. Nonetheless, the Commission recommends changes intended to expand the professional opportunities of high school athletes who do not wish to attend college, to blunt
the incentives to corrupt major college sports, to increase the likelihood that colleges, coaches and administrators participating in corruption will be punished, and to help student-athletes receive the college education they are promised. To meet the latter obligation, the NCAA must establish a substantial fund to assist its member institutions in fulfilling their commitment to student-athletes and mandate that its members establish degree completion programs. This recommendation will be expensive; but in today’s world, it is necessary to provide meaning to the phrase student-athlete.

Reference 39 - 0.44% Coverage

The NCAA Bylaws require member institutions, their staff and student-athletes to cooperate in NCAA investigations. See, e.g., NCAA Division I Bylaw 19.2.3 (Responsibility to Cooperate). A failure to cooperate is one factor the NCAA can consider in assessing penalties. NCAA Division I Bylaw 19.9.2 (Factors Affecting Penalties). This regime has proved insufficient. The NCAA also must adopt rules that require member institutions and their personnel to cooperate with NCAA investigations, with a failure to respond to investigators’ requests promptly bearing significant consequences, including loss of post-season eligibility and revenues. Specifically, to participate in Division I basketball, member institutions and their presidents, administrators, and coaches must agree to cooperate with NCAA investigations, including by providing documents and testimony where sought by NCAA investigators. In addition, while the NCAA does not have subpoena power, it can adopt rules requiring as a condition of membership, that member institutions enter into contractual agreements to cooperate in investigations and that member institutions contractually impose the same requirement of cooperation on presidents, administrators and coaches. NCAA rules should specifically protect whistleblowers who report and provide evidence of violations.

Reference 40 - 0.19% Coverage

The NCAA is certainly not blameless for its failure to address the corruption in college basketball that led to the recent prosecutions, but the primary failures belong to the individuals at colleges and universities who allowed their programs to be corrupted, averting their eyes to keep the money flowing. With enhanced individual accountability, the Commission believes that more college presidents and athletic directors will find it beneficial to adopt and enforce comprehensive compliance programs. See also NCAA Constitution 2.1 (Principle of Institutional Control and Responsibility).

Reference 41 - 0.36% Coverage

In terms of substantive rules changes, the NCAA’s jurisdiction with respect to academic issues must be clarified, stated in amended rules and communicated to member institutions. The rules must be amended to allow the NCAA to address all academic fraud and cheating to the extent it is used to corrupt athletic eligibility. Member institutions should not be able to shield academic fraud to ensure athletic eligibility by extending that fraud to the entire student body. In addition, the NCAA’s imposition of discipline for academic fraud and misconduct has been inconsistent and untimely. The relationship between punishment and the school’s involvement, including its self-reporting, is unclear. Member institutions do not fulfill their commitment to student-athletes when they allow them to maintain eligibility through academic fraud or misconduct. The NCAA must also amend its rules to clarify the standard for academic fraud and misconduct and to establish consistent punishments for the violations of these rules. Going forward, the NCAA must apply a revised standard consistently across member institutions.
Finally, in connection with its certification of agents who may engage in sanctioned on-campus meetings with high school and college students, the NCAA must enact rules to ensure that agents who participate in rules violations are punished. As noted above, agents who participate in violations of NCAA rules must lose their certification and be banned from NCAA-certified non-scholastic basketball events. Decertified agents may not pass along their student-athlete clients to others in their agencies. In addition, the Commission recommends that the NCAA report any agents’ participation in NCAA rule violations to the NBPA. The Commission believes that the NBPA would be willing to punish and potentially decertify agents who participate in violations of NCAA rules. Indeed, the NBPA is currently focused on improving the quality and ethics of the agents it certifies. The NBPA has a large stick and its efforts in increasing the standards for certification and in regulating agents will be invaluable to the NCAA’s efforts to limit the influence of corrupt agents.

Any person or entity that sponsors a summer league, team or event must disclose any payments made to or received from any coach, event operator, owner or any other entity associated with that league, team or event. Any coach, event operator, owner or other entity associated with that summer league, team or event must disclose any payment received that is related to the event and how the payments will be expended. The Commission leaves to the NCAA the design of the disclosure forms and the details of the requirements, but it must require the provision of any nonprofit organization’s financial filings with the government and full financial transparency – going both ways – for non-scholastic basketball sponsors, event operators and coaches.

The Commission further recommends that the NCAA enforce existing requirements and impose additional prerequisites for certification of non-scholastic basketball events. Current NCAA rules require as a condition of certification that nonscholastic basketball events contain an educational component. That requirement is not effectively administered and enforced – a missed opportunity. Moreover, the NCAA should enforce limits on the paid travel and other benefits associated with the events, and require commercially standard charges for admission (where allowed) and programs (rather than allowing individualized expensive arrangements for college coaches). Further, the certification should specifically state that NCAA enforcement personnel have unfettered access to any event, including physical access to the venue and the ability to inspect all financial documentation associated with the event.

In this section, the Commission recommends significant changes to the resources and programs available for the development of young, pre-collegiate players, ideally by the summer of 2019. Allowing players to enter the professional ranks earlier brings with it the responsibility to provide appropriate resources for earlier development. We acknowledge that institutional influence—by USA Basketball, the NCAA, and the NBA and the NBPA—has been largely missing in this space for the past 20 years and that nonscholastic basketball has been largely ungoverned. We strongly recommend that the named institutions lend their expertise and, wherever possible, work together to provide an alternative to the individual and corporate influences which currently dominate precollegiate youth basketball particularly in the summer. In the Commission’s view, the NCAA, USA Basketball, the NBA and the NBPA all have
significant institutional interests in developing prominent roles in non-scholastic basketball, particularly in the areas of player identification, development and evaluation. There is a great deal of work to be done in the development of pre-collegiate players, and the three institutions should also welcome partners and sponsors willing to work within the standards, disciplines, and accountability these institutions will bring to youth development.

Reference 46 - 0.14% Coverage

The Commission makes distinctions among three levels of players in addressing pre-collegiate youth development: Level 1 for those players across the four high school years with identified National Team Potential, Level 2 for those players across the four high school years with identified Highest Collegiate Potential, and Level 3 for those players across the four high school years with identified Collegiate Potential.

Reference 47 - 0.14% Coverage

At Level 1, USA Basketball with the NBA should take the lead in organizing and implementing a program targeting this tier of players. USA Basketball with the NCAA should take the lead in organizing and implementing Level 2, and the NCAA should take the lead in organizing and implementing Level 3. Each of the stakeholders will need to bring commitment, experience, financial resources, and the necessary authorities to this shared effort.

Reference 48 - 0.27% Coverage

Player identification. USA Basketball will be primarily responsible for the identification of those players with the highest potential for Level 1 (Junior National Teams). The NCAA will be primarily responsible for identification of those players with the highest potential for Levels 2 and 3. The Commission understands that college coaches annually identify the prospects they seek to recruit using electronic databases and recruiting services. Based on these systems, players can be assigned to an appropriate level based on the interest shown in them. As a further step to ensure that players are properly identified, the Commission recommends that USA Basketball, the NCAA, and the NBA and NBPA establish a “collaborative advisory group” to annually review and validate the player identification and player evaluation processes.

Reference 49 - 0.09% Coverage

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.

Reference 50 - 0.06% Coverage

Finally, the Committee recommends that participation in NCAA summer events be limited to students making appropriate academic progress towards initial college eligibility.

Reference 51 - 0.14% Coverage

Player evaluation. The most important outcome of player evaluation is a realistic assessment of a player’s potential. The Commission recommends that a “collaborative advisory group” among the NCAA, USA Basketball and the NBA and NBPA be established to provide a realistic assessment of professional potential to players in Levels 1 and 2. Importantly, the Commission believes these evaluations must be transparent and accessible.
In conclusion, the Commission received extensive commentary about the corruption prevalent in youth basketball organized outside the high school academic setting. We believe that the only way to mitigate the influence of third parties (who may not be working in the best interest of young, talented players) is to introduce financial transparency and accountability to all such entities, establish NCAA youth development programs and provide regulated access to expert player evaluation for students and their families. Individually, none of these reforms is sufficient, but taken together the Commission hopes they will improve the corrosive culture of youth basketball. Protecting, educating and developing youthful players – from the time they first enter high school – is likely to be among the most challenging and important tasks ahead.

The Commission believes that additional recommendations of the NABC and others are worthy of NCAA study. It also supports the NABC’s intent to reinvigorate its Code of Ethics and disciplinary rules and enforcement.

Most call for substantial NCAA action. Some are simple in concept, but not in execution — such as creating independent investigative and adjudicative systems. Others should be easy to execute — specific changes in the available punishments under Article 19 and in the recruiting rules. Some do not require rules changes, but instead the devotion of financial and administrative resource to planning, for example, the creation of NCAA non-scholastic basketball camps.

The Commission is committed to completing the task that its recommendations will start. It must have a chance to review the responsive draft legislation and action plan, to provide its viewpoint and, hopefully, its affirmation of the NCAA’s plan to help ensure the success of this important effort to renew college basketball.
“We can’t run away from change,” Emmert said. “We need to be the leaders in managing change, not getting whipsawed by it.”

That committee, composed of members of some of the key NCAA committees and each division’s Student-Athlete Advisory Committee, was formed to help better connect student-athletes with national policymaking.

The strategic plan was last updated in 2004 to focus on academic reform, leading to improved tracking of graduation rates and the academic performance of athletes, and led to penalties for programs that failed to meet standards.

“I’d like to use this process as a time to reestablish how we think, how we feel about this thing we call the NCAA, to elevate the conversation around it,” Jones said. “If you look at the issues of the day, they didn’t exist 14 years ago. All these things have come on the horizon, and they’ve resulted in putting the NCAA on the defensive. I’d like to use this process to propel us into a role of a leader. I think it’s a great opportunity. I think society is looking for a leader, and I think that’s what we do best.”

Dr. Rice and the members of the commission were clear. The collegiate model should be strengthened and preserved.

To achieve that, we must recommit to our core purpose as a higher education association and renew our commitment to the college degree as the centerpiece of intercollegiate athletics.

End One-and-Done. Separate the collegiate track from professional by ending one-and-done.

Greater Draft Flexibility for Student-Athletes. Allow student-athletes to test their pro prospects and maintain their college eligibility if they do not sign a professional contract.

NCAA-Certified Agents to Provide Student-Athletes with Assessment of Professional Prospects. Permit students to receive meaningful assessment of their professional prospects earlier, with assistance.

Provide Resources to Make the Promise of a College Education Real. NCAA to establish fund to pay for the degree completion of student-athletes with athletic scholarships who leave member
institutions after progress of at least two years towards a degree.

Reference 7 - 2.90% Coverage

Reform Non-Scholastic Basketball and Make its Finances Transparent. NCAA should enforce rigorous certification criteria for non-scholastic basketball events that coaches attend. Events should be subject to financial disclosure, an audit of all financial relationships and payments, IRS, and other tax filings. Events must also have educational components.

Reference 8 - 2.79% Coverage

Enact Changes in Rules Governing Recruiting and Coaches’ Interaction with Recruits and Student-Athletes. Reduce the influence of third parties and increase the ability of college coaches to interact with recruits and current players. We endorse adoption of a number of rule changes recommended by the National Association of Basketball Coaches.

Files\NCAA3 - NCAA Provides Reinstatement Decision for Kansas’ Silvio De Sousa - § 1 reference coded [ 8.91% Coverage]

Reference 1 - 8.91% Coverage

When a school discovers an NCAA rules violation has occurred, it must declare the student-athlete ineligible and may request the student-athlete’s eligibility be reinstated. The NCAA staff reviews each student-athlete reinstatement request individually based on its own specific facts. This decision may be appealed to the Division I Student-Athlete Reinstatement Committee, which is comprised of representatives from NCAA schools.

Files\NCAA4 - NCAA Statement from Mark Emmert on Federal Investigation - § 2 references coded [ 14.84% Coverage]

Reference 1 - 9.19% Coverage

Coaches hold a unique position of trust with student-athletes and their families and these bribery allegations, if true, suggest an extraordinary and despicable breach of that trust.

Reference 2 - 5.65% Coverage

We learned of these charges this morning and of course will support the ongoing criminal federal investigation.”

Files\NCAA5 - NCAA to Help Certify June Basketball Events - § 7 references coded [ 18.68% Coverage]

Reference 1 - 1.54% Coverage

The announcement clears a path for more schools to play an increased role in developing young basketball players in the summer and providing them with additional opportunities to be seen and recruited by college coaches.

Reference 2 - 4.94% Coverage

“The new June scholastic events initiative is an important and ambitious effort to support the increased engagement of high school coaches with college coaches in the recruiting experience for young players and their families,” said Dan Gavitt, NCAA senior vice president of basketball. “Our members made clear that this needed to be an inclusive process so that eventually as many players and schools as possible have the opportunity to participate. This step
opens that door wider and provides the foundation to grow June over time into a beneficial period to help the next generation of college basketball players develop their skills and be recognized by coaches in a positive, educational environment.”

Reference 3 - 1.69% Coverage

The NCAA criteria announced Tuesday will be used to certify schools not affiliated with NFHS-member state organizations that are interested in hosting the events, ensuring that June events are accessible to as many participants as possible.

Reference 4 - 1.97% Coverage

“We so appreciate the time and effort that has been put in by the National Federation of State High School Associations, the National High School Basketball Coaches Association and the NCAA for taking the time to address, in a short time period, the launch of June scholastic events,”

Reference 5 - 3.00% Coverage

“It’s a big undertaking, but an important undertaking. We want every respective student-athlete in our sport to have the opportunity to participate in these events. We appreciate the work that’s being done to broaden that access and believe, as time allows people to adapt to these opportunities, that we’ll see greater and greater participation from high school prospects, as well as junior college prospects, in these events.”

Reference 6 - 1.82% Coverage

Dave Archer, the senior director of basketball operations for the National High School Basketball Coaches Association, said the collaboration between the high school coaches, the NCAA and the NFHS will improve the recruiting environment for young players.

Reference 7 - 3.72% Coverage

“The National High School Basketball Coaches Association is pleased with the action the NCAA is taking to allow an alternative path for approval of June Division I men’s basketball scholastic recruiting events,” Archer said. “This will allow hundreds and hundreds of additional high school players with the potential to play college basketball to be evaluated by college coaches in an educational environment. This is another important step as we continue to move forward to improve the recruiting culture throughout the nation.”

Reference 1 - 2.55% Coverage

These changes will promote integrity in the game, strengthen accountability and prioritize the interests of studentathletes over every other factor.

Reference 2 - 1.48% Coverage

Provide college basketball players more freedom and flexibility to decide their future.
Agents or advisors, with an emphasis on how students and their families can get legitimate advice without being taken advantage of, defrauded or risking their NCAA eligibility.

Reference 2 - 2.87% Coverage

The NCAA’s relationship with the NBA, and the challenging effect the NBA’s so-called “one and done” rule has had on college basketball, including how the NCAA can change its own eligibility rules to address that dynamic.

Reference 3 - 3.63% Coverage

I believe we can — and we must — find a way to protect the integrity of college sports by addressing both sides of the coin: fairness and opportunity for college athletes, coupled with the enforcement capability to hold accountable those who undermine the standards of our community.

Files\Reforms1 - Flexibility for Going Pro and Getting a Degree - § 10 references coded [16.92% Coverage]

Reference 1 - 1.53% Coverage

Basketball student-athletes can make more frequent campus visits paid for by colleges (referred to as official visits), which can begin as soon as Aug. 1 the summer before their junior year in high school.

Reference 2 - 0.92% Coverage

Schools now can pay for 28 official visits for recruits (34 for national service academies) over a rolling, twoyear period.

Reference 3 - 2.41% Coverage

Depending upon future action by the NBA and the National Basketball Players Association to permit high school students to enter the draft, high school basketball players can be represented by an agent beginning July 1 before their senior year in high school, provided they have been identified as an elite senior prospect.

Reference 4 - 1.32% Coverage

College basketball players can be represented by an agent beginning after any basketball season if they request an evaluation from the NBA Undergraduate Advisory Committee.

Reference 5 - 0.81% Coverage

Agents can pay for meals and transportation for players and their families if the expenses are related to the

Reference 6 - 1.94% Coverage

Additionally, once an agreement is signed with an agent, high school and college student-athletes and their families can have meals, transportation and lodging paid for by the agent if those expenses are associated with meetings with the agent or a pro team.

Reference 7 - 1.92% Coverage

All agreements between agents and high school or college student-athletes must be:

In writing. Terminated when the student enrolls in or returns to college. Disclosed to the NCAA (for high school students) or the school (for students already in college).
Reference 8 - 2.29% Coverage

To work with a high school or college athlete, agents must be certified by an NCAA program with standards for behavior and consequences for violations. Family members of the high school recruit or college athlete or those who act solely on behalf of a professional sports team aren’t required to be certified.

Reference 9 - 1.82% Coverage

Now, students who wish to enter the draft also must request an evaluation from the NBA Undergraduate Advisory Committee, which will provide valuable information to assist student-athletes in making the decision to turn pro or stay in school.

Reference 10 - 1.96% Coverage

College basketball players who request an Undergraduate Advisory Committee evaluation, participate in the NBA combine and aren’t drafted can return to school as long as they notify their athletics director of their intent by 5 p.m. the Monday after the draft.

Files\Reforms2 - Minimizing Harmful Outside Influences - § 2 references coded [ 8.66% Coverage]

Reference 1 - 6.46% Coverage

Basketball-related events for high school students will be subject to more rigorous certification requirements to ensure transparency in operations and finances. This will address issues of corruption and help support student-athletes as they make decisions about their future. The certification criteria will be overseen by the NCAA Division I Men’s Basketball Oversight Committee, and the NCAA Enforcement Certification and Approvals Group will administer the certification program.

Reference 2 - 2.20% Coverage

Coaches and athletics staff must report to the university’s president or chancellor athletics-related income of more than $600 from any source outside their school.

Files\Reforms3 - Independent Investigators and Decision-Makers - § 1 reference coded [ 7.80% Coverage]

Reference 1 - 7.80% Coverage

Changes to the investigations and infractions process create independent groups to prevent conflicts of interest. Cases deemed complex will be eligible for this independent process. Examples of complex cases include alleged violations of core NCAA values, such as prioritizing academics and the well-being of student-athletes; the possibility of major penalties; or adversarial behavior. Multiple parties will be able to request a case be deemed complex: school representatives, NCAA Division I Committee on Infractions members or NCAA enforcement staff.

Files\Reforms4 - More Efficient, Binding Enforcement System - § 1 reference coded [ 5.95% Coverage]

Reference 1 - 5.95% Coverage

When schools and NCAA staff agree on the facts of a case, they can work together on a resolution, including appropriate penalties, if any. This change will reduce legal fees and
minimize drawn-out adversarial situations. Agreed-upon resolutions are subject to approval by the NCAA Division I Committee on Infractions.

Files\Reforms5 - Stronger Accountability, Penalties - § 1 reference coded [4.59% Coverage]

Reference 1 - 4.59% Coverage

To deter future violations, presidents, coaches and staff have stronger, clearer accountability expectations and face increased penalties if they break the rules.

Files\Reforms6 - Adding Public Voices - § 1 reference coded [21.12% Coverage]

Reference 1 - 21.12% Coverage

Pending adoption at the NCAA Convention in January, five independent members will be added to the NCAA Board of Governors, which is responsible for oversight of the entire Association. Each member will be nominated by the Board of Governors Executive Committee, approved by the full board and serve a threeyear term, which can be renewed once. The terms of the independent board members are longer than those served by school representatives. One member, voted on annually by all the independent members, will serve as a lead independent member and can serve in that role for no more than three years.

Files\TKC1 - Knight Commission Sees Integrity of College Sports at Risk - § 2 references coded [2.86% Coverage]

Reference 1 - 1.92% Coverage

“The Commission is deeply troubled by mounting evidence that the NCAA is unable to ensure a level of integrity that must be a priority in the education and treatment of college athletes,” said Commission co-chair Arne Duncan, former U.S. Secretary of Education, “These threats to the integrity of college sports are an urgent call to reform, if ever there was one.”

Reference 2 - 0.93% Coverage

“It’s clear that we need a new approach that can provide more fairness to student-athletes, while giving more teeth to the NCAA to ensure academic integrity in college sports,”

Files\TKC4 - Knight Commission Urges Tougher NCAA Reforms to Regain Public Confidence in College Sports - § 1 reference coded [0.72% Coverage]

Reference 1 - 0.72% Coverage

No university can give the right to any employee to have a contract with shoe, equipment, and apparel companies that are expressly or indirectly contingent on players wearing or using the companies’ equipment or products. Such contracts must be made only with the university.