OLD DOMINION UNIVERSITY BOARD OF VISITORS
ATHLETICS COMMITTEE
December 5, 2019

TO: Athletics Committee Members
Kay A. Kemper, Chair
Yvonne T. Allmond, Vice Chair
Carlton F. Bennett *(ex-officio)*
Lisa B. Smith *(ex-officio)*
R. Bruce Bradley
Alton J. Harris
Larry R. Hill

FROM: Dr. Wood Selig
Director of Athletics

DATE: November 25, 2018

SUBJECT: December 5, 2019 – Meeting Agenda

The Athletics Committee meeting will take place in the Board Room (Room 2206) of the Kate and John R. Broderick Dining Commons from 9:00AM – 9:45AM on Thursday, December 5, 2019. The following items will be discussed:

I. Academic Update – Randale Richmond, Senior Associate Athletic Director for Sport Administration and Student-Athlete Welfare

II. Priority Club Financial Summary – Jena Virga, Senior Associate Athletic Director for Development, Old Dominion Athletic Foundation

III. Name, Image, and Likeness – Dr. Wood Selig, Athletic Director
Randale Richmond, Senior Associate Athletic Director, Sport Administration and Student-Athlete Welfare

Selig, Wood

From: NCAA Board Chair Michael Drake and NCAA President Mark Emmert <memmert@ncaa.org>
Sent: Tuesday, October 29, 2019 1:37 PM
To: Selig, Wood
Subject: Update from NCAA Board of Governors

To view this email as a web page, go here.

Dear colleagues:

Our Association has taken an important step to enhance opportunities for student-athletes while affirming the college athlete model of sports — in which students compete against other students and not professionals.

The Board of Governors today adopted a new policy that sets in motion the process to allow name, image and likeness opportunities for student-athletes. The board directed the three divisions to immediately consider modifying and modernizing relevant bylaws and policies consistent with our values and principles.

Here are the key takeaways you need to know from today's board meeting:

- The NCAA has taken a major step today by committing to allow name, image and likeness opportunities for student-athletes consistent with the college athlete model.
- The college athlete model is not the professional model, meaning students will compete against other students, not professionals or employees.
- The NCAA is best positioned to provide a uniform and fair name, image and likeness approach for all student-athletes on a national scale.

You can read the full press release here and the Board of Governors charge here.

As we move forward in our enduring mission to support student-athletes, we are calling upon our members to provide additional feedback and participate in designing the new bylaws and policies. That process begins now and will continue through the NCAA Convention in January and extend to the April governance meetings.

Thank you for all you do for student-athletes.

Sincerely,

Michael V. Drake
Chair, NCAA Board of Governors
President, The Ohio State University

Mark A. Emmert
NCAA President

Board of Governors starts process to enhance name, image and likeness opportunities

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Each NCAA division directed to immediately consider modernization of bylaws and policies

In the Association's continuing efforts to support college athletes, the NCAA's top governing board voted unanimously to permit students participating in athletics the opportunity to benefit from the use of their name, image and likeness in a manner consistent with the collegiate model.

The Board of Governors' action directs each of the NCAA's three divisions to immediately consider updates to relevant bylaws and policies for the 21st century, said Michael V. Drake, chair of the board and president of The Ohio State University.

"We must embrace change to provide the best possible experience for college athletes," Drake said. "Additional flexibility in this area can and must continue to support college sports as a part of higher education. This modernization for the future is a natural extension of the numerous steps NCAA members have taken in recent years to improve support for student-athletes, including full cost of attendance and guaranteed scholarships."

Specifically, the board said modernization should occur within the following principles and guidelines:

- Assure student-athletes are treated similarly to non-athlete students unless a compelling reason exists to differentiate.
- Maintain the priorities of education and the collegiate experience to provide opportunities for student-athlete success.
- Ensure rules are transparent, focused and enforceable and facilitate fair and balanced competition.
- Make clear the distinction between collegiate and professional opportunities.
- Make clear that compensation for athletics performance or participation is impermissible.
- Reaffirm that student-athletes are students first and not employees of the university.
- Enhance principles of diversity, inclusion and gender equity.
- Protect the recruiting environment and prohibit inducements to select, remain at, or transfer to a specific institution.

The board's action was based on comprehensive recommendations from the NCAA Board of Governors Federal and State Legislation Working Group, which includes presidents, commissioners, athletics directors, administrators and student-athletes. The group gathered input over the past several months from numerous stakeholders, including current and former student-athletes, coaches, presidents, faculty and commissioners across all three divisions. The board also directed continued and productive engagement with legislators.

The working group will continue to gather feedback through April on how best to respond to the state and federal legislative environment and to refine its recommendations on the principles and regulatory framework. The board asked each division to create any new rules beginning immediately, but no later than January 2021.

"As a national governing body, the NCAA is uniquely positioned to modify its rules to ensure fairness and a level playing field for student-athletes," NCAA President Mark Emmert said. "The board's action today creates a path to enhance opportunities for student-athletes while ensuring they compete against students and not professionals."

NCAA Board of Governors' Action on Report of Federal and State Legislation Working Group

After receipt, review and adoption of the report and recommendations provided by the Federal and State Legislation Working Group and student-athletes, it was voted by the Board of Governors that:

"It is the policy of the Association that NCAA member schools may permit students participating in athletics the opportunity to benefit from the use of their name, image and/or likeness in a manner consistent with the values and beliefs of intercollegiate athletics. To effectuate this change, the Board of Governors directs each of the three Divisions to immediately begin considering modification and modernization of relevant NCAA bylaws and rules in harmony with the following principles and guidelines:

- Assure student-athletes are treated similarly to non-athlete students unless a compelling reason exists to differentiate.
- Maintain the priorities of education and the collegiate experience to provide opportunities for student-athlete success.
- Ensure rules are transparent, focused and enforceable and facilitate fair and balanced competition.
- Make clear the distinction between collegiate and professional opportunities.
- Make clear that compensation for athletics performance or participation is impermissible.
- Reaffirm that student-athletes are students first and not employees of the university.
- Enhance principles of diversity, inclusion and gender equity.
- Protect the recruiting environment and prohibit inducements to select, remain at, or transfer to a specific institution.

The federal and state working group will continue to gather feedback from the membership and its student-athletes through April 2020 on how best to respond to the state and federal legislative environment and refine its recommendations on the Association-wide principles and regulatory framework. The working group will periodically report its progress to the Board of Governors including at its January and April 2020 meetings and provide regular public briefings about its progress. Further, gathering as much feedback and information as necessary through a process that is inclusive and transparent, divisions shall work to create new NCAA bylaws reflecting divisional priorities on a timeline most appropriate for those authorized to legislate, commencing immediately and concluding not later than January 2021.

These guidelines, principles and potential changes will form the basis for those continued conversations and engagement with state and federal lawmakers around enacted, introduced and proposed legislation on name, image and likeness. Further, the Board directs the NCAA leadership to develop and advance a comprehensive plan to prepare the membership to collaborate with legislators on important issues in college sports.

Lastly, the Board reaffirms its commitment to the college model of athletics in America. We – our schools, conferences, and the NCAA national governance boards – exist for the purpose of providing for the well-being of the over 500,000 student-athletes and will continue to advocate for them. This has been exhibited through benefits such as $3.5 billion in scholarships annually; degree-completion programs; enhanced nutrition and wellness; academic assistance; and much more. Let us continue to work together to advocate and provide for the best interests of the student-athlete, working with them, on our campuses and nationally."

Questions and Answers on Name, Image and Likeness

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Why didn't the NCAA take immediate action on name, image and likeness rules?

The Board of Governors took a very important step forward at its meeting Oct. 29 by modernizing NCAA policy. It further directed all 1,100 members to create a structure for future name, image and likeness opportunities for student-athletes that is consistent with the college environment in each NCAA division.

Now that the NCAA Board of Governors Federal and State Legislation Working Group has provided its report to the board, what happens next?

Member schools in each division will continue to examine the issue, provide feedback to the working group and prepare for future rules changes. The working group is expected to provide updated recommendations to the Board of Governors in April.

Why was a working group formed to review this issue?

As a voluntary member-led organization with 1,100 schools in three divisions, the NCAA develops rules that create fairness and a level playing field for campuses in all 50 states, plus Canada and Puerto Rico. To represent the diversity of the NCAA membership, the working group comprised presidents, athletics directors, commissioners, faculty and student-athletes from all three divisions.

Why didn't the NCAA address this issue before now?

NCAA members continually strive to improve the student-athlete experience, including paying thorough attention to the changing environment of the student body and within higher education.

After improving academic support, providing cost of attendance, guaranteeing scholarships and strengthening health and safety, among many changes, the NCAA membership determined that exploring this issue was an important step to support student-athletes within the context of higher education. NCAA leadership also determined that the membership must come together to respond to federal and state legislative proposals that would be harmful to a national, uniform college athletics model.

Was the Olympic model considered and, if it was rejected, why?

The working group reviewed extensive feedback and challenges and opportunities related to name, image and likeness benefits. It reviewed the Olympic model, which provides specific opportunities for athletes to secure endorsements and to accept money for athletic performance, in order to pay for training and coaching and to further their athletic careers. Although many Olympians are or were NCAA student-athletes, many other Olympians have chosen to professionalize and to compete as professionals. The recommendation from the working group, and the direction from the Board of Governors, is for NCAA members to consider future name, image and likeness opportunities for student-athletes consistent with the values of college sports within higher education. Elements of the Olympic model that are consistent with the college environment may be incorporated.

Why doesn't the working group report mention specific name, image and likeness elements, such as autographs or jerseys?

More discussion and examination by all three NCAA divisions is needed before deciding on specific approaches to future name, image and likeness opportunities for student-athletes.

The working group says more feedback is needed. Didn't it already collect feedback?

The working group collected extensive input over several months. But with three divisions, 1,100 member campuses and nearly 500,000 student-athletes, the issues are complex and challenging. Continued dialogue is necessary to determine the

proper scope and implementation methods to include in additional recommendations.

Are the three NCAA divisions going to develop separate approaches (versus one NCAA approach for all student-athletes)?

There are many examples now where each NCAA division has differences in rules, including areas such as recruiting, financial aid, and playing and practice seasons. As a fundamental framework of the Association, member schools choose the division in which they compete and agree to follow the rules within that division. All three divisions will implement change consistent with the principles within the NCAA constitution and articulated by the Board of Governors. The working group provided overarching principles and framework that define Association-wide policy within this space.

How does the uniqueness of the college sports recruiting environment affect this issue?

Recruiting is one of the key principles that sets apart the college student model of sports from professional sports. Changes to name, image and likeness rules for student-athletes should support the integrity of the recruiting environment and not result in any undue influence on a student's choice of where to attend college.

Why does the NCAA oppose newly enacted California Senate Bill 206 and other potential state or federal legislation on name, image and likeness of college athletes?

It is critical that college sports are regulated at a national level. This ensures the uniformity of rules and a level playing field for student-athletes. The California law and other proposed measures ultimately would lead to pay for play and turn college athletes into employees. This directly contradicts the mission of college sports within higher education — that student-athletes are students first and choose to play a sport they love against other students while earning a degree.

The NCAA said newly enacted California SB 206 may be unconstitutional. Is the NCAA challenging it in court?

The action taken by California likely is unconstitutional, and the actions proposed by other states make clear the harmful impact of disparate sets of state laws. The NCAA is closely monitoring the approaches taken by state governments and the U.S. Congress and is considering all potential next steps.

NCAA working group to examine name, image and likeness

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The NCAA president and Board of Governors appointed a working group to examine issues highlighted in recently proposed federal and state legislation related to student-athlete name, image and likeness.

The NCAA Board of Governors Federal and State Legislation Working Group will be made up of member representatives from all three NCAA divisions.

"This group will bring together diverse opinions from the membership — from presidents and commissioners to student-athletes — that will examine the NCAA's position on name, image and likeness benefits and potentially propose rule modifications tethered to education," said Val Ackerman, commissioner of the Big East and working group co-chair. "We believe the time is right for these discussions and look forward to a thorough assessment of the many complexities involved in this area."

According to the board, the group will not consider any concepts that could be construed as payment for participation in college sports. The NCAA's mission to provide opportunity for students to compete against other students prohibits any contemplation of pay-for-play.

"While the formation of this group is an important step to confirming what we believe as an association, the group's work will not result in paying students as employees," said Gene Smith, Ohio State senior vice president and athletics director and working group co-chair.

"That structure is contrary to the NCAA's educational mission and will not be a part of this discussion."

As part of its efforts, the working group will study modifications of current rules, policies and practices. In particular, it will focus on solutions that tie any changes to education; maintain the clear demarcation between professional and college sports; and further align student-athletes with the general student body.

The Board of Governors charged the working group with writing a set of overarching principles to guide each division as it devises consistent legislation. A final report is due to the Board of Governors in October, with an update provided in August.

NCAA Board of Governors Federal and State Legislation Working Group

- Val Ackerman, commissioner, Big East Conference, co-chair
- Gene Smith, athletics director, The Ohio State University, co-chair
- John J. DeGioia, president, Georgetown University and Board of Governors representative
- Jill Bodensteiner, athletics director, Saint Joseph's University
- Bob Bowlsby, commissioner, Big 12 Conference
- Don Bruce, faculty athletics representative, University of Tennessee
- Rita Cheng, president, Northern Arizona University
- Mary Beth Cooper, president, Springfield College
- Rick George, athletics director, University of Colorado
- Carolayne Henry, senior associate commissioner for governance and legal affairs/senior woman administrator, Mountain West Conference
- Glen Jones, president, Henderson State University
- Scott Larson, deputy director of athletics/compliance, Lubbock Christian
- Jacqie McWilliams, commissioner, Central Intercollegiate Athletic Association

- Jere Morehead, president, University of Georgia
- Daryl Sims, athletics director, University of Wisconsin-Oshkosh
- Carla Williams, athletics director, University of Virginia
- Division I male student-athlete
- Division I female student-athlete
- Division III student-athlete

Oped released 10/29

We are the 100%

By: The 32 student-athletes of the Division I Student-Athlete Advisory Committee

Please direct all inquiries to Morgan Chall, chair of Division I SAAC and a former Cornell gymnast; co-vice chairs Ethan Good, a Bowling Green basketball player, and Sam Perelman, a former Old Dominion tennis player.

Our voice matters: It is the most powerful it has ever been in the history of the NCAA rule-making process and should be strongly considered in the ongoing debate regarding rules pertaining to name, image, and likeness.

We are the Division I Student-Athlete Advisory Committee, representing over 170,000 of our peers. We have voting privileges on 19 NCAA committees, including the division's foremost rule-making bodies – the Division I Council and the Division I Board of Directors.

We spearhead numerous initiatives and campaigns to improve student-athlete well-being and success. We lead the charge on time demands, cost of attendance, recruiting reform, sexual violence, diversity and inclusion, and student-athlete mental health. We spend countless hours continuously fighting to improve the lives of our fellow student-athletes.

Currently, the name, image and likeness conversation focuses on college athletes' inability to profit via endorsements or sponsorships. That disregards how the current name, image and likeness rules apply to professional development and entrepreneurship, which affect far more student-athletes than might receive endorsement deals.

We do not discount the outsized impact and contributions of the top athletes in sports like men's basketball and football – only about 2% of all Division I athletes – which help keep college athletics alive and bring hundreds of thousands of people together over a common love of sports. While these student-athletes are a vital part of this conversation, they cannot be the only part; after all, we represent all 100% of Division I student-athletes.

The country is focusing on the wrong conversation.

No one is talking about how proposals for name, image and likeness reform – both state and federal – will affect sports other than football and men's basketball or a handful of elite student-athletes in other sports. No one is talking about what the proposals will do for limited

resource institutions, historically black colleges and universities, or international student-athletes.

We encourage you to ask these questions and then come up with a thoughtful explanation for how completely uprooting and discontinuing the collegiate model of amateurism is truly in the best interests of the vast majority of student-athletes.

We have the privilege of understanding the complexity of this system and the importance of reforming name, image and likeness rules while preserving collegiate amateurism. As California Gov. Gavin Newsom, who signed the first state bill to attempt to force name, image and likeness reform, stated: "I would not be sitting here without baseball." Newsom, like many others, would not be in the position he is in today without the opportunities that college athletics provided. It would be neglectful to not acknowledge that clearly, the Association is doing something correctly.

However, the current rules surrounding name, image and likeness stifle the ability for student-athletes to profit via professional development and entrepreneurship. While the Association is doing something correctly, they have been wrong to not reform name, image and likeness sooner.

While name, image and likeness compensation carry many benefits, there are a plethora of potential unintended consequences that will inevitably erupt unless regulations are put in place to prevent them. Some of those consequences include unfair recruiting and competitive advantages, difficulty monitoring compensation and ethics, inequitable treatment of female athletes, and exploitation of athletes by professional and commercial enterprises. With the potential loss of revenue to athletics programs, the biggest impact could be on scholarships for equivalency sports, which are predominantly women's teams.

There needs to be a specific consideration for the fact that the structure of the NCAA does not exist anywhere else in the world; therefore, any adjustments to mesh with an evolving society must be in line with the values and principles of the NCAA that have provided hundreds of thousands of students like ourselves a means to higher education.

We believe it is possible and necessary to reform the rules around name, image and likeness, but any such reform, whether it be at the organizational or governmental level, must include these considerations so as to not dismantle the entire system.

We urge the NCAA to move quickly to propose and implement a solution to this problem that has been brushed aside for far too long. But they also need to be given some time and trust to do so, so that they can preserve the values and principles that keep college athletics alive.

Whether through unifying experiences during college football Saturday and March Madness or the opportunities created for future leaders to earn a college degree, college athletics have become an influential component of our society. The NCAA would not exist without student-athletes. We invite you to join us in placing the all-encompassing student-athlete voice at the forefront of name, image and likeness discussions to preserve these life-affecting experiences for many years to come.

WHAT IS THE NCAA?

NCAA 101

The National Collegiate Athletic Association is a member-led organization dedicated to providing a pathway for opportunity for college athletes.

Members:

1,117 colleges and universities*

100 athletics conferences

40 affiliated sports organizations

*Number does not include exploratory schools.

Whose ranks include:

College presidents lead their schools and the NCAA

Athletics directors oversee athletics staff on their campus and guide policy decisions

Faculty athletics representatives serve as liaisons between academics and athletics

Compliance officers manage NCAA rules and policies on campus

Conference staff lead the governing bodies that organize competition among schools

Prioritizing academics, well-being and fairness so **college athletes** can succeed on the field, in the classroom and for life.

Nearly **half a million** college athletes make up the **19,750** teams that send more than **52,500** participants to compete each year in the NCAA's **90** championships in **24** sports across **3** divisions.

National office staff The 500 employees at the NCAA's Indianapolis headquarters interpret and support member legislation, run all championships and manage programs that benefit student-athletes.

Coaches develop student-athletes on and off the field

Sports information directors document and share player and team achievements

Health and safety personnel support college athlete well-being

Academic support staff prepares athletes for the classroom and future careers

Who makes the rules? Member representatives serve on committees that propose rules and policies surrounding college sports. Members ultimately decide which rules to adopt — everything from recruiting and compliance to academics and championships — and implement them on campus.

Learn more at ncaa.org/about.

NCAA is a trademark of the National Collegiate Athletic Association. Updated November 2018.

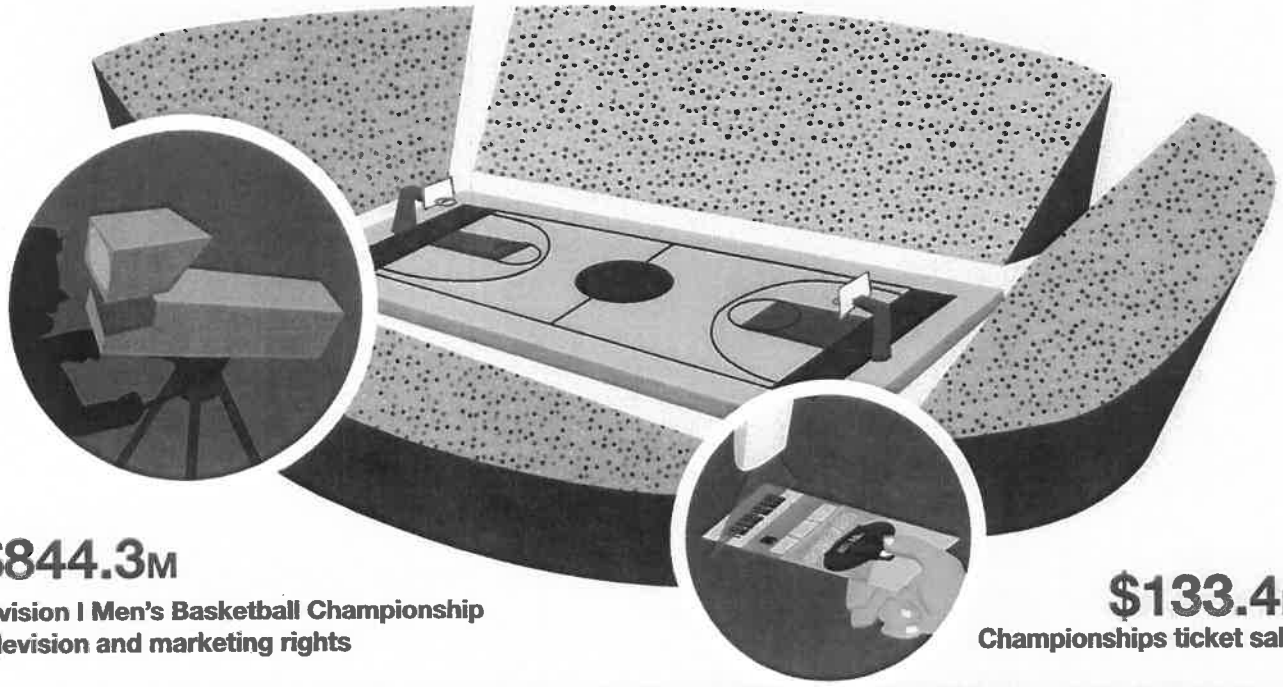
*Numbers are approximate.

Where Does The Money Go?

NCAA 101

The NCAA receives most of its annual revenue from two sources. That money is distributed in more than a dozen ways — almost all of which directly support NCAA schools, conferences and nearly half a million student-athletes.

WHERE IT COMES FROM

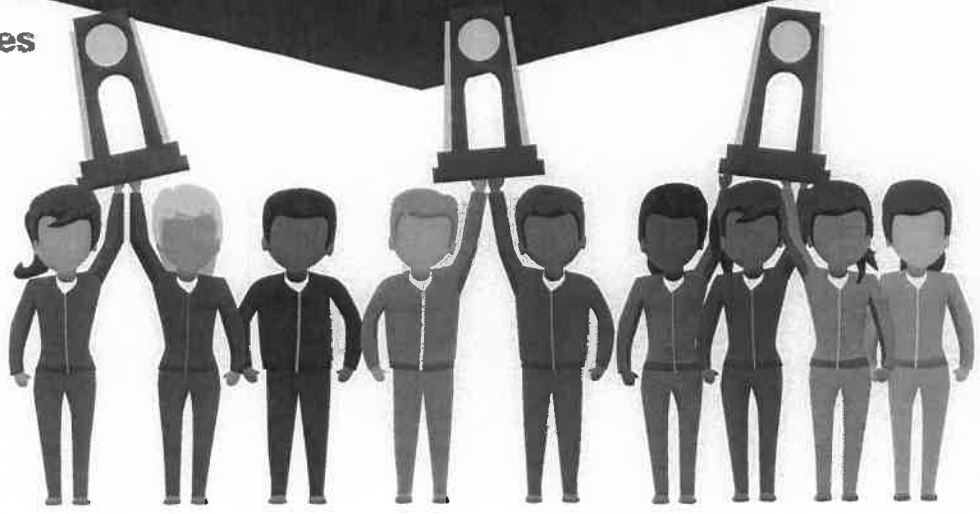


$844.3M
Division I Men's Basketball Championship television and marketing rights

$133.4M
Championships ticket sales

WHO IT SUPPORTS

Student-athletes are at the heart of the NCAA's mission.



NCAA is a trademark of the National Collegiate Athletic Association. Updated February 2019.

HOW IT'S DISTRIBUTED

$216.6M
Sport sponsorship and scholarship funds
Distributed to Division I schools to help fund NCAA sports and provide scholarships for college athletes.

$164.7M
Division I basketball performance fund
Distributed to Division I conferences and independent schools based on their performance in the men's basketball tournament over a rolling six-year period. The money is used to fund NCAA sports and provide scholarships for college athletes.

$103.4M
Division I championships
Provides college athletes the opportunity to compete for a championship and includes support for team travel, food and lodging.

$84.5M
Student assistance fund
Distributed to Division I student-athletes for essential needs that arise during their time in college.

$74.4M
Student-athlete services and championship support
Includes funding for catastrophic injury insurance, drug testing, student-athlete leadership programs, NCAA postgraduate scholarships and additional Association-wide championships support.

$52M
Division I equal conference fund
Distributed equally among Division I basketball-playing conferences that meet athletic and academic standards to play in the men's basetball tournament. The money is used to fund NCAA sports and provide scholarships for college athletes.

$48M
Academic enhancement fund
Distributed to Division I schools to assist with academic programs and services.

$41.8M
Division II allocation
Funds championships, grants and other initiatives for Division II college athletes.

$41.4M
Membership support services
Covers costs related to NCAA governance committees and the annual NCAA Convention.

$32.3M
Division III allocation
Funds championships, grants and other initiatives for Division III college athletes.

$9.7M
Division I conference grants
Distributed to Division I conferences for programs that enhance officiating, compliance, minority opportunities and more.

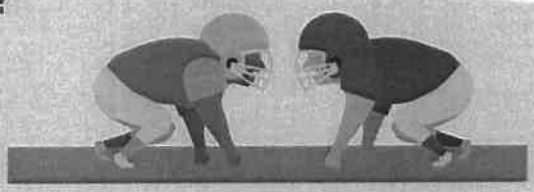
$3.4M
Educational programs
Supports various educational services for members to help prepare student-athletes for life, including the Women Coaches Academy, the Emerging Leaders Seminars and the Pathway Program.

$88.3M
Other Association-wide expenses
Includes support for Association-wide legal services, communications and business insurance.

$43.4M
General and administrative expenses
Funds the day-to-day operations of the NCAA national office, including administrative and financial services, information technology and facilities management.

DID YOU KNOW?

Of 90 NCAA championships, only **five** (all in Division I) generate as much money as they cost to run:
- Men's basketball
- Men's ice hockey
- Men's lacrosse
- Wrestling
- Baseball



The Division I College Football Playoff and bowl games are independently operated, and the NCAA does not receive revenue from these events.

Beginning in 2019-20, a portion of NCAA revenue will be distributed to Division I schools based on their student-athletes' academic performance.

Learn about other NCAA 101 topics at ncaa.org/about.

The distributions listed are recurring, and the information does not include any one-time distributions. Figures are from the 2017-18 fiscal year and are unaudited.