

NCAA Division I Transformation Committee Meeting

Earlier in April, the Transformation Committee had the opportunity to convene for two days in Indianapolis. In that time, we covered a lot of ground and discussed a wide range of topics impacting college athletics.

Over the past several weeks, members of the Transformation Committee met with NCAA administrators, athletics directors, commissioners, collegiate groups, and other stakeholders to share updates on our progress made to-date. In regard to modernizing the rulebook and the infractions process, the committee has been focused on revisiting, limiting or expanding existing rules to better support student-athletes. During these meetings, we detailed that we are assessing the possibility of introducing greater accountability measures among member schools, establishing clearer periods of student-athlete recruitment, considering what impact the use of agents could have, and more.

In the weeks ahead, we will be sharing infractions recommendations with the NCAA membership for additional feedback, and we look forward to your thoughts.

During our May 3 meeting, we also had the privilege to speak with representatives from the NCAA Division I Student-Athlete Advisory Committee, discussing topics spanning mental health, developmental resources, transfers, and others that are top-of-mind to our student-athletes. Although our approach is a comprehensive one impacting member schools, teams, staff and personnel, we feel it is critical to reiterate that we view our success as materially enhancing the experience for student-athletes, first and foremost. We thank the Student-Athlete Advisory Committee for the opportunity to speak with them, and are appreciative of the experiences, challenges and hopes they shared.

As always, we appreciate everyone's partnership, patience, and trust as we strive to improve the experience for our student-athletes.

Greg Sankey and Julie Cromer, co-chairs of the NCAA Transformation Committee



**REPORT OF THE
NCAA DIVISION I TRANSFORMATION COMMITTEE
APRIL 18-19, 2022, MEETING**

1. Student-Athlete Support and Benefits.

- The NCAA Division I Transformation Committee continued its exploration of alternative options for student-athlete benefits and financial support in the post-Alston environment.
- The committee will continue its discussions during its May 10 videoconference.

2. Impact of Financial Aid Team Limits on Competitive Equity in Equivalency Sports.

- The Transformation Committee continued its review and consideration of potential changes related to financial aid regulations.
- The committee reviewed additional data related to the correlation between equivalencies awarded and athletics success.
- The committee agreed to seek feedback from sport communities and committees on the concept of establishing roster sizes in place of team financial aid limits.
- The committee will review feedback and continue its discussions on the topic during its June 7 videoconference.

3. Recommendations from the NCAA Division I Legislative Committee Modernization of the Rules Subcommittee. The Transformation Committee charged the Modernization of the Rules Subcommittee with reviewing rules that are ripe for modernization. That group reviewed specific areas of regulation using three foundational questions:

- a. Is regulation needed in this area?
- b. If regulation is necessary, must this area be regulated at the national level or could it be regulated at a subdivisional or conference level?
- c. If regulation is necessary at the national level, how should the specific areas be regulated? For example, should it be by legislation or policy?

The subcommittee's initial report was delivered to the Transformation Committee and the recommendations were organized into three categories:

- 1) Concepts that were remanded back to the subcommittee for additional development. For these concepts, the Transformation Committee provided specific guidance and points for the subcommittee to consider. These topics include visits to campus and the use of agents.

- 2) Concepts that will be retained by Transformation Committee because of how they connect to other topics that are on the committee's agenda. These concepts include pre- and post-enrollment professional sport opportunities.
 - 3) Concepts for which consensus exists and the Transformation Committee supports legislative action. The topical areas for which consensus exists are, personnel and recruiting. Seven legislative concepts were forwarded to the membership for feedback via a membership survey and are included as an attachment [See Attachment].
4. **NCAA Division I Infractions Process Committee Recommendations.** The Transformation Committee received a portion of the Infractions Process Committee report. The Infractions Process Committee believes that a more effective infractions process with materially better outcomes entails the following:
- a. Timely application of penalties.
 - b. Peer-review adjudication.
 - c. Commitment to cooperation; and
 - d. New and proactive communications strategies.

The committee was supportive of seeking feedback on the following recommendations, but will hold on requesting that feedback until it completes its review of all the Infractions Process Committee recommendations during its May 3 videoconference:

a. Rulemaking.

- 1) Modernize NCAA legislation. Although not always associated with infractions procedures, rulemaking is the first phase of regulatory work. Ongoing efforts to modernize NCAA legislation will ideally reduce the universe of bylaws to be enforced at the national level. This means (1) member schools will be able to focus their time and resources on a narrower set of rules, which have been deemed fundamental to the collegiate model; and (2) the infractions process will automatically be limited to areas of greatest concern to Division I. Although difficult to quantify, modernizing legislation will significantly reduce the duration of investigations into potential violations of rules that endure. Very simply, resources not spent on deregulated behaviors will immediately be repurposed toward pursuing actions that matter most. [Timeliness, focus on the right rules.]

- Modernization efforts are underway to determine what sphere of rules remain necessary and defensible at the national level and to eliminate or modify rules that are no longer serve the 21st century model or are better regulated at a different level (e.g., conference, institutional, etc.).
- Only rules that remain at the Division I national level will be subject to NCAA infractions processing.

- 2) Identify certain behaviors for higher levels of scrutiny. With this concept, all regulatory activity (e.g., interpretations, waivers, investigations, charging) would depend on the behavior involved. While this approach could further complicate the infractions process, it would provide more flexibility and prioritize select behaviors. [Focus on the right rules.]

- Identify bylaws or behaviors (for purposes of all regulatory affairs processes) as red, yellow or green based on the membership's desire to prioritize select behaviors. Red bylaws would be subject to the highest level of scrutiny/processing, yellow bylaws would have intermediate scrutiny/processing and green would have the least scrutiny/processing.
- Create a communications strategy to explain why subjects are or are not regulated, and explain regulatory mechanisms agreed to by the membership.

b. Institutional Self-Detection and Reporting.

- 1) Reinforce presidential commitment to compliance and cooperation. To ensure Division I members are actively committed to rules compliance and full cooperation, legislation could be revised and/or the NCAA Division I Board of Directors could reaffirm the expectation that the institution's president/chancellor remain actively involved in satisfying obligations to monitor compliance, report instances of noncompliance and cooperate at all stages of the infractions process. Beyond reaffirming current obligations, the Infractions Process Committee believes additional and concrete steps should be taken to ensure full presidential cooperation. Options and ideas will be explored. Full cooperation across all stages of a potential infractions matter would significantly reduce the average duration of cases. The reduction would be even greater if all parties—not just the institution—fully cooperated. [Timeliness, commitment to cooperation, peer-review adjudication.]

- The Board of Directors could reaffirm expectations around president/chancellor involvement by expanding NCAA Bylaw 19.2.3 to include specific/clear expectations for what positive chief executive and other leadership (e.g., directors of athletics) involvement in infractions matters looks like.
 - Education on these expectations should be a required focus of new president/chancellor orientation.
- Legislate a specific mitigating factor for the active involvement and cooperative efforts of key institutional leadership.
- Require annual attestations by institutional leadership.

The Transformation Committee discussed the potential concept of drafting legislation to codify president/chancellor responsibility, but noted a preference for strategies that incentivize and reward presidential cooperation, as opposed to penalizing the failure to do so. The Transformation Committee encourages the Infractions Process Committee to continue to focus on concepts that reinforce presidential commitment to compliance and cooperation with this in mind.

- 2) Increase incentives for detecting and self-reporting. While self-detection and reporting cannot cure a violation, those actions must be valued in meaningful and consistent ways, particularly when penalties are calculated. Appropriate incentives for cooperation in early stages will allow the process to begin more quickly and proceed more efficiently, resulting in more effective and timely outcomes. [Timeliness, commitment to cooperation, peer-review adjudication.]

- Draft additional mitigating factors and/or clarify application of current mitigating factors related to self-detection, reporting and exemplary cooperation.

c. Investigation.

- 1) Increase tools available to the enforcement staff. The infractions process should include all reasonable tools for uncovering probative information during an investigation. Specific ideas under consideration include expanding access to electronic devices, communications, accounts, and other records containing probative information; limiting use of disappearing messaging applications and/or creating a negative inference if such applications are used; and exploring ways to encourage cooperation by and appropriate uses of third party and confidential source information. Faster access to accurate information will significantly enhance the investigative stage for all parties, particularly in regard to timeliness and holding the right individuals accountable. Securing prompt access to probative information will cut months, or more, from the investigative phase while also providing a more complete factual record for charging and penalties decisions. [Timeliness, commitment to cooperation.]

- Explore expanded access to electronic devices and other accounts, including accounts of family members and associates, and/or legislate a negative inference if a device and/or account held by family/associate is not made available, or disappearing messaging applications are used.
- Explore additional/ appropriate uses of confidential source information.

- 2) Prioritize cooperation by all parties during the investigation. As noted above, cooperation must be a key component of any effective infractions model. Cooperation helps all parties assemble a full factual record and significantly reduces the duration of investigative efforts. The Infractions Process Committee is committed to exploring ways to incentivize cooperation (carrots) and disincentivize lack of cooperation (sticks) during the investigation. [Timeliness, commitment to cooperation.]

- Secure greater cooperation by involved parties and third parties.
 - Create preset penalties for parties who fail to cooperate.
 - Affirm enforcement's existing authority to seek immediate penalties for a party's failure to cooperate during an investigation.
 - Expand required cooperation to boosters and parents/guardians of student-athletes and prospective student-athletes.
 - Explore ways to encourage cooperation by third parties (e.g., certification flexibility for grassroots basketball representatives).
- Rewrite rules about case-related communications.
 - Propose legislation or internal operating procedures that prohibit parties from commenting disparagingly about the infractions process.
 - Authorize the NCAA to publicly comment on/identify instances in which institutions and/or individuals fail to cooperate.
- Add a specific mitigating factor for institutions that assist in obtaining third party cooperation.
- Build out the processes for and employ the NCAA Division I Committee on Infraction's authority to sanction parties and/or their counsel for bad behavior.

- 3) Prioritize reasonableness and cooperation by the enforcement staff. With all tools and decisions, the enforcement staff must be reasonable in exercising their discretion, managing the scope of investigations and communicating with parties. Cooperation is a two-way street and the enforcement staff must be mindful of how investigative decisions impact involved individuals, institutions and the broader Association. The enforcement staff must continue to focus on efficiency, timeliness and prioritizing the most significant behaviors. [Timeliness, focus on the right rules, commitment to cooperation.]

- Allow enforcement staff to use its discretion to process borderline Level II/III cases as Level III. [COMPLETED]
- Enforcement staff should continue to ensure the scope of the investigation prioritizes timeliness and the most significant behaviors.
- Proactively communicate the enforcement staff's approach and responsibilities.

5. Membership and Constituent Engagement Plan.

- The Transformation Committee will conduct a membership webinar on Thursday, April 21 from 1 to 2 p.m. EST. The webinar is open to institutional and conference representatives and representatives of coaches associations and other key constituencies.
- Following the webinar, a membership survey will be released. The survey will seek general feedback on big picture topics. It will also include requests for feedback related to more specific concepts regarding transfers, infractions and rules modernization.

*Transformation Committee co-chairs: Julie Cromer, Ohio University
Greg Sankey, Southeastern Conference*

*Staff Liaisons: Amanda Conklin, Law, Policy and Governance
Jenn Fraser, Law, Policy and Governance
Kevin Lennon, Law, Policy and Governance
Dave Schnase, Academic and Membership Affairs
Jerry Vaughn, Academic and Membership Affairs
Leeland Zeller, Law, Policy and Governance*

Division I Transformation Committee April 18-19, 2022, Meeting	
Attendees:	
Javaune Adams-Gaston, Norfolk State University.	
Jeri Beggs, Illinois State University.	
Janna Blais, Northwestern University.	
Dean Bresciani, North Dakota State University.	
Greg Christopher, Xavier University.	
Patrick Chun, Washington State University.	
Julie Cromer (co-chair), Ohio University.	
Troy Dannen, Tulane University.	
Jack DeGioia, Georgetown University.	
Damon Evans, University of Maryland, College Park.	
Robin Harris, The Ivy League.	
Bob Jacobsen, University of California, Berkeley.	
Linda Livingstone, Baylor University.	
Shane Lyons, West Virginia University.	
Jere Morehead, University of Georgia.	
Gloria Nevarez, West Coast Conference.	
Jim Phillips, Atlantic Coast Conference.	
Greg Sankey (co-chair), Southeastern Conference.	
Kendall Spencer, Georgetown University.	
Lynda Tealer, University of Florida.	
Randy Woodson, North Carolina State University.	
Absentees:	
None.	
Guest in Attendance:	
Jackie Blackett, Columbia University-Barnard College, Modernization of the Rules Subcommittee.	
Matt Boyer, Southeastern Conference, Modernization of the Rules Subcommittee.	
NCAA Staff Liaisons in Attendance:	
Amanda Conklin, Jenn Fraser, Kevin Lennon, Dave Schnase, Jerry Vaughn and Leeland Zeller.	
Other NCAA Staff Members in Attendance:	
Brynna Barnhart, Scott Bearby, Emily Capehart, Derrick Crawford, Jon Duncan, Mark Emmert, Michelle Hosick, Bridget Rigney, and Cari Van Sensus.	

PERSONNEL AND RECRUITING

Concept No. 1 - Coaching Limitations and Designations.	
Recommendations	<ul style="list-style-type: none"> • Eliminate legislation that requires a coach to be designated as a head coach, assistant coach, volunteer coach, graduate assistant coach or student assistant coach by certification of the institution. <ul style="list-style-type: none"> ○ Such action would eliminate all definitions of personnel designations (e.g., volunteer coach, graduate assistant, student assistant) and regulations related to such designations. • Eliminate legislation that specifies who is a countable coach, restricts activities in which noncoaching staff members with sport-specific responsibilities may participate and that limits the number of coaches who may be employed by an institution (including the limit on the number of weight or strength coaches in bowl subdivision football), provide coaching instruction to student-athletes and engage in off-campus recruiting activities. • Eliminate legislation regarding hiring individuals associated with prospective student-athletes in basketball and bowl subdivision football. • Maintain existing legislation regarding the prohibition on hiring high school coaches in the same sport and limiting institutional staff involvement with local sports clubs. • Maintain the requirement that a staff member who conducts strength and conditioning activities with student-athletes shall be certified and maintain current certification through a nationally accredited strength and conditioning certification program.
Rationale	<ul style="list-style-type: none"> • There is already a range of how many individuals provide tactical and skill instruction across Division I programs, which may indicate national regulation is unnecessary. • Other nonlegislated limits (e.g., number of headsets, limit on-bench personnel) would continue to affect the number of coaches who may provide coaching instruction during competitions. • Existing legislation surrounding the employment of high school coaches and limiting the involvement of institutional staff with local sports clubs remains necessary. • If there are no limitations on the number of individuals who may be employed as coaches, an institution would still have to demonstrate that the employment of individuals associated with prospective student athletes complies with recruiting inducement legislation. • Regulation establishing sport-specific recruiting calendars and recruiting person days better serves the needs of the membership and student-athletes than a numerical limit on individuals who may engage in coaching activities.
Potential/Anticipated Outcomes	<ul style="list-style-type: none"> • Some institutional sport-specific coaching staffs may significantly increase, particularly in revenue generating sports. • Individuals previously restricted from providing coaching instruction (e.g., director of operations, analyst) would be permitted to provide coaching instruction directly to student-athletes. • If regulations regarding scholarships remain and regulations regarding roster limits are expanded to other sports, additional financial aid or playing and practice seasons regulations may be considered to address potential concerns about efforts to circumvent scholarship or roster limits.

Impacted Bylaws	11.01, 11.4, 11.7, 13.1.2, 13.1.3 and 13.8.
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Concept No. 2 - Permissible Recruiters.	
Recommendations	<ul style="list-style-type: none"> Specify that only institutional staff members who regularly engage in on-campus coaching activities are permitted to engage in off-campus recruiting activities. Eliminate recruiting coordination functions legislation.
Rationale	<ul style="list-style-type: none"> Regulation requiring individuals who engage in off-campus recruiting activities to be the same individuals who regularly engage in on-campus coaching activities helps facilitate integrity and informed decision-making in the recruiting process. Existing legislation surrounding the employment of high school coaches and limiting the involvement of institutional staff with local sports clubs remains necessary. Regulation establishing sport-specific recruiting calendars and recruiting person days better serves the needs of the membership and student-athletes.
Potential/Anticipated Outcomes	<ul style="list-style-type: none"> Some institutional sport-specific coaching staffs may significantly increase, particularly in revenue generating sports.
Impacted Bylaws	11.01, 11.4, 11.7, 13.1.2, 13.1.3 and 13.8.

Concept No. 3 - Recruiting Person Days, Periods and Calendars.	
Recommendations	<ul style="list-style-type: none"> Establish only two periods for recruiting: <ul style="list-style-type: none"> Recruiting period when all recruiting activities may occur; and Recruiting shutdown period when no recruiting activities are permitted. Eliminate all other recruiting periods (e.g., evaluation period, quiet period, dead period). Establish sport-specific recruiting calendars that include a total number of recruiting person days in each sport through a collaborative effort between coaches' associations and relevant governance entities (e.g., NCAA Division I Council standing committees with sport oversight, NCAA Division I Student-Athlete Advisory Committee). <ul style="list-style-type: none"> A recruiting-person day would be defined as one institutional staff member engaging in an off-campus recruiting activity of a prospective student-athlete on one day (12:01 a.m. to midnight). For example, two institutional staff members engaged in recruiting activities on the same day would use two of the program's total recruiting-person days. Prohibit in-person, off-campus contact with prospective student-athletes during the time of day when classes are in session. For two- or four-year college transfer prospective student-athletes, contact would be prohibited until 4 p.m. local time and the prospective student-athlete should not miss class for recruiting contact.
Rationale	<ul style="list-style-type: none"> The binary recruiting period model and establishing recruiting person days for all sports provides clear guidance to institutional staff, current student-athletes and prospective student-athletes regarding when institutional staff members may be engaged in off-campus recruiting activities. The creation of only two recruiting periods promotes a healthy work/life balance for institutional staff engaging in recruiting activities.

	<ul style="list-style-type: none"> • Further, this model provides clarity to current student-athletes regarding when institutional staff members are expected to be on campus engaging with and developing their current team. • Prohibiting contact while classes are in session encourages prospects to be focused on academics during class time and avoids disruptions caused by a coach's presence on campus during the school day.
Potential/Anticipated Outcomes	<ul style="list-style-type: none"> • The frequency and timing of when coaches recruit off campus may increase, especially in sports with stringent recruiting calendars. However, limitations on the number of recruiting person days would help ensure that coaches remain primarily focused on current student-athletes. • Implementation of this recommendation may be delayed until the 2023-24 academic year to allow sport-specific stakeholders the opportunity evaluate sport-specific needs.
Impacted Bylaws	13.02, 13.1 and 13.17.

Concept No. 4 – Start of the Recruiting Process.	
Recommendations	<ul style="list-style-type: none"> • Establish June 15 at the conclusion of a prospective student-athlete's sophomore year of high school as the uniform start date for recruiting activity in all sports. <ul style="list-style-type: none"> ○ Recruiting activity includes telephone/video calls, electronic correspondence and recruiting materials, in-person, off-campus contact, official/unofficial visits and written offers.
Rationale	<ul style="list-style-type: none"> • A clear, consistent and uniform start date for all recruiting activity in all sports aligns the decision-making process for prospective student-athletes with when the decision-making process typically begins for the general student body. • Prior to the conclusion of a prospective student-athlete's sophomore year of high school, institutions may not have sufficient information to adequately conduct a legitimate academic and athletic evaluation of a prospective student-athlete. • Therefore, this uniform start date allows institutions to begin recruiting prospective student-athletes only when institutions can provide prospective student-athletes with accurate information and expectations about their future academic and athletic potential at the institution.
Potential/Anticipated Outcomes	<ul style="list-style-type: none"> • The start date for the recruiting process will begin at a different date in several sports as compared to the current legislation. • The start date for the recruiting process would change in several sports compared to current legislation (e.g., baseball, ice hockey, lacrosse, softball). • Institutional discretion will be used to determine what recruiting activity should start the recruiting process. • Minimal regulation should apply to prospective student-athletes following June 15 at the conclusion of the prospective student-athlete's sophomore year of high school except those rules foundational to recruiting integrity (e.g., recruiting inducements).
Impacted Bylaws	13.1, 13.4, 13.6, 13.7 and 13.9.

Concept No. 5 - Recruiting Materials and Written Offers.	
Recommendations	<ul style="list-style-type: none"> • Establish June 15 at the conclusion of the prospective student-athlete's sophomore year in high school as the date when an institution may first provide written offers of athletically related financial aid or indicate in writing to the prospective student-athlete that an athletically related grant-in-aid will be offered by the institution.

	<ul style="list-style-type: none"> ○ The institution may not permit the prospective student-athlete to sign a form indicating acceptance of such an award before the initial signing date in the applicable sport in the National Letter of Intent program. • Establish June 15 at the conclusion of an individual's sophomore year in high school as the date when an institution may send a recruiting questionnaire to a prospective student-athlete.
Rationale	<ul style="list-style-type: none"> • Advancing the first permissible date to provide written offers of athletics aid to align with the start date for all other recruiting activity promotes informed decision-making and integrity in the recruiting process. • An institution would not be permitted to enter into a binding agreement with a prospective student-athlete until the appropriate National Letter of Intent signing date. • This recommendation would allow institutions to provide, in a nonbinding written format, the anticipated offer of financial aid. • Eliminating the questionnaire exception closes a current recruiting materials loophole that has resulted in institutions sending prospective student-athletes single-question "questionnaires" with recruiting graphics, images and correspondence.
Potential/Anticipated Outcomes	<ul style="list-style-type: none"> • Education regarding the noncontractual nature of written offers of aid may be required to ensure prospective student-athletes and their family members are adequately informed during the recruiting process. • The Collegiate Commissioners Association may consider reviewing the first permissible date to sign a National Letter of Intent as a result of this recommendation.
Impacted Bylaws	13.1, 13.4, 13.6, 13.7 and 13.9.

Concept No. 6 - Recruiting Opportunities per Prospective Student-Athlete.	
Recommendation	<ul style="list-style-type: none"> • Remove the limit on the number of recruiting opportunities (contacts and evaluations) per prospective student-athlete that may occur during a given year.
Rationale	<ul style="list-style-type: none"> • Current sport-specific limits on the number of in-person, off-campus contacts and evaluations have become inconsequential based on the adoption of several exceptions (e.g., evaluations do not count during the summer) and advancing livestreaming technology. • Regulation surrounding recruiting periods, recruiting calendars and when recruiting activity can begin better serves the needs of the membership and student-athletes than limiting how often an institution can recruit an individual prospective student-athlete.
Potential/Anticipated Outcomes	<ul style="list-style-type: none"> • The number of in-person, off-campus contacts that are made with an individual prospective student-athlete may increase.
Impacted Bylaws	13.1.5 and 13.1.7.

Concept No. 7 - Student-Athlete Status.	
Recommendations	<ul style="list-style-type: none"> • Amend the trigger for student-athlete status to the time when an individual provides written commitment to an institution and completes applicable academic requirements. • Specify that an individual reverts back to prospective student-athlete status if the individual does not enroll full time at the first available opportunity.
Rationale	<ul style="list-style-type: none"> • The current range of triggers for student-athlete status presents a significant monitoring burden.

	<ul style="list-style-type: none"> • This recommendation would allow institutions to support incoming student-athletes earlier and more easily. • A reversion back to prospective student-athlete status helps ensure that individuals who delay initial enrollment do not receive benefits for an indefinite period.
Potential/Anticipated Outcomes	<ul style="list-style-type: none"> • Would allow institutions to treat individuals as student-athletes, and provide benefits consistent with student-athletes status, prior to their arrival on campus. • An individual may receive student-athlete benefits and ultimately not enroll at the institution.
Impacted Bylaw	13.02.13.



**REPORT OF THE
NCAA DIVISION I TRANSFORMATION COMMITTEE
MAY 3, 2022, VIDEOCONFERENCE**

1. Engagement with the NCAA Division I Student-Athlete Advisory Committee.

- a. This spring, the Division I Student-Athlete Advisory Committee hosted two town hall events open to all Division I student-athletes. Following those town halls, the Student-Athlete Advisory Committee created a set of unifying standards and characteristics of Division I institutions. The NCAA Division I Transformation Committee was joined by Division I National SAAC leaders Ryan Cassidy, Brynn Carlson and Bryce Choate, who presented a series of recommended standards and unifying characteristics.
- b. The SAAC members noted that national championships and competitive excellence currently unify Division I and should continue to unify the division moving forward.
- c. In the future, SAAC would like to see all Division I universities have seven unifying characteristics:
 - 1) Mental health of student-athletes as a top priority;
 - 2) Student-athlete representation on institutional committees;
 - 3) Gender equity and inclusion;
 - 4) Availability of developmental resources (e.g., academic, career and leadership);
 - 5) Prioritization of student-athlete physical health;
 - 6) Availability of name, image and likeness resources and education; and
 - 7) Transfer portal education for student-athletes.
- d. From a conference standpoint, the student-athletes' noted that they would like to see five unifying characteristics for Division I conferences moving forward:
 - 1) Conference realignment protection for student-athletes;
 - 2) Student-athlete representation on conference committees;
 - 3) Gender equity and inclusion;
 - 4) Availability of developmental programs; and
 - 5) Name, image and likeness resources.

- e. The Transformation Committee expressed gratitude for the student-athletes for their exemplary leadership. The committee will continue to consider the student-athletes' recommendations once its attention is turned to minimum standards for Division I membership.

2. NCAA Division I Infractions Process Committee Recommendations. During the April in-person meeting, the Transformation Committee received a portion of the Infractions Process Committee report. During its May 3 meeting the committee reviewed the remainder of the recommendations and agreed to put the following concepts forward for membership feedback:

a. Charging.

- Simplify charging decisions. Removing vague legislative standards or complicated rebuttable presumptions would allow for shorter investigations and simpler charging deliberations (and less adversarial tension, attorney advocacy, divisive rhetoric, etc.). This step would significantly reduce staff and party time presently dedicated to decisions about whether allegations are substantiated and/or appropriate. Moving more quickly from the investigative phase to adjudication of appropriate cases could reduce the duration of complicated cases by months. It will likely reduce areas of party disagreement as well, resulting in more (and faster) processing options. [Timeliness, focus on the right rules.]

- Revisit and/or revise the overall charging standard (possibly borrowing from legal standards) to create a more precise and concrete standard as to when the Enforcement staff should bring allegations.
- Create strict liability for head coach responsibility violations (e.g., if a member of the staff commits a violation, the head coach is responsible for it with no way to rebut that responsibility).

b. Initial Adjudication.

- 1) Fully adjudicate only those cases involving behaviors that significantly impact the collegiate model. Only the most significant violations should be subject to formal charging and full adjudication.¹ For those cases, detailed peer review is appropriate and necessary. All other cases could be resolved by the enforcement staff, conference personnel or a combination of those (with a full factual record uncovered during the investigation). This would reduce the duration of cases resolved without formal adjudicative

¹ These are currently defined as Level I violations; however, review of the current leveling structure may be necessary to accurately capture the cases appropriate for full adjudication and those that can be disposed of through another process.

proceedings (much like current Level III violations) and also reduce the strain on the NCAA Division I Committee on Infractions. [Timeliness, focus on the right rules, peer-review adjudication.]

- Reserve Committee on Infractions adjudication for only the most significant behaviors/behaviors (currently defined as Level I). All other cases could be processed by enforcement, conference and/or campus.

- 2) Incentivize use and limit adjudicative review of processing paths where there is significant agreement by the parties. Procedural paths that include significant party agreement (like negotiated resolution or summary disposition) should be further incentivized and adjudicative review should be limited. Currently, negotiated resolutions take approximately one third of the time from start to finish as a contested hearing. [Timeliness, peer-review adjudication.]

- Revisit level of agreement needed to pursue SDRs (e.g., do not have to agree on level, not all parties have to agree).
- Revisit expedited hearing process and when it should be utilized (e.g., written record only).
- Clarify standard for a partial NR.
- Revisit level of COI review for SDRs and NRs.
- Develop additional mitigating factors for parties who choose SDR/NR as processing options.
- Review when the COI can engage pre-NOA to determine whether a specific processing path is appropriate.

- 3) Reduce Committee on Infractions size. With streamlined rules and formal hearings focused on only the most serious violations, the Committee on Infractions and adjudicative panels could be reduced in size. The Infractions Process Committee also noted that a smaller Committee on Infractions may increase confidence in the consistency of decisions/outcomes. The exact size/organization of the committee and scope of its authority can be determined when the division has a better understanding of the rules landscape. [Timeliness, peer-review adjudication.]

- Reduce size of COI overall and/or revisit the panel structure to determine whether the size, scope and composition are adequate to meet demands and membership expectations.
- Consider compensating full-time panel members who serve on all panels.

- 4) Revisit and/or strictly apply legislated timelines for filings. Currently, processing timelines are outlined in NCAA Article 19 and these legislated timelines should be reviewed to ensure they are appropriate. Further consideration should also be given to expressly prohibiting extensions except in limited, extraordinary and defined circumstances. Requests to extend deadlines, page limits and similar requirements should not be freely granted. [Timeliness, peer-review adjudication.]

- Utilize Case Management Plan (e.g., scheduling order) instead of strict legislative timelines.
- Create mitigating factor for parties who utilize an accelerated timeline and/or give more weight to affirmative steps mitigating factor in those instances.
- Expressly prohibit extensions except in limited, extraordinary and defined circumstances.

c. Penalty Calculation.

- 1) Increase incentives for detecting and self-reporting. While self-detection and reporting cannot cure a violation, those actions must be valued in meaningful and consistent ways, particularly when penalties are calculated. Appropriate incentives for cooperation in early stages will allow the process to begin more quickly and proceed more efficiently, resulting in more effective and timely outcomes. [Timeliness, commitment to cooperation, peer-review adjudication.]

- Draft additional mitigating factors and/or clarify application of current mitigating factors related to self-detection, reporting and exemplary cooperation.

- 2) Revisit list of potential penalties. Fashioning penalties is extraordinarily important work. The toolkit of available penalties is legislated in Article 19 and must align with member expectations, be applied consistently and then be supported by those same members. Additionally, clearly communicating penalty decisions will help address frequent concerns about case outcomes. The Infractions Process Committee noted that the matrix itself is useful in many respects and the concept should be retained. However, the specific

penalties were last examined almost ten years ago and should be revisited at a regular cadence. [New communications strategy, peer-review adjudication.]

- Maintain the penalty matrix and revisit the list of penalties available to ensure they align with membership expectations, including higher financial penalties, possibly tied to institutional budget(s).
- Consider the following penalties in addition to or instead of a team post-season competition ban:
 - Postseason coaching ban instead of a team competition ban.
 - Fine equal to the amount of postseason revenue distribution instead of team competition ban.
 - Adding what are traditionally considered institutional core penalties (e.g., competition bans, scholarship reductions) to show cause orders.
- Identify ways to clearly communicate penalty decisions to the membership and public.

- 3) Revisit aggravating and mitigating factors. Factors that inform penalty decisions and how they should be applied (called aggravators and mitigators) are also legislated in Article 19.² Similar to the penalty matrix, these factors were developed almost a decade ago and have become an area of focus and contention not originally intended. How penalties are calculated in individual cases, including the application of aggravating and mitigating factors, should balance clarity with flexibility and further the priorities of the infractions process. Similar to the penalty matrix, revisiting the aggravators and mitigators will ensure they appropriately capture the membership's expectations. [Timeliness, commitment to cooperate, peer-review adjudication.]

- Remove AMFs entirely.
- Revisit AMFs to ensure they appropriately capture members' expectations.
- Clarify language of and/or add to the number of mitigating factors to ensure appropriate credit provided to cooperative institutions and individuals.
- Draft a mitigating factor giving institution credit for significant self-imposed penalties.

² Aggravators are facts that suggest more significant penalties. These include, among others, unethical conduct, history of violations, multiple serious allegations, patterns of noncompliance, etc.

3. Update from NCAA Division I Council Working Group on Name, Image and Likeness.

- The Division I Council Working Group on Name, Image and Likeness provided an informational report on its work based on the interconnectivity of name, image and likeness to the topics being actively discussed by the Transformation Committee.

4. Discussion of current events and constituent feedback.

- a. The Transformation Committee debriefed the April 21 webinar in which over 1,000 people participated. Following the webinar, a membership survey was released and will be open until midnight Hawaii time on Wednesday, May 11.
- b. Transformation Committee members shared feedback received during various governance meetings and external engagements over the past two weeks, including updates provided to the NCAA Board of Governors, NCAA Division I Presidential Forum, the NCAA Division I Board of Directors, the LEAD1 Association and CCA 22.

Transformation Committee co-chair: Julie Cromer, Ohio University

Greg Sankey, Southeastern Conference

Staff Liaisons: Amanda Conklin, Law, Policy and Governance

Jenn Fraser, Law, Policy and Governance

Kevin Lennon, Law, Policy and Governance

Dave Schnase, Academic and Membership Affairs

Leeland Zeller, Law, Policy and Governance

Report of the Division I Transformation Committee

May 3, 2022, Videoconference

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Division I Transformation Committee May 3, 2022, Videoconference	
Attendees:	
Javaune Adams-Gaston, Norfolk State University.	
Jeri Beggs, Illinois State University.	
Janna Blais, Northwestern University.	
Dean Bresciani, North Dakota State University.	
Greg Christopher, Xavier University.	
Patrick Chun, Washington State University.	
Julie Cromer (co-chair), Ohio University.	
Troy Dannen, Tulane University.	
Jack DeGioia, Georgetown University.	
Damon Evans, University of Maryland, College Park.	
Robin Harris, The Ivy League.	
Linda Livingstone, Baylor University.	
Jere Morehead, University of Georgia.	
Gloria Nevarez, West Coast Conference.	
Jim Phillips, Atlantic Coast Conference.	
Greg Sankey (co-chair), Southeastern Conference.	
Kendall Spencer, Georgetown University.	
Lynda Tealer, University of Florida.	
Randy Woodson, North Carolina State University.	
Absentees:	
Bob Jacobsen, University of California, Berkeley.	
Shane Lyons, West Virginia University.	
Guest in Attendance:	
Brynn Carlson, NCAA Division I National Student-Athlete Advisory Committee.	
Ryan Cassidy, NCAA Division I National Student-Athlete Advisory Committee.	
Bryce Choate, NCAA Division I National Student-Athlete Advisory Committee.	
NCAA Staff Liaisons in Attendance:	
Amanda Conklin, Jenn Fraser, Kevin Lennon, Dave Schnase, Jerry Vaughn, and Leeland Zeller.	
Other NCAA Staff Members in Attendance:	
Brynna Barnhart, Scott Bearby Emily Capehart, Derrick Crawford, Jon Duncan, Michelle Hosick, Ty Medd, Cari Van Sensus and Bob Williams.	



**REPORT OF THE
NCAA DIVISION I TRANSFORMATION COMMITTEE
MAY 10, 2022, VIDEOCONFERENCE**

1. Student-Athlete Benefits and Financial Support.

- The NCAA Division I Transformation Committee continued its exploration of options for student-athlete benefits and financial support in the post-Alston environment.
- The committee will continue its discussion of student-athlete benefits during its May 17 meeting.

2. Discussion of Current Events and Constituent Feedback.

- Transformation Committee members revisited the May 3 presentation from the leadership of the NCAA Division I Student-Athlete Advisory Committee noting appreciation for their leadership and thoughtful insights. The committee will continue to consider the recommendations of the student-athletes as it continues its work.
- The Transformation Committee debriefed the name, image and likeness guidance provided by the NCAA Division I Board of Directors Administrative Committee on Monday, May 9.
- Transformation Committee co-chair, Greg Sankey, shared key takeaways from his engagement with Congressional leaders during a recent trip to Washington, D.C.

*Transformation Committee co-chairs: Julie Cromer, Ohio University
Greg Sankey, Southeastern Conference*

*Staff Liaisons: Amanda Conklin, Law, Policy and Governance
Jenn Fraser, Law, Policy and Governance
Kevin Lennon, Law, Policy and Governance
Dave Schnase, Academic and Membership Affairs
Jerry Vaughn, Academic and Membership Affairs
Leeland Zeller, Law, Policy and Governance*

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